ACTS

OF THE

First Annual Session

OF THE

Two Hundred and Twelfth Legislature

OF THE

STATE OF NEW JERSEY



2006

New Jersey State Library

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KEVIN J. O'TOOLE
DAVID C. RUSSO

[1]Resigned 11/13/06, sworn into Congress to fill vacancy.
[2]Sworn in 12/11/06.

LAWS

ACTS
ENACTED BY THE

First Annual Session
OF THE

Two Hundred and Twelfth Legislature

CHAPTER 1

AN ACT concerning the use of certain voting machines for annual school and regular municipal elections.

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

1. Notwithstanding any law, rule or regulation to the contrary, any municipality that holds annual school elections pursuant to P.L.1995, c.278 (C.19:60-1 et seq.) and regular municipal elections or run-off elections for public office pursuant to P.L.1981, c.379 (C.40:45-5 et al.), and that used for such elections voting machines purchased prior to January 1, 2006, shall be permitted to continue to use such voting machines for the annual school elections, regular municipal elections and run-off elections for public office scheduled to be held in the municipality during 2006.

2. This act shall take effect immediately.

Approved February 28, 2006.

CHAPTER 2

AN ACT concerning the budget message to be transmitted by the Governor to the Legislature for the fiscal year ending June 30, 2007.

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

1. Notwithstanding the provisions of any other law to the contrary, the Governor shall transmit the budget message for the fiscal year ending June 30, 2007 to the Legislature on or before March 23, 2006.

2. This act shall take effect immediately.

Approved February 28, 2006.

CHAPTER 3

AN ACT concerning the New Jersey Transportation Trust Fund Authority and amending and supplementing P.L.1984, c.73 and amending P.L.1987, c.460.

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

1. Section 9 of P.L.1984, c.73 (C.27:1B-9) is amended to read as follows:

C.27:1B-9 Issuance of bonds.

9. a. The authority shall have the power and is hereby authorized after November 15, 1984 and from time to time thereafter to issue its bonds, notes or other obligations in principal amounts as in the opinion of the authority shall be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations, the authority shall have the power to issue subordinated indebtedness, which shall be subordinate in lien to the lien of any or all of its bonds or notes. No resolution or other action of the authority providing for the issuance of bonds, refunding bonds, notes, or other obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and the State Treasurer.

b. Except as may be otherwise expressly provided in the act or by the authority, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The authority may provide the security and payment provisions for its bonds or notes as it may determine, including (without limiting the generality of the foregoing) bonds or notes as to which the principal and interest are payable from and secured by all or any portion of the revenues of and payments to the authority, and other moneys or funds as the authority shall determine. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government for federal aid highways or public transportation systems, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants, reimbursements or other funds or revenues of the authority. The authority may also enter into bank loan agreements, lines of credit and other security agreements as authorized pursuant to subsection h. of section 6 of P.L.1984, c.73 (C.27:1B-6) and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Whether or not the bonds and notes are of the form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of said Title 12A.

d. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear the date, or dates, mature at the time or times, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption (with or without pre-

mium) as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the authority and a corporate trustee within or without the State. All other obligations of the authority shall be authorized by resolution containing terms and conditions as the authority shall determine.

e. Bonds, notes or other obligations of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine, either on a negotiated or on a competitive basis. Every bond, or refunding bond, issued on or after the effective date of P.L.2006, c.3 (C.27:1B-22.2 et al.) shall mature and be paid no later than 31 years from the date of the issuance of that bond or refunding bond.

f. Bonds or notes may be issued and other obligations incurred under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Bonds, notes and other obligations of the authority issued or incurred under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond, note or other obligation shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the authority.

h. All expenses incurred in carrying out the provisions of the act shall be payable solely from the revenues or funds provided or to be provided under or pursuant to the provisions of the act and nothing in the act shall be construed to authorize the authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

i. The authority shall minimize debt incurrence by first relying on appropriations and other revenues available to the authority before incurring debt secured by State revenues to meet its statutory purposes. Commencing with the fiscal year beginning July 1, 1995 and ending within the fiscal year beginning July 1, 2005, the authority shall not incur debt in any fiscal year in excess of $650,000,000, except that if that permitted amount of debt, or any portion thereof, is not incurred in a fiscal year it may be incurred in a subsequent fiscal year. Commencing with the fiscal year beginning July 1, 2006 and ending with the fiscal year beginning on July 1, 2010, the authority shall not incur debt for any fiscal year in excess of $1,600,000,000, reduced in each of those fiscal years by the amount by which the appropriation of State funds to the Transportation Trust Fund Account for that fiscal year shall exceed $895,000,000; provided, however, that if a portion of that permitted amount of debt, less any reduction as provided above, is not incurred in a fiscal year, an amount not greater than the unused portion may be incurred in a subsequent fiscal year in addition to the amount otherwise permitted subject to the approval of the Joint Budget Oversight Committee. Debt permitted for the fiscal year beginning July 1, 2006 may be incurred prior to July 1, 2006. Any increase in this limitation shall only occur if so provided for by law. In computing the foregoing limitation as to the amount of debt the authority may incur, the authority may exclude any bonds, notes or other obligations, including subordinated obligations of the authority, issued for refunding purposes.

j. Upon the decision by the authority to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the authority shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the authority relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the authority to issue and sell the refunding bonds at public or private sale and the reasons therefor.

k. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection j. of this section. The committee shall approve or disapprove the sale of refunding bonds within 10 business days after physical receipt of the report. The committee shall notify the authority in writing of the approval or disapproval as expeditiously as possible.

l. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection k. of this section.

m. Within 30 days after the sale of the refunding bonds, the authority shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, and the actual amount of debt service savings to be realized as a result of the sale of refunding bonds.

n. The Joint Budget Oversight Committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the authority or to the Legislature, or both, as it deems appropriate.

o. No refunding bonds shall be issued unless the authority shall first determine that the present value of the aggregate principal of and interest on the refunding bonds is less than the present value of the aggregate principal of and interest on the outstanding bonds to be refinanced, except that, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of those refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the prices paid to the authority by the initial purchasers of those refunding bonds.

2. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to read as follows:

C.27:1B-21 Special Transportation Fund.

21. a. There is hereby established a separate fund entitled "Special Transportation Fund." This fund shall be maintained by the State Treasurer and may be held in depositories as may be selected by the treasurer and invested and reinvested as other funds in the custody of the treasurer, in the manner provided by law. The commissioner may from time to time (but not more frequently than monthly) certify to the authority an amount necessary to fund payments made, or anticipated to be made by or on behalf of the department, from appropriations established for or made to the department from revenues or other funds of the authority. The commissioner's certification shall be deemed conclusive for purposes of the act. The authority shall, within 15 days of receipt of the certificate, transfer from available funds of the authority to the treasurer for deposit in the Special Transportation Fund the amount certified by the commissioner, provided that all funds transferred shall only be expended by the department by project pur-

suant to appropriations made from time to time by the Legislature for the purposes of the act.

b. The department shall not expend any money except as appropriated by law. Commencing with appropriations for the fiscal years beginning on July 1, 1988, the department shall not expend any funds except as are appropriated by specific projects identified by a description of the projects, the county or counties within which they are located, and amounts to be expended on each project, in the annual appropriations act.

c. No funds appropriated, authorized or expended pursuant to this act shall be used to finance the resurfacing of highways by department personnel, where that resurfacing would require the use of more than 100,000 tons of bituminous concrete for that purpose in any calendar year, except that the commissioner may waive this provision when he determines the existence of emergency conditions requiring the use of department personnel for the resurfacing of highways, after the department has effectively reached the 100,000 ton limit.

d. In order to provide the department with flexibility in administering the specific appropriations by project identified in the annual appropriations act, the commissioner may transfer a part of any item to any other item subject to the approval of the Director of the Division of Budget and Accounting and of the Joint Budget Oversight Committee or its successor. Upon approval of the director and the committee, the transfer shall take effect.

e. Any federal funds which become available to the State for transportation projects which have not been appropriated to the department in the annual appropriations act, shall be deemed appropriated to the department and may, subject to approval by the Joint Budget Oversight Committee and the State Treasurer, be expended for any purpose for which such funds are qualified.

f. There shall be no appropriations from the revenues and other funds of the authority for regular and routine maintenance of public highways and components thereof, or operational activities of the department unrelated to the implementation of, and indirect costs associated with, the capital program. The commissioner shall include in his annual budget request sufficient funding to effectuate the purposes of P.L.2000, c.73 (C.27:1B-21.14 et al.).

g. To the extent that salaries or overhead of the department or the New Jersey Transit Corporation are charged to transportation projects, each agency shall keep adequate and truthful personnel records, and time charts to adequately justify each such charge and shall make those records available to the external auditor to the authority.

h. The commissioner shall annually, on or before January 1 of each fiscal year, report to the Governor and the Legislature how much money

was expended in the previous fiscal year for salaries and overhead of the department and the New Jersey Transit Corporation. However, the amount expended from the revenues and other funds of the authority for salaries and overhead of the department and the New Jersey Transit Corporation for the fiscal year beginning July 1, 2006 and each fiscal year thereafter shall not exceed 13 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for those fiscal years.

i. No revenues or other funds of the authority shall be expended for emergency response operations, the review of applications for access permits under the State highway access management code and membership fees or other fees connected with membership in TRANSCOM, the Transportation Operations Coordinating Committee.

3. Section 20 of P.L.1984, c.73 (C.27:1B-20) is amended to read as follows:

C.27:1B-20 Transportation Trust Fund Account.

20. There is hereby established in the General Fund an account entitled "Transportation Trust Fund Account." During the fiscal year beginning July 1, 1984 and during each succeeding fiscal year in which the authority has bonds, notes or other obligations outstanding, the treasurer shall credit to this account:

a. An amount equivalent to the revenue derived from $0.105 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided in Article VIII, Section II, paragraph 4 of the State Constitution, provided, however, such amount during any fiscal year shall not be less than $483,000,000;

b. (Deleted by amendment, P.L.2000, c.73).

c. An amount equivalent to moneys received by the State in accordance with contracts entered into with toll road authorities or other State agencies, provided that effective with the fiscal year beginning July 1, 1988 the amount so credited shall not be less than $24,500,000.00 in any fiscal year.

The treasurer shall also credit to this account, in accordance with a contract between the treasurer and the authority, an amount equivalent to the sum of the revenues due from the increase of fees for motor vehicle registrations collected pursuant to the amendment to R.S.39:3-20 made by this act and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R.S.54:39-27 made by this act and by P.L.1987, c.460, provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than $20,000,000.00 and that the total amount cred-

ited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than $30,000,000.00.

In addition to the amounts credited to the account by this section, commencing with the fiscal year beginning July 1, 1995 and every fiscal year thereafter, there shall be appropriated from the General Fund such additional amounts as are necessary to carry out the provisions of this act and beginning July 1, 2000 the fees collected pursuant to subsection a. of section 68 of P.L.1990, c.8 (C.17:33B-63) shall be credited to the account for the purposes of this act, provided, however, the amount credited from such fees during any fiscal year shall not be less than $60,000,000.

d. In addition to the amount credited in subsection a. of this section, beginning January 1 following approval by the voters an amount equivalent to the revenue derived from the tax imposed on the sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.), provided, however, such amount shall not be less than $100,000,000 in the period January 1 through June 30 following approval by the voters and shall not be less than $200,000,000 in any fiscal year thereafter and for the fiscal year commencing July 1, 2001 and for each fiscal year thereafter an amount equivalent to the revenue derived from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) on the sale of new motor vehicles, provided, however, that such amount shall not be less than $200,000,000 for the fiscal year commencing July 1, 2003 and for each fiscal year thereafter, as provided in Article VIII, Section II, paragraph 4 of the State Constitution.

No later than the fifth business day of the month following the month in which a credit has been made, the treasurer shall pay to the authority, for its purposes as provided herein, the amounts then credited to the Transportation Trust Fund Account, provided that the payments to the authority shall be subject to and dependent upon appropriations being made from time to time by the Legislature of the amounts thereof for the purposes of the act.

4. Section 8 of P.L.1987, c.460 (C.27:1B-21.1) is amended to read as follows:

C.27:1B-21.1 Annual funding maximums.

8. a. Commencing with the report of the commissioner, as may be amended, required to be submitted pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) on or before March 1, 2006 and on each succeeding March 1 thereafter through March 1, 2010, the annual amount so reported by the commissioner for proposed projects shall not exceed $1,600,000,000 exclusive of federal funds.

b. For the fiscal year beginning on July 1, 2006 and for each fiscal year thereafter through the fiscal year beginning on July 1, 2010, the total annual amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P.L.1984, c.73 (C.27:1B-21) shall not exceed $1,600,000,000, all amounts exclusive of federal funds.

c. (Deleted by amendment, P.L.1991, c.40.)

d. (Deleted by amendment, P.L.1992, c.10).

e. The State Auditor shall provide for a unified annual audit of expenditures from the Special Transportation Fund, established by section 21 of P.L.1984, c.73 (C.27:1B-21), in order to determine that these funds are expended for costs eligible for funding from the authority and in a manner consistent with appropriations made by the Legislature. The findings of such audits shall be transmitted to the presiding officer of each House of the Legislature, and to the Chair of the Senate Budget and Appropriations Committee, the Senate Transportation Committee, the Assembly Appropriations Committee, and the Assembly Transportation and Communications Committee or their successors.

f. The State Auditor shall review bond issuances of the authority and report to the Joint Budget Oversight Committee and to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, on the status of the bonds of the authority and projects financed from the proceeds of the bonds. The report shall include the investment status of all unexpended bond proceeds and provide a description of any bond issues expected during a fiscal year, including type of issue, estimated amount of bonds to be issued and the expected month of sale.

5. Section 22 of P.L.1984, c.73 (C.27:1B-22) is amended to read as follows:

C.27:1B-22 Preparation, submission of reports.

22. The commissioner shall prepare and submit the following reports to the Governor, the Legislature, and the Financial Policy Review Board, established pursuant to section 6 of P.L.2006, c.3 (C.27:1B-22.2) under the terms set forth below: a Transportation Master Plan, a Statewide Capital Investment Strategy, an Annual Transportation Capital Program, a Transportation Trust Fund Authority Financial Plan, and a Five-Year Capital Plan.

a. To the end that the transportation system of the State shall be

planned in an orderly and efficient manner and that the Legislature shall be advised of the nature and extent of public highways, public transportation projects and other transportation projects contemplated to be financed under this act, the department shall submit a master plan, as provided in subsection (a) of section 5 of P.L.1966, c.301 (C.27:1A-5). Notwithstanding the provisions of that act, the plan shall be for a period of five years and shall be submitted to the Commission on Capital Budgeting and Planning, the Chairman of the Senate Transportation Committee and the Chairman of the Assembly Transportation and Communications Committee, or their successors, and the Legislative Budget and Finance Officer, and the metropolitan planning organizations, on or before March 1, 2001, and at five-year intervals thereafter. The master plan shall set the direction for the department's overall Capital Investment Strategy and subsequent annual Transportation Capital Programs submitted to the Legislature for approval pursuant to this section. This master plan shall, to the extent practicable, conform to all federal requirements for Statewide transportation planning.

b. The Department of Transportation, in conjunction with the New Jersey Transit Corporation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority, shall prepare a "Statewide Capital Investment Strategy" for at least a five-year period which shall contain, at a minimum, a statement of the goals of the department, the corporation, and the toll road authorities in major selected policy areas and the means by which the goals are to be attained during that period, using quantitative measures where appropriate. The Statewide Capital Investment Strategy may be updated and submitted no later than March 1 of each year. The Statewide Capital Investment Strategy shall provide for a multi-modal, intermodal, seamless, technologically advanced, and secure transportation system. It shall recommend investment for major program categories, set overall goals for investment in the State's infrastructure, and develop program targets and performance measures. It may rely on infrastructure management systems as developed by the department to assess bridge conditions, pavement conditions, bridge, traffic and pedestrian safety, traffic congestion and public transit facilities. With respect to pavement conditions, the department shall set as a priority the utilization of efficient cost-effective materials and treatments as stated in section 9 of P.L.2000, c.73 (C.27:1B-21.22). In the event that there exist appropriate circumstances for the use of micro-surfacing and cold-in-place recycling, the department shall establish as a special priority the use of these materials and surface treatments. The goals of the Capital Investment Strategy shall include, but not be limited to, reduction of vehicular and pedestrian accidents, reduction in

the backlog of projects, including one-half of the structurally deficient bridge repair projects and pavement deficiencies, and an increase in lane miles of bicycle paths, with a goal of constructing an additional 1,000 lane miles of bicycle paths in five years to reduce traffic congestion and for recreational uses. The construction of bicycle and pedestrian lanes, paths and facilities shall be subject to no stricter environmental requirements than are provided pursuant to federal law and regulations for such lanes, paths and facilities, notwithstanding the provisions to the contrary of State law and regulations, including State Executive Order No. 215 of 1989. With respect to the New Jersey Transit Corporation, the Statewide Capital Investment Strategy shall deal with the corporation's overall goal to keep the public transportation system in a state of good repair and, more specifically, in the area of bus transportation, present a strategy and a preliminary timetable for the replacement of the current diesel bus fleet with a fleet of buses which have reduced emission of air pollutants. The corporation shall consider the feasibility of buses with improved pollution controls and that reduce particulate emissions and buses powered by fuel other than conventional diesel fuel, such as compressed natural gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles operated on ultra low sulfur fuel, vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency, and the like. The corporation may consider as part of its strategy, cooperative efforts with bus manufacturers, and the solicitation of federal support, in developing a "clean bus" with air pollution controls superior to currently available technology. For the fiscal year beginning July 1, 2007 and each fiscal year thereafter, all buses purchased by the New Jersey Transit Corporation shall be buses with improved pollution controls and that reduce particulate emissions or buses powered by fuel other than conventional diesel fuel, such as compressed natural gas vehicles, hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles operated on ultra low sulfur fuel, vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency, and the like. In the event that the corporation is not able to meet the bus purchase requirements set forth in this section with respect to any fiscal year, prior to the commencement of the fiscal year the board of the corporation shall by resolution submit a report to the Legislature detailing its inability to meet the requirements and the reasons therefor and shall submit the report to the Senate and General Assembly when both houses are in session, including therein a request to be exempted from the bus purchase requirements of this section with regard to the fiscal year in question. The President of the Senate and the Speaker of the General Assembly shall cause the date of sub-

mission to be entered upon the Senate Journal and the Minutes of the General Assembly. If a joint resolution approving the exemption is passed by the Legislature and signed by the Governor prior to the commencement of the fiscal year in question, the corporation shall be exempt from the requirements for that fiscal year.

In the fiscal year beginning on July 1, 2007 and in each fiscal year thereafter, in the year prior to the year in which final engineering is anticipated to start on any project which extends the reach of the New Jersey Transit rail or light rail system, the New Jersey Transit Corporation shall be required to identify and include in the annual Statewide Capital Investment Strategy the required State financial assistance to support operation of the incremental service for the first three years and the projected fare box recovery ratio at the commencement of the fourth year of operation of each project.

The Statewide Capital Investment Strategy shall also detail the planned investment of capital funds for public transportation projects of companies other than the New Jersey Transit Corporation engaged in the business of providing motor bus transportation. The Statewide Capital Investment Strategy shall demonstrate that such investment adequately addresses the finding in section 2 of P.L.1979, c.150 (C.27:25-2) that in the provision of public transportation services it is desirable to encourage to the maximum extent feasible the participation of private enterprise.

c. On or before March 1 of each year, the commissioner shall submit a report of general project categories and proposed projects thereunder to be financed in the ensuing fiscal year, including therewith a description of the projects, the county or counties within which they are to be located, a distinction between State and local projects, and the amount estimated to be expended on each project. This report shall be known as the "Annual Transportation Capital Program" for the upcoming fiscal year. It shall include proposed projects of both the Department of Transportation and the New Jersey Transit Corporation. The program shall be consistent with, and reflective of, the goals and priorities of the Capital Investment Strategy and the program shall include an explanation which demonstrates how it is consistent with, and reflective of, the goals and priorities.

d. On or before March 1 of each year, the commissioner shall also submit a "Transportation Trust Fund Authority Financial Plan" designed to implement the financing of the proposed projects. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the authority which the authority intends to issue, including the amounts thereof and the conditions therefor. The financial plan shall set forth a complete operating and financial statement covering the authority's proposed opera-

tions during the ensuing fiscal year, including amounts of income from all sources, including but not limited to the proceeds of bonds, notes or other obligations to be issued, as well as interest earned. In addition, the plan shall contain proposed amounts to be appropriated and expended, as well as amounts for which the department anticipates to obligate during the ensuing fiscal year for any future expenditures.

e. The Statewide Capital Investment Strategy, the Annual Transportation Capital Program, and the Transportation Trust Fund Authority Financial Plan shall be submitted to the Senate and General Assembly. Within 45 days of the receipt thereof, the Senate or the General Assembly may object in writing to the commissioner in regard to any project or projects in the Annual Transportation Capital Program it disapproves or which it is of the opinion should be modified or added to or any additional or alternative projects considered or in regard to any element of the financial plan. The commissioner shall consider the objections and recommendations and resubmit the report within 10 days, containing therein any modifications based upon the commissioner's consideration of the objections or recommendations.

f. In order that the Legislature shall be advised of the nature and extent of public highways, public transportation projects, and other transportation projects contemplated to be financed under this act, the commissioner shall submit annually, together with the Annual Transportation Capital Program, a Five-Year Capital Plan, which shall set forth projects and programs anticipated to be funded over the five-year period. The Five-Year Capital Plan shall, to the extent practicable, conform to all federal requirements for Statewide transportation capital programming.

C.27:1B-22.2 Financial Policy Review Board.

6. There is hereby created in the Executive Branch of the State Government, a body corporate and politic, with corporate succession, to be known as the Financial Policy Review Board. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the board is hereby allocated within the Department of Transportation, but, notwithstanding that allocation, the board shall be independent of any supervision or control by the department or by any body or officer thereof. The board is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the board of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

The board shall be comprised of five public members with experience in transportation finance and policy. The Governor shall appoint three of

the members with the advice and consent of the Senate. The remaining members shall be appointed by the Governor as follows: one upon the joint recommendation of the President of the Senate and the Minority Leader of the Senate, and one upon the joint recommendation of the Speaker of the General Assembly and the Minority leader of the General Assembly. Each member shall serve for a four-year term and shall serve until the member's successor is appointed and qualified; provided, however, that in order to achieve non-concurrent terms, of the members first appointed pursuant to this section, two members appointed by the Governor shall serve for four years; while the two members appointed upon the joint recommendation of the President of the Senate and the Minority Leader of the Senate and upon the joint recommendation of the Speaker of the General Assembly and the Minority Leader of the General Assembly shall serve for three years each, and the remaining member appointed by the Governor shall serve for two years. The Financial Policy Review Board shall be deemed to be constituted immediately upon appointment and qualification in the manner provided in this section of at least three members.

The purpose of the board is to assure fiscal discipline through evaluating the financing of transportation and preparing an annual State of Condition of Transportation Financing certification. The certification shall ensure that the financing and expenditures of the New Jersey Transportation Trust Fund Authority (the "authority") adhere to certain standards. The standards are:

a. The bonding limitation as provided in subsection i. of section 9 of P.L.1984, c.73 (C.27:1B-9).

b. For the fiscal year commencing July 1, 2007, the amount expended from the revenues and other funds of the authority for permitted maintenance shall not exceed the amount expended for permitted maintenance in the fiscal year commencing July 1, 2006.

c. The total amount authorized to be appropriated from the revenues and other funds of the authority for project costs shall not exceed $1,600,000,000 annually.

Commencing with the fiscal year beginning July 1, 2007, the board shall submit to the Governor, the Legislature, and the commissioner on an annual basis the State of Condition of Transportation Financing certification as to the requirements of subsection a. of this section referencing therein a certification with regard to subsections b. and c. of this section to the extent feasible, given the other provisions of this section. The certifications shall be based on the board's review of the State's fiscal year final expenditures from the preceding fiscal year, including bonding and expenditures from the annual independent audit of the authority, and the amount

of authority funds programmed for permitted maintenance. If the capital program and its financing are found to be in compliance, the first annual certification required by this paragraph shall be submitted by February 1, 2008, after the certification is concurred with by the members of the authority, and by February 1 of each year thereafter. The board shall advise the commissioner and the authority on February 1, 2008 and on each succeeding February 1, if the board finds that the authority is not in compliance with the bonding requirements as provided in subsection a. of the section, and that a corrective action plan is needed. The authority shall submit a corrective action plan that would reduce its future bond sales to offset the amount of excess bonding or to reduce future debt service payments, or both, as the case may be. Upon approval of the corrective action plan by the board, the certification shall be issued with certain conditions. The Annual Transportation Capital Program submitted to the Legislature for the forthcoming year shall be in compliance with the provisions of the corrective action plan. If the board does not approve the corrective action plan, the authority shall submit a financial plan showing bonding only for existing projects, noting that no bonds shall be issued for new projects shown in the department's Annual Transportation Capital Program. The board shall advise the commissioner on February 1, 2008 and on each succeeding February 1, if the board finds that the Department of Transportation has exceeded the limitation for the amount of authority funds spent on permitted maintenance pursuant to subsection b. of this section, or for the amount authorized to be appropriated for project costs pursuant to subsection c. of this section and that a corrective action plan is needed. The department shall submit a corrective action plan that would offset the excess amount spent, or the excess amount appropriated, in the prior year with less funding for permitted maintenance or for projects, as the case may be, in the proposed capital budget request. Upon approval of the corrective action plan by the board, a certification as to these matters shall be issued with certain conditions. The Annual Transportation Capital Program submitted to the Legislature for the forthcoming year shall be in compliance with the provisions of the corrective action plan. If the board does not approve the corrective action plan, the authority shall submit a financial plan showing bonding only for existing projects, noting that no bonds shall be issued for new projects shown in the department's Annual Transportation Capital Program.

7. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to read as follows:

C.27:1B-25 County, municipal projects.

25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the commissioner may, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate to counties and municipalities funds for the planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of public highways and the planning, acquisition, engineering, construction, reconstruction, repair, maintenance and rehabilitation of public transportation projects and of other transportation projects which a county or municipality may be authorized by law to undertake. In the case of a county or municipality for which an allocation has been made for the federal fiscal year beginning October 1, 1983, of an amount of federal aid for the federal aid urban system, as defined in 23 U.S.C. s.103, the amount of State aid allocated under this section in any fiscal year shall not be less than the amount of federal aid so allocated, together with the amount of matching funds required under federal law. No allocation shall be made to a county or municipality without certification by the commissioner: (1) that there exists with respect to that county or municipality a comprehensive plan, or plans, which he has approved, for the effective allocation, utilization and coordination of available federal and State transportation aid, and (2) that the county or municipality has agreed that State aid provided under this section is provided in lieu of federal aid for the federal aid urban system program and that any federal aid for the federal aid urban system program attributable to the area will be programmed by the Department of Transportation for projects of regional significance. In any year in which insufficient funds have been appropriated to meet the minimum county allocations established in this section, or if no appropriation is provided, the commissioner shall determine on a prorated basis the amount of the deficiency for each county having a minimum allocation and allocate from funds available under the federal aid urban system program sufficient funds to meet the minimum allocations.

b. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at his discretion State aid to counties and municipalities for transportation projects, except that the amount to be appropriated for this program shall be 10% of the total amount appropriated for the total county and municipal aid programs. This State aid shall be set aside prior to any formula allocations provided for in subsections c., d., and e. of this section.

c. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law and

pursuant to the provisions of subsections b. and d. of this section, allocate State aid to municipalities for public highways under their jurisdiction. The amount to be appropriated shall be allocated on the basis of the following distribution factor:

$$DF = \frac{Pc}{Ps} + \frac{Cm}{Sm}$$

where, DF equals the distribution factor
Pc equals county population
Ps equals State population
Cm equals municipal road mileage within the county
Sm equals municipal road mileage within the State.

After the amount of aid has been allocated based on the above formula, the commissioner shall determine priority for the funding of municipal projects within each county, based upon criteria relating to volume of traffic, safety considerations, growth potential, readiness to obligate funds and local taxing capacity. In addition to the above criteria used in determining priority of funding of municipal projects in each county, the commissioner shall consider whether a project is intended to remedy hazardous conditions as identified for the purposes of providing transportation pursuant to N.J.S.18A:39-1.2 for school pupils or to improve pedestrian safety.

For the purposes of this subsection, (1) "population" means the official population count as reported by the New Jersey Department of Labor and Workforce Development; and (2) "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the department.

d. There shall be appropriated at least $175,000,000 for the fiscal year commencing July 1, 2006 and for each fiscal year thereafter, for the purposes provided herein and in subsections b., c. and e. of this section. (1) Of that appropriation, the commissioner shall allocate $5,000,000.00 as State aid to any municipality qualifying for aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall allocate the aid to each municipality in the same proportion that the municipality receives aid under P.L.1978, c.14. (2) The remaining amount of the appropriation shall be allocated pursuant to the provisions of subsection c. of this section.

e. The commissioner may, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate additional funding to the Local County Aid Program for public highway projects, in accordance with a formula similar to that provided for in subsection c. of this section, except that Cm equals road mileage under county jurisdiction and Sm equals total county road mileage within the State.

8. Section 9 of P.L.1995, c.108 (C.27:1B-25.1) is amended to read as follows:

C.27:1B-25.1 Aid to counties, municipalities, basis.

9. Aid to counties and municipalities administered by the department may, at the discretion of the commissioner, be disbursed to any individual county or municipality on a grant basis or on a cost reimbursement basis. Distribution of the portion of the grant provided initially to a county or municipality may be contingent on its performance in spending prior grants.

C.27:1B-22.3 Report to Governor, Legislature.

9. The Department of Transportation shall report to the Governor and the Legislature on September 1, 2008 and on September 1, 2010 on the amount of revenues and other funds of the authority which have been expended on permitted maintenance and on salaries and overhead of the department and the corporation in the previous two fiscal years respectively. In the reports the department shall provide reasons as to why the reported expenditure levels are appropriate and in the public interest. In addition, the department shall detail steps that have been undertaken to reduce expenditures for these purposes after June 30, 2006.

Repealer.

10. Section 27 of P.L.2000, c.73 (C.27:1B-21.31) is repealed.

11. This act shall take effect immediately.

Approved March 23, 2006.

CHAPTER 4

AN ACT concerning the licensing of participants in live horse racing with parimutuel wagering and supplementing chapter 5 of Title 5 of the Revised Statutes.

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

C.5:5-161 Interstate Compact for Horse Racing Licensees.

1. The Interstate Compact for Horse Racing Licensees is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as herein provided.

C.5:5-162 Purpose of compact.

2. Purpose.

The purpose of this compact is to:

a. Establish uniform requirements among the party states for the licensing of participants in live racing with parimutuel wagering, and ensure that all such participants who are licensed pursuant to this compact meet and maintain a uniform standard of honesty and integrity.

b. Facilitate the growth of the parimutuel racing industry in each party state and nationwide by simplifying the process for licensing participants in live racing, and reduce the duplicative and costly process of separate licensing by the regulatory agency in each state that conducts live racing with parimutuel wagering.

c. Authorize the New Jersey Racing Commission to participate in this compact.

d. Provide for participation in this compact by officials of the party states, and permit those officials, through the compact committee established by this compact, to enter into contracts with governmental agencies and non-governmental persons to carry out the purpose of this compact.

e. Establish the compact committee created by this compact as an interstate governmental entity duly authorized to request and receive criminal history record information from the Federal Bureau of Investi-gation and from state, local and foreign law enforcement agencies.

C.5:5-163 Definitions relative to Interstate Compact for Horse Racing Licensees.

3. Definitions.

As used in this compact:

"Compact committee" means the organization of officials from the party states that is authorized and empowered by this compact to carry out the purpose of this compact.

"Official" means the appointed, elected, designated or otherwise duly selected member of a racing commission or the equivalent thereof in a party state who represents that party state as a member of the compact committee.

"Participants in live racing" means participants in live racing with parimutuel wagering in the party states.

"Party state" means each state that has enacted this compact.

"State" means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico and each territory or possession of the United States.

C.5:5-164 Entry into force, eligible parties, withdrawal.

4. Entry into force, eligible parties, withdrawal.

a. This compact shall come into force when enacted by any four states. Thereafter, this compact shall become effective as to any other state upon both: (1) that state's enactment of this compact, and (2) the affirmative vote of a majority of the officials on the compact committee as provided in subsection c. of section 5 of P.L.2006, c.4 (C.5:5-165).

b. Any state that has adopted or authorized live racing with parimutuel wagering shall be eligible to become party to this compact.

c. Any party state may withdraw from this compact by enacting a statute repealing this compact, but no such withdrawal shall become effective until the head of the executive branch of the withdrawing state has given notice in writing of such withdrawal to the head of the executive branch of all other party states. If, as a result of the withdrawals, participation in this compact decreases to fewer than three party states, this compact no longer shall be in force and effect unless and until there are at least three or more party states again participating in this compact.

C.5:5-165 Compact committee, powers and duties, voting, administration and management, immunity.

5. Compact committee, powers and duties, voting, administration and management, immunity.

a. There is hereby created an interstate governmental entity to be known as the "compact committee," which shall be comprised of one official from the racing commission, or its equivalent, in each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the party state the official represents. Pursuant to the laws of the respective party state, each official shall have the assistance of the party state's racing commission, or the equivalent thereof, in considering issues related to licensing participants in live racing and in fulfilling the official's responsibilities as the representative from the party state to the compact committee. If an official is unable to perform any duty in connection with the powers and duties of the compact committee, the racing commission, or

equivalent thereof, from the respective party state shall designate another of its members as an alternate who shall serve in the original official's place and represent the party state as its official on the compact committee until that racing commission, or equivalent thereof, determines that the original representative official is able once again to perform the official's duties as that party state's representative official on the compact committee. The designation of an alternate shall be communicated by the affected state's racing commission, or equivalent thereof, to the compact committee as the committee's bylaws may provide.

b. In order to carry out the purposes of this compact, the compact committee is hereby granted the power and duty to:

(1) Determine which categories of participants in live parimutuel racing, including but not limited to owners, trainers, jockeys, drivers, grooms, mutuel clerks, racing officials, veterinarians, farriers and others, should be licensed by the committee, and establish the requirements for the initial licensure of applicants in each such category, the term of the license for each category, and the requirements for renewal of licenses in each category. Provided, however, that with regard to all licensure requirements, including requests for criminal history record information, the effect of a criminal record on the issuance or renewal of a license, and with regard to the weight given to information relevant to an applicant's character or integrity in determining the issuance or renewal of a license, the compact committee shall determine for each category of participants in live racing which licensure requirements for that category are, in its judgment, the most restrictive licensure requirements of any party state for that category and shall adopt licensure requirements for that category that are, in its judgment, comparable to those most restrictive requirements.

(2) Investigate applicants for a license from the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, necessary to determine whether a license should be issued or renewed under the licensure requirements established by the committee as provided in paragraph 1 of this subsection. Only officials on, and employees of, the compact committee may receive and review such criminal history record information, and those officials and employees may use that information only for the purposes of this compact. The fingerprints of each applicant for a license from the compact committee shall be taken by the compact committee, its employees, or its designee and,

pursuant to Public Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or to an association of state officials regulating parimutuel wagering designated by the Attorney General of the United States, for submission to the Federal Bureau of Investigation for a criminal history record check. Such finger-prints may be submitted on a fingerprint card or by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

(3) Issue licenses to, and renew the licenses of, participants in live racing listed in paragraph 1 of this subsection who are found by the committee to have met the licensure and renewal requirements established by the committee. The compact committee shall not have the power or authority to deny a license. If it determines that an applicant will not be eligible for the issuance or renewal of a compact committee license, the compact committee shall notify the applicant that it will not be able to process the application further. Such notification does not constitute and shall not be considered to be the denial of a license. Any such applicant shall have the right to present additional evidence to, and to be heard by, the compact committee, but the final decision on issuance or renewal of the license shall be made by the compact committee using the requirements established pursuant to paragraph 1 of this subsection.

(4) Enter into contracts or agreements with governmental agencies and with non-governmental persons to provide personal services for its activities and such other services as may be necessary to effectuate the purposes of this compact.

(5) Create, appoint, and abolish those offices, employments, and positions, including an executive director, as it deems necessary for the purposes of this compact, prescribe their powers, duties and qualifications, hire persons to fill those offices, employments and positions, and provide for the removal, term, tenure, compensation, fringe benefits, retirement benefits and other conditions of employment of its officers, employees and other positions.

(6) Borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association, corporation or other entity.

(7) Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or in other similar manner, in furtherance of the purposes of this compact.

(8) Charge a fee to each applicant for an initial license or renewal of a license.

(9) Receive other funds through gifts, grants and appropriations.

c. (1) Each official shall be entitled to one vote on the compact committee.

(2) All action taken by the compact committee with regard to the addition of party states as provided in subsection a. of section 4 of P.L.2006, c.4 (C.5:5-164), the licensure of participants in live racing, and the receipt and disbursement of funds shall require a majority vote of the total number of officials, or their alternates, on the committee. All other action by the compact committee shall require a majority vote of those officials, or their alternates, present and voting.

(3) No action of the compact committee may be taken unless a quorum is present. A majority of the officials, or their alternates, on the compact committee shall constitute a quorum.

d. (1) The compact committee shall elect annually from among its members a chairman, a vice-chairman, and a secretary/treasurer.

(2) The compact committee shall adopt bylaws for the conduct of its business by a two-thirds vote of the total number of officials, or their alternates, on the committee at that time and shall have the power by the same vote to amend and rescind these bylaws. The committee shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto with the secretary of the state, or equivalent agency, of each of the party states.

(3) The compact committee may delegate the day-to-day management and administration of its duties and responsibilities to an executive director and his support staff.

(4) Employees of the compact committee shall be considered governmental employees.

e. No official of a party state or employee of the compact committee shall be held personally liable for any good faith act or omission that occurs during the performance and within the scope of his responsibilities and duties under this compact.

C.5:5-166 Rights and responsibilities of party states.

6. Rights and responsibilities of party states.

a. By enacting this compact, each party state:

(1) Agrees: (a) to accept the decisions of the compact committee regarding the issuance or renewal of compact committee licenses to participants in live racing pursuant to the committee's licensure requirements, and (b) to reimburse or otherwise pay the expenses of its official representative on the compact committee or the official's alternate.

(2) Agrees not to treat a notification to an applicant by the compact committee under paragraph 3 of subsection b. of section 5 of P.L.2006, c.4

(C.5:5-165) that the compact committee will not be able to process the applicant's application further as the denial of a license or to otherwise penalize such an applicant based solely on such a decision by the compact committee.

(3) Reserves the right: (a) to charge a fee for the use of a compact committee license in that state, (b) to apply its own standards in determining whether, on the facts of a particular case, a compact committee licensee should be suspended, revoked, or determined to be ineligible to participate in racing, (c) to apply its own standards in determining licensure eligibility, under the laws of that party state, for categories of participants in live racing that the compact committee determines not to license and for individual participants in live racing who do not meet the licensure requirements of the compact committee, and (d) to establish its own licensure standards for the licensure of non-racing employees at parimutuel racetracks and employees at separate satellite wagering facilities. Any party state that issues a suspension, revocation or period of licensure ineligibility to a person possessing a compact committee license shall, through its racing commission, the equivalent thereof, or otherwise, promptly notify the compact committee of that penalty.

b. No party state shall be held liable for the debts or other financial obligations incurred by the compact committee.

C.5:5-167 Construction and severability.

7. Construction and Severability.

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable, and, if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of the United States or the constitution of any party state, or the applicability of this compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If all or some portion of this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

8. This act shall take effect immediately.

Approved April 11, 2006.

CHAPTER 5

AN ACT concerning certain Division of Developmental Disabilities facilities and supplementing Title 30 of the Revised Statutes.

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

C.30:4-25.13 Definitions relative to certain Division of Developmental Disabilities facilities.

1. As used in this act:

"Division" means the Division of Developmental Disabilities in the Department of Human Services.

"Moderate Security Unit," hereafter referred to as "MSU," means a specialized, institutional treatment facility authorized and established by the Director of the Division of Developmental Disabilities in the Department of Human Services, which is: used as an alternative to detention in a correctional facility or as a residential requirement for probation; and characterized primarily by physical security for the confinement of males, 18 years of age or older, who are adjudicated to be dangerous to self, others or property and in need of a highly structured, therapeutic treatment program.

C.30:4-25.14 Admission to MSU by court orders.

2. An individual shall not be admitted to the MSU unless the admission is ordered by a court of competent jurisdiction pursuant to this act; an individual shall not be permitted to voluntarily admit himself to the MSU.

C.30:4-25.15 Procedures prior to admission to MSU.

3. The procedures provided in this section shall be implemented prior to admission of an individual to the MSU.

a. If the division is advised by a court of competent jurisdiction that an individual who may be developmentally disabled is involved in a criminal proceeding before the court, the division shall determine whether the individual is eligible for functional services provided by the division in accordance with sections 13 through 16 of P.L.1965, c.59 (C.30:4-25.1 through 30:4-25.4) and P.L.1985, c.145 (C.30:6D-23 et seq.).

If the division determines that the individual is not eligible for services provided by the division, the individual may request a hearing to contest the decision pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. If the individual is determined eligible for services provided by the division, the director of the division shall request the Director of the MSU to determine whether the individual is appropriate for, and will benefit from, admission to the MSU and whether a vacancy exists at the facility.

c. (1) If the individual is appropriate for, and will benefit from, admission to the MSU, and if a vacancy exists at the facility, the Director of the MSU shall so advise the court and request an order to require the individual to be housed at and participate in the program at the MSU.

(2) If the Director of the MSU is not certain about the appropriateness of the admission of the individual, the director may recommend that the court order that the individual be admitted to the MSU for a time-specified period to evaluate the individual's appropriateness for the program at the MSU.

C.30:4-25.16 Actions of the court relative to admission to MSU.

4. a. After the Director of the MSU advises the court that the individual may be admitted to the facility, in accordance with the provisions of subsection c. of section 3 of this act, the court may order the individual:

(1) to be housed at and participate in the program at the MSU as a condition of probation;

(2) to be housed at and participate in the program at the MSU until disposition of pending criminal charges against the individual; or

(3) to be housed at and participate in the program at the MSU, and to be committed to the custody of the Commissioner of Human Services, in accordance with the provisions of N.J.S.2C:4-6, if the court finds that the individual is unfit to proceed.

b. The Director of the MSU shall notify the individual's legal guardian and his legal representative, if applicable, of the date of admission to the MSU.

C.30:4-25.17 Court review of order every six months, possible actions.

5. a. The court shall review its order to admit an individual to the MSU at least every six months. The court shall notify the Director of the MSU of the date of the review at least 30 days prior to that date.

b. The Director of the MSU shall, seven days prior to the court review, report to the court in writing regarding the status and progress of the individual admitted to the MSU, and shall send a copy of the report to the individual or his legal guardian, his legal representative, if applicable, the county prosecutor and any other person as ordered by the court.

c. (1) In the case of an individual admitted to the MSU as a condition of probation, the Director of the MSU may, as he determines appropriate, rec-

ommend to the court in his report that the individual be transferred to a less restrictive environment.

(2) The court may modify its order concerning probation in accordance with the recommendation of the Director of the MSU.

(3) If the order is modified, any further reports to the court required pursuant to this section shall be provided by the appropriate division employee or service provider.

C.30:4-25.18 Release from MSU.

6. a. An individual shall be released from the MSU when his probation period or his commitment to the custody of the Commissioner of Human Services ends or upon disposition of pending criminal charges.

b. Prior to the individual's release date, the Director of the MSU and the director of the division, or his designee, shall develop a plan of appropriate division services to be provided or made available to the individual after his release from the MSU.

c. Before an individual who has committed a sexually violent offense as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26) is released from the MSU, the Director of the MSU shall require that the individual be evaluated by a psychiatrist for referral for commitment under P.L.1998, c.71 (C.30:4-27.24 et seq.).

C.30:4-25.19 Construction of act relative to commitment to functional services.

7. Nothing in this act shall be construed to limit the authority of the court to commit a person to the custody of the Commissioner of Human Services in accordance with the provisions of section 13 of P.L.1965, c.59 (C.30:4-25.1) for admission to functional services in an environment that is less restrictive than that of the MSU.

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

9. This act shall take effect on the 90th day after enactment, but the Commissioner of Human Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved April 11, 2006.

CHAPTER 6

AN ACT concerning sex offender information and amending P.L.1994, c.133.

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

1. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as follows:

C.2C:7-5 Records; immunity.

5. a. Records maintained pursuant to this act shall be open to any law enforcement agency in this State, the United States or any other state and may be released to the Division of Youth and Family Services in the Department of Human Services for use in carrying out its responsibilities under law. Law enforcement agencies in this State shall be authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection in accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et seq.).

b. An elected public official, public employee, or public agency is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

c. Nothing in this act shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information as authorized in subsection d. of this section.

d. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public exposed to danger of any persons that pose a danger under circumstances that are not enumerated in this act.

2. This act shall take effect immediately.

Approved April 11, 2006

CHAPTER 7

AN ACT concerning computer-assisted remote hunting, and supplementing Title 23 of the Revised Statutes.

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

C.23:4-24.5 Prohibition of computer-assisted remote hunting; definitions.

1. a. No person shall engage in computer-assisted remote hunting or provide or operate facilities for computer-assisted remote hunting in the State.

b. As used in this act, "computer-assisted remote hunting" means the use of a computer via an Internet connection or any other device or equipment capable of establishing an Internet connection, or equipment or software capable of being used with an Internet connection, to remotely access and control the aiming and discharge of a firearm, bow and arrow, or any other weapon to hunt any game bird, game animal, or fur-bearing animal in the State, and "facilities for computer-assisted remote hunting" means real property and improvements on the property associated with hunting, including hunting blinds, offices and rooms equipped to facilitate computer-assisted remote hunting via an Internet connection.

c. No provision of this section shall be construed to restrict the use of equipment or devices, approved by the Fish and Game Council, by properly licensed hunters in the act of hunting in the field who require, because of a disability, handicap, or other physical condition, the assistance of certain equipment or devices that may or may not employ a computer or computerized parts in order to hunt in the field.

C.23:24.6 Violation, penalties.

2. Any person who violates the provisions of this act shall be liable to a civil penalty of up to $500 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.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

3. This act shall take effect immediately.

Approved April 11, 2006

CHAPTER 8

AN ACT concerning the fire emergency procedure and amending P.L.2003, c.28.

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

1. Section 6 of P.L.2003, c.28 (C.52:14E-16) is amended to read as follows:

C.52:14E-16 Procedure during emergency incident, local, county.

6. a. In the event of an emergency incident, the incident commander shall determine whether additional fire service resources are required and, if so, shall first call upon the members of his local fire mutual aid plan.

b. Should the incident commander determine, after calling for assistance from members of his local fire mutual aid plan, that further fire service resources are required to respond to the emergency incident, he shall request that the county fire coordinator place the county fire mutual aid plan into effect. Upon making such a request, the incident commander also shall notify the municipal emergency management coordinator appointed pursuant to section 8 of P.L.1953, c.438 (C.App.A:9-40.1) of the emergency incident so that the municipal emergency management coordinator may alert and utilize his staff should additional emergency resources be required.

c. Upon the activation of a county fire mutual aid plan, the county fire coordinator shall notify the regional fire coordinator assigned to that county and the State fire coordinator with regard to the emergency incident and shall further provide periodic updates to both until termination of the emergency incident. The State fire coordinator shall ensure that the county and State Offices of Emergency Management are notified and provide them with periodic updates until termination of the emergency incident.

d. In the event that the municipal emergency management coordinator determines to mobilize local resources in response to an emergency incident, he shall so notify the county emergency management coordinator appointed pursuant to section 12 of P.L.1953, c.438 (C.App.A:9-42.1) in order that the county emergency management coordinator shall be prepared to respond in the event that local resources are insufficient to effectively deal with the emergency incident.

e. In the event of an emergency incident, the incident commander also may declare a local fire emergency disaster. In making any such deter-

mination, the incident commander shall utilize the best information then available.

f. Whenever a local fire emergency disaster is declared pursuant to subsection e. of this section, the municipal emergency management coordinator shall activate the municipal emergency operations plan adopted pursuant to section 19 of P.L.1989, c.222 (C.App. A:9-43.2).

g. (Deleted by amendment, P.L.2006, c.8).

h. The county fire coordinator shall maintain a liaison with the supervisory representative of the forest fire service in deploying fire service resources and coordinating protection activities during wildfire emergency incidents pursuant to R.S.13:9-1 et seq.

i. The county fire coordinator shall request additional resources, beyond those from within his county, through the regional or State fire coordinator. The regional or State fire coordinator shall utilize the Office of Emergency Management system to request these resources.

2. This act shall take effect immediately.

Approved April 11, 2006.

CHAPTER 9

AN ACT concerning local public contracts and amending P.L.1999, c.39.

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

1. Section 1 of P.L.1999, c.39 (C.40A:11-23.1) is amended to read as follows:

C.40A:11-23.1 Plans, specifications, bid proposal documents; required contents.

1. All plans, specifications and bid proposal documents for the erection, alteration, or repair of a building, structure, facility or other improvement to real property, the total price of which exceeds the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3), shall include:

a. a document for the bidder to acknowledge the bidder's receipt of any notice or revisions or addenda to the advertisement or bid documents; and

b. a form listing those documentary and informational forms, certifi-

cations, and other documents that the contracting agent requires each bidder to submit with the bid. The form shall list each of the items to be submitted with the bid proposal and a place for the bidder to indicate, by initialing each entry, that the bidder has included those required items with the completed bid proposal. Each bidder shall complete this form and submit it with the bid proposal in addition to those documentary and informational forms, certifications, and other documents that are listed on the form; and

c. a statement indicating whether uniformed law enforcement officers will be required for the project. The statement shall include a line item allowance, which shall be a good faith effort on the part of the contracting unit, to reasonably estimate the total cost of traffic control personnel, vehicles, equipment, administrative, or any other costs associated with additional traffic control requirements required by the contracting unit, or any other public entity affected by the project, above and beyond the bidder's traffic control personnel, vehicles, equipment, and administrative costs. The individuals responsible for the assignment of uniformed law enforcement officers for any municipalities affected by a project shall be required to determine where traffic safety control is needed for a project, and calculate the number and placement of all necessary personnel, equipment, and the costs associated with these, including hourly rates, and submit this information to the contracting unit.

The contracting unit shall not be responsible for additional traffic control costs beyond the number of working days specified in the construction contract in accordance with section 17 of P.L.1971, c.198 (C.40A:11-17), when such a delay is caused by the contractor and liquidated damages have been assessed.

The statement prescribed under this subsection shall not be required if the contracting unit will provide for the direct payment of uniformed law enforcement officers and any additional costs directly associated with the provision of those officers.

2. This act shall take effect immediately.

Approved April 11, 2006.

CHAPTER 10

AN ACT concerning public contracting and amending various parts of the statutory law.

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

1. N.J.S.18A:18A-10 is amended to read as follows:

Board of education purchases through State agency; procedure.

18A:18A-10. a. A board of education, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, by resolution may purchase any goods or services pursuant to a contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property.

b. A board of education may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration or schedules from other federal procurement programs promulgated by the Director of the Division of Purchase and Property in the Department of the Treasury pursuant to section 1 of P.L.1996, c.16 (C.52:34-6.1), subject to the following conditions:

(1) the price of the goods or services being procured is no greater than the price offered to federal agencies;

(2) (Deleted by amendment, P.L.2006, c.10);

(3) the board of education receives the benefit of federally mandated price reductions during the term of the contract;

(4) the price of the goods or services being procured is no greater than the price of the same or equivalent goods or services under the State contract, unless the board of education determines that because of factors other than price, selection of a vendor from the Federal Supply Schedules or schedules from other federal procurement programs would be more advantageous to the board of education;

(5) a copy of the purchase order relating to any such contract, the requisition or request for purchase order, if applicable, and documentation identifying the price of the goods or services under the Federal Supply Schedules or schedules from other federal procurement programs shall be filed with the Director of the Division of Purchase and Property in the Department of the Treasury within five working days of the award of any such contract by the board of education.

c. Whenever a purchase is made, the board of education shall place its order with the vendor offering the lowest price, including delivery charges, that best meets the requirements of the board of education. Prior to placing such an order, the board of education shall document with specificity that the goods or services selected best meet the requirements of the board of education.

2. Section 9 of P.L.1986, c.43 (C.18A:64-60) is amended to read as follows:

C.18A:64-60 State college purchases through State agency; procedure.

9. a. Any State college, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase any materials, supplies, goods, services or equipment pursuant to a contract or contracts for those materials, supplies, goods, services or equipment entered into on behalf of the State by the Division of Purchase and Property or any municipality or county in this State.

b. A State college may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration or schedules from other federal procurement programs subject to the following conditions:

(1) the price of the goods or services being procured is no greater than the price offered to federal agencies;

(2) the State college receives the benefit of federally mandated price reductions during the term of the contract and is protected from price increases during that time; and

(3) the price of the goods or services being procured is no greater than the price of the same or equivalent goods or services under any State contract, unless the State college determines that because of factors other than price, selection of a vendor from the Federal Supply Schedules would be more advantageous to the State college.

c. Whenever a purchase is made pursuant to this section, the State college shall place its order with the vendor offering the lowest price, including delivery charges, that best meets the requirements of the State college. Prior to placing such an order, the State college shall document with specificity that the materials, supplies, goods, services or equipment selected best meet the requirements of the State college.

3. Section 9 of P.L.1982, c.189 (C.18A:64A-25.9) is amended to read as follows:

C.18A:64A-25.9 County college purchases through State agency; procedure.

9. a. Any county college, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase any materials, supplies, goods, services or equipment pursuant to a contract or contracts for such materials, supplies, goods, services or equipment entered into on behalf of the State by the Division of Purchase and Property.

b. A county college may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration as permitted by the "Federal Acquisition Streamlining Act of 1994," Pub.L.103-355, and federal regulations adopted thereunder or schedules from other federal procurement programs.

c. Whenever a purchase is made, the county college shall place its order with the vendor offering the lowest price, including delivery charges, that best meets the requirements of the county college. Prior to placing such an order, the county college shall document with specificity that the materials, supplies, goods, services or equipment selected best meet the requirements of the county college.

4. Section 12 of P.L.1971, c.198 (C.40A:11-12) is amended to read as follows:

C.40A:11-12 Contracting unit purchases through State agency; procedure.

12. a. Any contracting unit under this act may without advertising for bids, or having rejected all bids obtained pursuant to advertising therefor, purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

b. A contracting unit may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration or schedules from other federal procurement programs promulgated by the Director of the Division of Purchase and Property in the Department of the Treasury pursuant to section 1 of P.L.1996, c.16 (C.52:34-6.1), subject to the following conditions:

(1) the price of the goods or services being procured is no greater than the price offered to federal agencies;

(2) (Deleted by amendment, P.L.2006, c.10);

(3) the contracting unit receives the benefit of federally mandated price reductions during the term of the contract;

(4) the price of the goods or services being procured is no greater than the price of the same or equivalent goods or services under the State contract, unless the contracting unit determines that because of factors other than price, selection of a vendor from the Federal Supply Schedules or schedules from other federal procurement programs would be more advantageous to the contracting unit;

(5) a copy of the purchase order relating to any such contract, the req-

uisition or request for purchase order, if applicable, and documentation identifying the price of the goods or services under the Federal Supply Schedules or schedules from other federal procurement programs shall be filed with the Director of the Division of Purchase and Property in the Department of the Treasury within five working days of the award of any such contract by the contracting unit.

c. Whenever a purchase is made, the contracting unit shall place its order with the vendor offering the lowest price, including delivery charges, that best meets the requirements of the contracting unit. Prior to placing such an order, the contracting unit shall document with specificity that the goods or services selected best meet the requirements of the contracting unit.

5. Section 2 of P.L.1996, c.16 (C.52:34-6.3) is amended to read as follows:

C.52:34-6.3 Purchase of goods, services by certain State authorities from Federal Supply Schedules.

2. Notwithstanding the provisions of any other law to the contrary, the State authorities authorized to contract independently under various provisions of State law may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration or schedules from other federal procurement programs, promulgated by the Director of the Division of Purchase and Property in the Department of the Treasury pursuant to section 1 of P.L.1996, c.16 (C.52:34-6.1), subject to the following conditions:

(1) the price of the goods or services being procured is no greater than the price offered to federal agencies;

(2) (Deleted by amendment, P.L.2006, c.10);

(3) the authority receives the benefit of federally mandated price reductions during the term of the contract;

(4) the price of the goods or services being procured is no greater than the price of the same or equivalent goods or services under the State contract, unless the authority determines that because of factors other than price, selection of a vendor from the Federal Supply Schedules or schedules from other federal procurement programs would be more advantageous to the authority;

(5) a copy of the purchase order relating to any such contract, the requisition or request for purchase order, if applicable, and documentation identifying the price of the goods or services under the Federal Supply Schedules or schedules from other federal procurement programs shall be filed with the State Treasurer within five working days of the award of any

such contract by the authority. The authority shall make available to the State Treasurer upon request any other documents relating to the solicitation and award of the contract.

6. This act shall take effect on the first day of the third month following enactment.

Approved April 11, 2006.

CHAPTER 11

AN ACT concerning the Office of the Child Advocate and amending P.L.2005, c.155.

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

1. Section 67 of P.L.2005, c.155 (C.52:27EE-67) is amended to read as follows:

C.52:27EE-67 Office of the Child Advocate; qualifications; appointment; term.

67. Office of the Child Advocate; qualifications; appointment; term.

a. The administrator and chief executive officer of the office shall be the Child Advocate, who shall be qualified by training and experience to perform the duties of the office.

b. The child advocate shall be appointed by the Governor and shall serve for a term of five years and until the appointment and qualification of his successor. The Governor shall have the power to remove the child advocate for cause. The child advocate shall devote his or her entire professional time to the duties of this position and receive such salary as shall be provided by law. A vacancy occurring in the position of child advocate shall be filled in the same manner as the original appointment, except that if the child advocate dies, resigns, becomes ineligible to serve for any reason or is removed from office, the Governor shall appoint an acting child advocate who shall serve until the appointment and qualification of the child advocate's successor.

c. The child advocate shall appoint a First Assistant Child Advocate to assist in the performance of the duties of the office. If the child advocate is

not an attorney admitted to practice law in the State, the first assistant child advocate shall be an attorney admitted to practice law in the State.

2. This act shall take effect immediately.

Approved April 11, 2006.

CHAPTER 12

AN ACT concerning postpartum depression and amending P.L.2000, c.167.

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

1. Section 2 of P.L.2000, c.167 (C.26:2-176) is amended to read as follows:

C.26:2-176 Development of policies, procedures for care.

2. The Commissioner of Health and Senior Services, in conjunction with the State Board of Medical Examiners and the New Jersey Board of Nursing, shall work with health care facilities and licensed health care professionals in the State to develop policies and procedures to achieve the following requirements concerning postpartum depression:

a. Physicians, nurse midwives and other licensed health care professionals providing prenatal care to women shall provide education to women and their families about postpartum depression in order to lower the likelihood that new mothers will continue to suffer from this illness in silence;

b. All birthing facilities in the State shall provide departing new mothers and fathers and other family members, as appropriate, with complete information about postpartum depression, including its symptoms, methods of coping with the illness and treatment resources;

c. Physicians, nurse midwives and other licensed health care professionals providing postnatal care to women shall screen new mothers for postpartum depression symptoms prior to discharge from the birthing facility and at the first few postnatal check-up visits; and

d. Physicians, nurse midwives and other licensed health care professionals providing prenatal and postnatal care to women shall include fathers and other family members, as appropriate, in both the education and treatment processes to help them better understand the nature and causes of

postpartum depression so that they too can overcome the spillover effects of the illness and improve their ability to be supportive of the new mother.

2. This act shall take effect on the 180th day after enactment, except that the Commissioner of Health and Senior Services shall take such anticipatory administrative action in advance as shall be necessary for its implementation.

Approved April 13, 2006.

CHAPTER 13

AN ACT concerning certain foreclosure procedures and amending P.L.1995, c.244.

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

1. Section 6 of P.L.1995, c.244 (C.2A:50-58) is amended to read as follows:

C.2A:50-58 Application for entry of final judgment; entry of order of redemption.

6. a. (1) If a plaintiff's action to foreclose a residential mortgage is uncontested, pursuant to R.4:64-1(a) of the Rules Governing the Courts of the State of New Jersey and the plaintiff chooses not to use the optional procedure for the disposition of foreclosed premises pursuant to section 11 of this act, a lender shall apply for entry of final judgment and provide the debtor with a notice, mailed at least 14 calendar days prior to the submission of proper proofs for entry of a foreclosure judgment, providing the debtor with the name and address of the lender and the telephone number of a representative of the lender whom the debtor may contact to obtain the amount required to cure the default, and advising that, absent a response from the debtor pursuant to paragraph (2) of this subsection a., proper proofs will be submitted for entry of final judgment in the foreclosure action and that upon entry of final judgment, the debtor shall lose the right, provided pursuant to section 5 of this act, to cure the default. The lender shall attach a copy of the required 14-day notice to the application for final judgment. The manner and address for mailing and the effective date of the notice shall be the same as set forth in subsection b. of section 4 of this act.

(2) A debtor may, no later than 10 days after receipt of the notice required pursuant to subsection a. of this section, mail to the lender a statement in which the debtor in good faith certifies as true that there is a reasonable likelihood that the debtor will be able to provide payment necessary to cure the default within 45 days of the date the notice required pursuant to paragraph (1) of this subsection a. became effective. This statement shall be sent registered or certified mail, return receipt requested, to the address of the lender who gave notice as required pursuant to subsection a. of this section.

(3) A lender who receives a statement sent by the debtor pursuant to paragraph (2) of this subsection a., shall not submit proper proofs for entry of final judgment in foreclosure with a return date earlier than 46 days after the date the notice required pursuant to paragraph (1) of this subsection a. became effective.

b. (1) If a plaintiff's action to foreclose a residential mortgage is uncontested, pursuant to R.4:64-1(a) of the Rules Governing the Courts of the State of New Jersey and the lender chooses to use the optional procedure for the disposition of the foreclosed premises pursuant to section 11 of this act, the lender shall provide the debtor with a notice, mailed at least 14 calendar days prior to filing an affidavit or certification with the office or court pursuant to subsection f. of section 11 of this act. The notice shall provide the debtor with the name and address of the lender and the telephone number of a representative of the lender whom the debtor may contact to obtain the amount required to cure the default, and advise the debtor that, absent a response from the debtor pursuant to paragraph (2) of this subsection b., the lender shall file an affidavit or certification with the office or court requesting the office or court to enter an order of redemption and that upon the entry of the order of redemption the debtor shall lose the right provided pursuant to section 5 of this act, to cure the default. The lender shall attach a copy of the required 14-day notice to the affidavit or certification for filing with the office or court requesting the office or court to enter an order of redemption. The manner and address for mailing and the effective date of the notice shall be the same as set forth in subsection b. of section 4 of this act.

(2) A debtor may, no later than 10 days after receipt of the notice required pursuant to paragraph (1) of this subsection b., mail to the lender a statement in which the debtor in good faith certifies as true that there is a reasonable likelihood that the debtor will be able to provide payment necessary to cure the default within 45 days of the date the notice required pursuant to paragraph (1) of this subsection b. became effective. This statement shall be sent registered or certified mail, return receipt requested, to the address of the lender who gave notice as required pursuant to paragraph (1) of this subsection b.

(3) A lender who receives a statement sent by the debtor pursuant to paragraph (2) of this subsection b., shall not file an affidavit or certification with the office or court earlier than 46 days after the date the notice required pursuant to paragraph (1) of this subsection b. became effective.

2. This act shall take effect on the 90th day after enactment and shall apply to foreclosure actions commenced on or after the effective date.

Approved April 17, 2006.

CHAPTER 14

AN ACT concerning school lunches and supplementing chapter 33 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:33-3.1 Establishment of prepaid school lunch program.

1. A board of education may establish a program through which the parent or guardian of a student may prepay for lunches served to the student in the school cafeteria.

2. This act shall take effect immediately.

Approved April 17, 2006.

CHAPTER 15

AN ACT concerning the appointment of a State monitor in school districts with serious fiscal deficiencies, supplementing Title 18A of the New Jersey Statutes, and making an appropriation.

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

C.18A:7A-54 Short title.

1. This act shall be known and may be cited as the "School District Fiscal Accountability Act."

C.18A:7A-55 Appointment of State monitor in certain school districts; duties.

2. a. In addition to the powers provided pursuant to P.L.2005, c.235 and P.L.1996, c.138 (C.18A:7F-1 et seq.) or any other law, the Commissioner of Education shall have the authority to appoint a State monitor and additional staff, as necessary, to provide direct oversight of a board of education's business operations and personnel matters if the school district receives an adverse or a disclaimer of opinion by its independent auditor in the annual audit required pursuant to N.J.S.18A:23-1 or if any two or more of the following circumstances apply to the school district:

(1) the school district ends the fiscal year with a deficit balance as calculated for budgetary purposes in the general fund, special revenue fund, or capital projects fund, with the exception of a capital projects fund deficit caused by the issuance of bond anticipation notes;

(2) the school district receives a qualified opinion by its independent auditor in the annual audit required pursuant to N.J.S.18A:23-1;

(3) the school district receives audit findings by its independent auditor identified as material weaknesses in internal controls;

(4) the school district fails to develop and implement a plan acceptable to the commissioner or his designee to address a potential or actual deficit balance in the general fund, special revenue fund, or capital projects fund, with the exception of a capital projects fund deficit caused by the issuance of bond anticipation notes; or

(5) the school district fails to implement a plan from the prior year which causes findings from the independent auditor to be repeated.

b. The State monitor shall:

(1) oversee the fiscal management and expenditures of school district funds, including, but not limited to, budget reallocations and reductions, approvals of purchase orders, budget transfers, and payment of bills and claims;

(2) oversee the operation and fiscal management of school district facilities, including the development and implementation of recommendations for redistricting and restructuring of schools;

(3) ensure development and implementation of an acceptable plan to address the circumstances set forth in subsection a. of this section which resulted in the appointment of the State monitor. The plan shall include measurable benchmarks and specific activities to address the deficiencies of the school district;

(4) oversee all district staffing, including the ability to hire, promote, and terminate employees;

(5) have authority to override a chief school administrator's action and a vote by the board of education on any of the matters set forth in this subsec-

tion, except that all actions of the State monitor shall be subject to the education, labor, and employment laws and regulations, including the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), and collective bargaining agreements entered into by the school district;

(6) attend all meetings of the board of education, including closed sessions; and

(7) meet with the board of education on at least a quarterly basis to discuss with the members of the board the past actions of the board which led to the appointment of the State monitor and to provide board members with education and training that address the deficiencies identified in board actions.

c. The Commissioner of Education shall notify the State Board of Education following the appointment of a State monitor pursuant to subsection a. of this section. The State monitor shall report directly to the commissioner or his designee on a weekly basis. The State monitor shall also report monthly to the board of education and members of the public at the regularly scheduled board of education meeting.

d. For purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., the State monitor shall be considered a State officer.

e. The State monitor shall provide oversight in the school district until the commissioner determines that all remedial actions required under the plan have been implemented and the necessary local capacity and fiscal controls have been restored to school district operations.

f. The salary of the State monitor shall be fixed by the commissioner and adjusted from time to time as the commissioner deems appropriate. The school district shall assume the total cost of the State monitor and necessary additional staff appointed pursuant to subsection a. of this section.

C.18A:7A-56 Recommendation of advance State aid payment to school district; repayment.

3. a. The Commissioner of Education shall recommend to the State Treasurer whether an advance State aid payment should be made to a school district for which a State monitor has been appointed. The commissioner's recommendation shall be based on whether the payment is necessary to ensure the provision of a thorough and efficient education. An advance State aid payment shall be recorded by the school district as revenue for budget purposes in the school year in which the advance State aid payment is provided.

b. The advance State aid payment shall be repaid by the school district through automatic reductions in the State aid provided to the school district in subsequent years. The term of the repayment shall not exceed 10 years, but may be for a shorter term as determined by the State Treasurer. At any time

during the term of the repayment the State Treasurer, in consultation with the Commissioner of Education, may determine to impose interest on the unpaid balance; except that interest shall not be imposed in the case of a school district for which a State monitor is appointed within 90 days of the effective date of this act. The commissioner shall transfer the amount of the reduction in State aid to the account established pursuant to section 5 of this act.

c. In any year in which the school district's undesignated general fund balance is greater than 1.5% of general fund expenditures, the amount which exceeds 1.5% shall be an additional amount applied to the following year's repayment of the advance State aid payment and the school district's State aid shall be reduced by this additional amount in that following year.

C.18A:7A-57 Forensic audit of certain school districts; presentation.

4. a. The Office of the State Auditor shall conduct a forensic audit of the fiscal operations of any school district which has a year-end general fund deficit and also meets one of the other criteria in subsection a. of section 2 of this act. The audit shall be of the fiscal year in which the general fund deficit occurred and shall be in addition to the audit required of school districts pursuant to N.J.S.18A:23-1.

b. Notwithstanding the provisions of R.S.52:24-1 et seq. to the contrary, the Office of the State Auditor shall submit the audit to the commissioner, the Governor, and the Legislature. The Office of the State Auditor shall also present the audit to the district's board of education and the public at the board's next regularly scheduled monthly meeting.

c. The Office of the State Auditor shall forward any findings of fraudulent activities discovered as a result of the audit to the appropriate law enforcement agency.

d. Within 30 days of the presentation of the audit by the Office of the State Auditor to the board of education, the board shall submit to the commissioner a plan that addresses all of the findings, conclusions, and recommendations of the Office of the State Auditor which have not been previously addressed by the school district.

C.18A:7A-58 "School District Deficit Relief Account."

5. There is established in the Department of Education a nonlapsing, revolving dedicated account designated the "School District Deficit Relief Account" which shall be credited with the monies as may be appropriated pursuant to section 7 of P.L.2006, c.15, monies transferred by the Commissioner of Education pursuant to subsection b. of section 3 of P.L.2006, c.15 (C.18A:7A-56), and such other monies as may be appropriated, transferred

or otherwise made available for the purposes of providing an advance State aid payment to a school district pursuant to subsection a. of section 3 of P.L.2006, c.15. Any interest that shall accrue on the monies in the account shall be credited to the account.

C.18A:7A-59 Rules.

6. The State Board of Education may promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

7. a. The amount of any unexpended balance in the Emergency Fund appropriation from the General Fund in the Miscellaneous Grants-In-Aid program classification in the category of State aid made to the Department of Education in P.L.2005, c.132 is appropriated to the "School District Deficit Relief Account" for the purpose of that account, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

b. There is appropriated from the "School District Deficit Relief Account" established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58) such sums as the Commissioner of Education determines are necessary for the purposes of providing an advance State aid payment to a school district pursuant to subsection a. of section 3 of P.L.2006, c.15, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

8. This act shall take effect immediately.

Approved April 17, 2006.

CHAPTER 16

AN ACT creating the Fort Monmouth Economic Revitalization Planning Authority and supplementing Title 52 of the Revised Statutes.

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

C.52:27I-1 Short title.

1. This act shall be known and may be cited as the "Fort Monmouth Economic Revitalization Planning Authority Act."

C.52:27I-2 Findings, declarations relative to closure and revitalization of Fort Monmouth.

2. The Legislature hereby finds and declares that the closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls; for Monmouth County; and for the entire State of New Jersey.

The Legislature further finds and declares that the economies, environment, and quality of life of the affected communities and the State will depend on the efficient and proper revitalization of Fort Monmouth. Given that there is no appropriate State or local entity to prepare a comprehensive conversion and revitalization plan for this facility, that the facility is located within three municipalities, and that there are federal requirements through the Base Realignment and Closure Commission process for the establishment of such an entity, it is therefore in the public interest and the interest of the State to plan for the comprehensive conversion and revitalization of Fort Monmouth that will enhance the creation of employment and other business opportunities for the benefit of the host communities and the entire State.

The Legislature has determined that to provide for the proper planning for the revitalization of Fort Monmouth, a corporate agency of the State shall be created with the necessary powers to accomplish these purposes.

C.52:27I-3 Definitions relative to closure and revitalization of Fort Monmouth.

3. The following words or terms as used in P.L.2006, c.16 (C.52:27I-1 et seq.) shall have the following meaning unless a different meaning clearly appears from the context:

"Act" means the "Fort Monmouth Economic Revitalization Planning Authority Act."

"Authority" means the Fort Monmouth Economic Revitalization Planning Authority created by section 4 of P.L.2006, c.16 (C.52:27I-4).

"Comprehensive conversion and revitalization plan" or "plan" means the plan prepared and adopted by the authority pursuant to section 14 of P.L.2006, c.16 (C.52:27I-14).

"Constituent municipality" means Eatontown, Oceanport or Tinton Falls.

"Federal government" means the United States of America, and any officer, department, board, commission, bureau, division, corporation, agency or instrumentality thereof.

"Fort Monmouth" means the federally owned or operated military installation located in the municipalities of Eatontown, Oceanport, and Tinton Falls in Monmouth County that, as of May 13, 2005, was functioning, but was scheduled for closure by recommendation of the federal Base Re-

alignment and Closure Commission issued on that date, including any facilities or real or personal property.

"Project area" means that area encompassed by the metes and bounds of Fort Monmouth.

"Revitalization" means a program of planning, conservation, rehabilitation, clearance, development and redevelopment, preservation, and historic restoration.

C.52:27I-4 "Fort Monmouth Economic Revitalization Planning Authority."

4. There is hereby established in the Department of the Treasury a public body corporate and politic, with corporate succession, to be known as the "Fort Monmouth Economic Revitalization Planning Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions to provide for the public safety, convenience, benefit, and welfare. The exercise by the authority of the powers conferred by P.L.2006, c.16 (C.52:27I-1 et seq.) shall be deemed and held to be an essential governmental function of the State. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is allocated within the Department of the Treasury, but notwithstanding that allocation, the authority shall be independent of any supervision or control by the department or any board or officer thereof, except as may be provided in P.L.2006, c.16 (C.52:27I-1 et seq.).

C.52:27I-5 Purpose of authority.

5. It shall be the purpose of the authority created under P.L.2006, c.16 (C.52:27I-1 et seq.) to develop a comprehensive conversion and revitalization plan for the territory encompassed by Fort Monmouth in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; conserve the natural resources of the State; and advance the general prosperity and economic welfare of the people in the affected communities and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

C.52:27I-6 Members; appointment, qualification.

6. a. The authority shall consist of ten members to be appointed and qualified as follows:

(1) Four members appointed by the Governor with the advice and consent of the Senate, for terms of four years, two of whom shall be representatives of the private sector with relevant business experience or background;

one of whom shall be an individual who is knowledgeable in environmental protection, conservation and land use issues and one of whom shall be a labor representative with appropriate experience in workforce development and job training. Preference shall be given to professionals with a background in technology, finance, or real estate. At least two of the members shall be residents of Monmouth County. Not more than two of the members appointed by the Governor shall be members of the same political party;

(2) The Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, ex officio and voting;

(3) One member, who shall be a resident of Monmouth County, to be appointed by the Monmouth County Board of Chosen Freeholders for a term of four years, who shall be either:

(a) a member of the board, or

(b) a qualified person, who shall be nominated by the board, with relevant business experience or background;

(4) The mayors of Eatontown, Oceanport, and Tinton Falls, ex officio and voting; and

(5) A representative of Fort Monmouth, to be appointed by the Secretary of the United States Department of Defense, who shall be a non-voting member.

Each member appointed by the Governor and the member appointed by the Board of Chosen Freeholders shall hold office for the term of that member's appointment and until a successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

b. Except for those members designated pursuant to paragraph (4) of subsection a. of this section, each ex officio member of the authority may designate an employee of the member's department or office to represent the member at meetings of the authority. The designee of an ex officio member 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 members of the authority shall elect a chairperson and 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 members shall be necessary for any action taken by the authority, except as provided under sections 7 and 14 of P.L.2006, c.16 (C.52:27I-7 and 52:27I-14), 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 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.

f. No member, officer, employee or agent of the Fort Monmouth Economic Revitalization Planning Authority shall have an 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 Fort Monmouth Economic Revitalization Planning Authority is a party.

g. 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.

h. 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.

i. Any and all proceedings, hearings or meetings of the authority or any advisory committees established by the authority shall be conducted in conformance with the "Open Public Meetings Act," P.L.1975, c.231 (C. 10:4-6 et seq.).

j. 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.).

C.52:27I-7 Actions requiring affirmative vote of six members.

7. The affirmative vote of six members shall be required for the following actions taken by the authority:

a. actions taken under subsections a., e. and j. of section 8 of P.L.2006, c.16 (C.52:27I-8);

b. expenditures by the authority, including the annualized value of any actions taken pursuant to subsection e. of section 8 of P.L.2006, c.16 (C.52:27I-8), in excess of $20,000;

c. the election of a chairperson and vice-chairperson of the authority; and

d. initiation of suit or other legal action by the authority.

C.52:27I-8 Powers of authority.

8. The authority shall have the following powers:

a. To adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

b. To adopt and use an official seal and alter it at its pleasure;

c. To maintain an office at a place or places within the State as it may designate;

d. To sue and be sued in its own name;

e. To appoint, retain, and employ, without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees, engineers, attorneys and experts as it may require, and to determine the qualifications, terms of office, duties, services, and compensation therefor;

f. To assist in the planning of Fort Monmouth to benefit the surrounding communities and the entire State, in conjunction with federal, State, local, and other public entities, as appropriate;

g. To appoint advisory committees to assist in its activities;

h. To provide that any revenues collected shall be available to the authority for use in furtherance of any of the purposes of P.L.2006, c.16 (C.52:27I-1 et seq.);

i. To lease as lessee, lease as lessor whether as a titleholder or not, own, rent, use, and take and hold title to, and collect rent from, real property and personal property or any interest therein, in the exercise of its powers and the performance of its duties under P.L.2006, c.16 (C.52:27I-1 et seq.), provided that, prior to taking and holding title to such property, the

authority may enter into an interim lease with an entity that is not established by the federal government or any entity thereof, for a period of no more than five years; and

j. To apply for, receive, and accept from any federal, State, or other public or private source, grants or loans for, or in aid of, the authority's authorized purposes.

C.52:27I-9 Prevailing wage requirements.

9. Each worker employed by the authority, or in any project to which the authority is a party, shall be paid not less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

C.52:27I-10 Purchases, contracts, agreements; advertisement, bids; exceptions.

10. a. All purchases, contracts or agreements made pursuant to P.L.2006, c.16 (C.52:27I-1 et seq.) shall be made or awarded directly by the authority, except as otherwise provided in P.L.2006, c.16 (C.52:27I-1 et seq.), only after public advertisement for bids therefor in the manner provided by the authority and notwithstanding the provisions of any other laws to the contrary.

b. Any purchase, contract or agreement may be made, negotiated or awarded by the authority without public bid or advertising under the following circumstances:

(1) When the aggregate amount involved does not exceed the amount set forth in, or the amount calculated by the Governor pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);

(2) To acquire subject matter which is described in section 4 of P.L.1954, c.48 (C.52:34-9);

(3) To make a purchase or award or make a contract or agreement under the circumstances described in section 5 of P.L.1954, c.48 (C.52:34-10);

(4) When the contract to be entered into is for the furnishing or performing of services of a professional or technical nature, including legal services, provided that the contract shall be made or awarded directly by the authority after the solicitation of requests for proposals in the manner provided by the authority and notwithstanding any other laws to the contrary;

(5) When the authority deems it appropriate to have any work performed by its own employees;

(6) When the authority has advertised for bids on two occasions and has received no bids on both occasions in response to its advertisement, or received no responsive bids. Any purchase, contract or agreement may then

be negotiated and may be awarded to any contractor or supplier determined to be responsible, as "responsible" is defined in section 2 of P.L.1971, c.198 (C.40A:11-2), provided that the terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding;

(7) When a purchase is to be made through or by the Director of the Division of Purchase and Property pursuant to section 1 of P.L.1959, c.40 (C.52:27B-56.1), or through a contract made by any of the following: the New Jersey Sports and Exposition Authority established under section 4 of P.L.1971, c.137 (C.5:10-4); the New Jersey Meadowlands Commission established under section 5 of P.L.1968, c.404 (C.13:17-5); the New Jersey Turnpike Authority established under section 3 of P.L.1948, c.454 (C.27:23-3); the New Jersey Water Supply Authority established under section 4 of P.L.1981, c.293 (C.58:1B-4); the Port Authority of New York and New Jersey established under R.S.32:1-4; the Delaware River Port Authority established under R.S.32:3-2; the Higher Education Student Assistance Authority established under N.J.S.18A:71A-3.

c. With regard to the appointment and employment of employees under subsection e. of section 8 of P.L.2006, c.16 (C.52:27I-8) who are to receive an annualized salary or wage in excess of $10,000, the authority shall solicit applications for employment by public advertisement.

C.52:27I-11 Contract in excess of $17,500, regulations regarding political contributions by business entities.

11. a. In addition to complying with the applicable provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.), the authority shall not enter into a contract having an anticipated value in excess of $17,500, as determined in advance and certified in writing by the authority, with a business entity, if, on or after September 1, 2004, or 18 months prior to the dissemination of the request for proposals, the business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of any person serving as a member of the authority when the contract is awarded or to the State, county or municipal committee of the political party to which any person serving as a member of the authority belongs when the contract is awarded.

A business entity that has entered into a contract, having a value in excess of $17,500, with the authority, shall not make, during the duration of the contract, a contribution that is reportable by the recipient under P.L.1973, c.83 to the candidate committee of any person serving as a member of the

authority or to the State, county or municipal committee of the political party to which any person serving as a member of the authority belongs.

b. As used in this section, "business entity" shall have the meaning prescribed by section 5 of P.L.2005, c.51 (C.19:44A-20.17).

C.52:27I-12 Political contributions by employees, certain, prohibited.

12. The authority shall not enter into an employment relationship with any person if, on or after September 1, 2004, that person has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.) to the candidate committee of any person serving as a member of the authority or to a State, county or municipal committee of the political party to which any person serving as a member of the authority belongs when the employment relationship is entered into.

An employee of the authority shall not make a contribution that is reportable by the recipient under P.L.1973, c.83 to the candidate committee of any person serving as a member of the authority or to a State, county or municipal committee of the political party to which any person serving as a member of the authority belongs.

C.52:27I-13 Establishment of advisory committees.

13. The authority shall establish advisory committees in the following areas and in such other areas as it deems appropriate: infrastructure, housing, education, economic matters and workforce development, historical, and environmental. In addition, an advisory committee shall be established to solicit public comment by holding hearings and public meetings and taking other measures to gauge public opinion on matters under the authority's jurisdiction. The membership of the committees shall be determined by the authority. Each committee shall submit a report of its recommendations to the authority. The authority shall consider the reports of the committees in preparing the plan required by section 14 of P.L.2006, c.16 (C.52:27I-14).

C.52:27I-14 Preparation of comprehensive conversion and revitalization plan for Fort Monmouth.

14. a. The authority shall prepare a comprehensive conversion and revitalization plan for Fort Monmouth, which may be periodically revised and updated. The plan shall be approved by no fewer than six of the nine voting members of the authority.

The plan shall generally comprise a report or statement and land use and development proposals, including plans for the development, redevelopment or rehabilitation of the project area with maps, diagrams and text, presenting:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the project area are based;

(2) The relationship of the plan to Statewide, county and municipal objectives as to appropriate land uses, density of population, and traffic and public transportation, public utilities, recreational and community facilities and other public improvements;

(3) Proposed land uses in the project area, taking into account and stating the relationship thereof to the statement provided for in paragraph (1) of this subsection, and other plan elements as the authority deems appropriate, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and including a statement of the standards of population density and development intensity recommended for the project area. The plan shall not include any proposed State or federal correctional institutions to be located in whole or in part in the project area; and

(4) Any significant relationship of the plan to (a) the master plans of constituent municipalities, (b) the master plan of the county in which the municipalities are located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

b. The plan shall supersede applicable provisions of the development regulations of the constituent municipalities or constitute an overlay district within the project area.

c. Prior to the adoption of such plan by the authority, the authority shall hold at least three public hearings, one within each of the host communities of Eatontown, Oceanport and Tinton Falls.

C.52:27I-15 Submission of proposed plan to constituent municipalities.

15. Prior to the adoption of the plan, or revision or amendment thereto, the authority shall transmit a copy of the proposed plan to the planning board of each constituent municipality. Within 45 days after referral, each planning board shall transmit to the authority a report containing its recommendation concerning the plan. This report shall include an identification of any provisions in the proposed plan that are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

C.52:27I-16 Preparation of economic revitalization study.

16. The authority shall prepare an economic revitalization study for the project area which comprises a comprehensive study of all issues related to the closure, conversion, revitalization and future use of Fort Monmouth. This study shall have as a primary concern the impact of the closure and revitalization of Fort Monmouth on the economies, workforce, environment and quality of life in the affected communities. Additionally, the study shall consider all aspects of economic development, including a comparison of the types of employment anticipated in the plan and an analysis of the stability and diversity of the economic development to be promoted.

This study shall include an analysis of potential revenue sources that may exist to promote the implementation of the comprehensive conversion and revitalization plan, including grants, loans or matching funds from federal, State or other public or private sources.

The economic revitalization study shall include a feasibility analysis of tax base sharing within the project area.

Upon completion, the economic revitalization study shall be forwarded to the governing body of each of the constituent municipalities and county.

C.52:27I-17 Submission of adopted plan to federal agencies.

17. Upon the final adoption thereof, the authority shall submit the comprehensive plan for the conversion and revitalization of Fort Monmouth and the economic revitalization plan to the appropriate agency or agencies of the federal government. The authority shall also submit the plan to the Governor, to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the clerks of the constituent municipalities, and to the clerk of Monmouth County.

18. This act shall take effect immediately.

Approved April 28, 2006.

CHAPTER 17

AN ACT concerning the issuance of special permits to serve alcoholic beverages and supplementing Title 33 of the Revised Statutes.

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

C.33:1-12.49 Issuance of special permits to serve alcoholic beverages in "qualifying development projects."

1. a. The Director of the Division of Alcoholic Beverage Control may issue one or more special permits to one or more individual corporations or other types of legal entities operating a restaurant on any premises located in a qualifying development project, as defined in subsection g. of this section.

b. Each permit may authorize the sale of alcoholic beverages on the operator's premises in accordance with an agreement, approved by the director, between the holder of a plenary retail consumption license pursuant to R.S.33:1-12 and the operator of those premises, which may provide for the terms and conditions of the management and operation of the premises and may establish legal liability and responsibility between the licensee and the operator for any violation of Title 33 of the Revised Statutes, provided that the licensee primarily shall be responsible for ensuring compliance with the terms and conditions of the permit and applicable statutes and regulations on the premises of the permit holders. In the case of a serious violation or a series of violations by an operator, the director also may impose penalties against the licensee which would result in a substantial revocation or suspension of the license.

c. The permits and plenary retail consumption license under which the permits were issued shall be subject to all the provisions of Title 33 of the Revised Statutes, rules and regulations promulgated by the director and municipal ordinances. Any violation by an operator may result in the denial of the renewal of the operator's permit. Any series of violations by multiple operators within the qualifying development project may result in the denial of the issuance of future permits or the renewal of existing permits.

d. No person who would fail to qualify as a licensee under Title 33 of the Revised Statutes shall be permitted to operate a licensed premises holding a special permit under this act.

e. Application for each permit shall be made on an annual basis and the administrative fee for the permit shall be fixed by the director. One-half of the administrative fee shall be allocated to the director and one-half of the administrative fee shall be allocated to the municipality in which the licensed premises is located. In addition, the initial administrative fee for a permit shall be based upon the average sales price for plenary retail consumption licenses recently sold in the county where the permit is being issued, reduced by the fair market value of the limitation on transferability, as set forth in subsection f. of this section.

f. No permit issued pursuant to this section shall be transferred to any premises other than a premises located within the same qualifying development project.

g. As used in this act, a "qualifying development project" means a real estate development project that:

(1) Is located in a municipality which lacks the anticipated number of plenary retail consumption licenses to be utilized within the real estate development project, as determined by the Director of the Division of Alcoholic Beverage Control;

(2) Is expected to generate directly or indirectly at least $250 million of private investments and more than $7.5 million annually in new sales and use tax revenue or hotel and motel occupancy fee revenue;

(3) Consists of at least 200 contiguous acres of land approved as a single unitary development by the planning board or zoning board of adjustment of the municipality where the real estate development project is located;

(4) Is contiguous to a minimum 1,500 acres of land which, in the aggregate, have been either preserved by the operator of the real estate development project or sold or donated by the operator or adjacent landowners to the State for a public use purpose;

(5) Includes a ski area as defined in section 2 of P.L.1979, c.29 (C.5:13-2); and

(6) Holds, through any entity having an interest in all or a part of the real estate development project, a plenary retail consumption license.

2. The Director of the Division of Alcoholic Beverage Control shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act.

3. This act shall take effect on the first day of the third month after enactment; provided however, the Director of the Division of Alcoholic Beverage Control, prior to the effective date, may take such anticipatory action as needed for the act's timely implementation.

Approved May 3, 2006.

CHAPTER 18

AN ACT concerning the operation of certain vessels in marine waters, and supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).

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

C.23:2B-19 Taking, processing of fish on certain vessels in marine waters prohibited.

1. No person may take or process fish while on a vessel greater than 165 feet in length while in marine waters.

For the purpose of this section, "process" means to clean and freeze, can, or otherwise process and package fish for sale.

2. This act shall take effect immediately.

Approved May 10, 2006.

CHAPTER 19

AN ACT concerning the regulation of horse racing and wagering thereon and supplementing Title 5 of the Revised Statutes.

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

C.5:5-22.2 Regulations relative to horse racing and certain wagering, commission authority.

1. Notwithstanding the provisions of any other law to the contrary, the New Jersey Racing Commission, in effectuating its responsibilities under P.L.1940, c.17 (C.5:5-22 et seq.), the "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.), the "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), and the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.), and under such circumstances and for such races as the commission shall deem appropriate, shall:

at the request of a permitholder, allow a permitholder to offer a future wager consisting of wagering on prospective entrants for specific races, with wagering conducted in advance, one or more parimutuel pools formed and closed on dates prior to the date of the race, and all wagers considered final and no refunds paid even if, for any reason, an entrant fails to participate in the race;

provide that the minimum wager amount that may be placed on a horse race may be $0.10 or greater;

provide that, after three years following the date of purchase, unclaimed cash vouchers shall be paid 50% to the permitholder at the location where purchased and 50% to the purse account at the location where purchased, provided that if the permitholder conducts both harness and thor-

oughbred races the purse amount shall be divided equally between the harness and thoroughbred purse accounts;

at the request of a permitholder or the operator of a casino simulcasting facility, allow the permitholder or the operator of a casino simulcasting facility to accept a wager in advance of a race at an in-State or out-of-State sending track under a simulcast agreement without receiving a simulcast transmission thereof or displaying live video thereof when the race is to be conducted between the hours of 11:00 PM and 11:00 AM local New Jersey time, or at such other times as the commission shall permit due to extenuating circumstances; and

allow a permitholder to pay an amount due a winning ticketholder, notwithstanding that the ticketholder is unable to produce the actual ticket, if the permitholder is able to verify independently through electronic or other means approved by the commission that the ticketholder purchased the ticket.

2. This act shall take effect immediately.

Approved May 25, 2006.

CHAPTER 20

AN ACT concerning municipal court administrators and amending N.J.S.2B:12-11.

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

1. N.J.S.2B:12-11 is amended to read as follows:

Certification of municipal court administrators.

2B:12-11. Certification of municipal court administrators.

a. The Supreme Court may appoint a Municipal Court Administrator Certification Board. That board shall:

(1) Design examinations for certification of municipal court administrators;

(2) Establish courses satisfying training requirements in subjects closely related to the duties of a municipal court administrator; and

(3) Establish procedures and fees for certification.

b. A person shall be certified as a Municipal Court Administrator if the person:

(1) Is a high school graduate;

(2) Has a combination of two years of either full-time government employment performing duties related to those of a municipal court administrator, or higher education;

(3) Completes the training required by the board;

(4) Passes the examination held by the board, and

(5) Pays any required certification fee.

c. A person who is a municipal court administrator and has been serving in that position for five years on the effective date of this act shall be certified as a municipal court administrator if the person passes the examination held by the board and pays any required certification fee. A person who is a municipal court administrator and has been serving in that position for three years on the effective date of this act shall be certified as a municipal court administrator if the person completes the training required by the board, passes the examination held by the board and pays any required certification fee.

d. Starting on the fifth anniversary of the effective date of P.L.2006, c.20, no person shall be appointed as a municipal court administrator unless that person holds a municipal court administrator certificate issued by the Supreme Court. Municipal court administrators hired in the interim between that effective date and the fifth anniversary following that effective date shall have five years from the date of hire to obtain certification.

e. Starting on the fifth anniversary of the effective date of P.L.2006, c.20, after a vacancy in the office of municipal court administrator, the governing body may appoint a person who does not hold a municipal court administrator certificate to serve as a municipal court administrator, on an interim basis, for a period not to exceed one year commencing on the date of the appointment. Any person so appointed may, in consultation with the judge of the municipal court, be reappointed as a municipal court administrator, on an interim basis, for two subsequent one-year terms. The municipal court administrator appointed on an interim basis may be reappointed for a fourth, and, if necessary, a fifth additional one-year term, provided the municipal court administrator is currently enrolled in the certification program and needs additional time to complete that program.

(1) Time served as an interim municipal court administrator may be credited toward the experience authorized as a substitute for the college education requirement under paragraph (2) of subsection b. of this section.

(2) Time served as a municipal court administrator, on an interim basis, may not be credited as time served as a municipal court administrator for the purpose of acquiring tenure under section 1 of P.L.1953, c.168 (C.2A:8-13.1) and section 1 of P.L.1975, c.39 (C.2A:8-13.3).

f. Notwithstanding the provisions of P.L.2006, c.20, a person who is serving as a municipal court administrator on the effective date of P.L.2006, c.20, may continue to hold the position of municipal court administrator in that municipality, provided the person satisfactorily completes, within five years of the effective date of P.L.2006, c.20, the training required by this section and thereafter satisfies the continuing education required of certified municipal court administrators. If a municipal court administrator qualified under this subsection transfers to a position as a municipal court administrator in another municipality, that administrator will be treated as a newly-hired administrator for purposes of this section.

g. The Supreme Court of New Jersey may adopt rules to implement the purposes of P.L.2006, c.20.

h. A municipal court administrator certificate may be revoked or suspended by the board for dishonest practices or failure to perform, or neglect of, duties of a municipal court administrator.

2. This act shall take effect immediately.

Approved May 25, 2006.

CHAPTER 21

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, 2006 and regulating the disbursement thereof," approved July 2, 2005 (P.L.2005, c.132).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning and Regulation

02-3320 Plant Pest and Disease Control	$3,000,000
Total Appropriation, Agricultural Resources, Planning and Regulation	$3,000,000

Federal Funds:
Asian Longhorn Beetle Program.....($3,000,000)

2. This act shall take effect immediately.

Approved June 9, 2006.

CHAPTER 22

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, 2006 and regulating the disbursement thereof," approved July 2, 2005 (P.L.2005, c.132).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning and Regulation

02-3320 Plant Pest and Disease Control $750,000
Total Appropriation, Agricultural
Resources, Planning and Regulation.. ..... $750,000
Federal Funds:
Cooperative Gypsy Moth Suppression ..... ($750,000)

2. This act shall take effect immediately.

Approved June 9, 2006.

CHAPTER 23

AN ACT concerning long-term care for Medicaid recipients 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-17.23 Short title.

1. This act shall be known and may be cited as the "Independence, Dignity and Choice in Long-Term Care Act."

C.30:4D-17.24 Findings, declarations relative to long-term care for Medicaid recipients.

2. The Legislature finds and declares that:

a. The current population of adults 60 years of age and older in New Jersey is about 1.4 million, and this number is expected to double in size over the next 25 years;

b. A primary objective of public policy governing access to long-term care in this State shall be to promote the independence, dignity and lifestyle choice of older adults and persons with physical disabilities or Alzheimer's disease and related disorders;

c. Many states are actively seeking to "rebalance" their long-term care programs and budgets in order to support consumer choice and offer more choices for older adults and persons with disabilities to live in their homes and communities;

d. New Jersey has been striving to redirect long-term care away from an over-reliance on institutional care toward more home and community-based options; however, it is still often easier for older adults and persons with disabilities to qualify for Medicaid long-term care coverage if they are admitted to a nursing home than if they seek to obtain services through one of the Medicaid home and community-based long-term care options available in this State, such as the Community Care Program for the Elderly and Disabled, Assisted Living, Adult Family Care, Caregiver Assistance Program, Adult Day Health Services, Traumatic Brain Injury, AIDS Community Care Alternatives Program, Community Resources for People with Disabilities, or Community Resources for People with Disabilities Private Duty Nursing;

e. The federal "New Freedom Initiative" was launched in 2001 for the purpose of promoting the goal of independent living for persons with disabilities; and Executive Order No. 13217, issued by the President of the United States on June 18, 2001, called upon the federal government to assist states and localities to swiftly implement the 1999 United States Supreme Court decision in *Olmstead* v. *L.C.* and directed federal agencies to evaluate their policies, programs, statutes and regulations to determine whether any should be revised or modified to improve the availability of community-based services for qualified persons with disabilities;

f. Executive Order No. 100, issued by the Governor on March 23, 2004, directed the Commissioner of Health and Senior Services, in consul-

tation with the State Treasurer, to prepare an analysis and recommendations for developing a global long-term care budgeting process designed to provide the Department of Health and Senior Services with the authority and flexibility to move Medicaid recipients into the appropriate level of care based on their individual needs, and to identify specific gaps and requirements necessary to streamline paperwork and expedite the process of obtaining Medicaid eligibility for home care options for those who qualify;

g. Executive Order No. 31, issued by the Governor on April 21, 2005, established a "money follows the person" pilot program and set aside funding in fiscal year 2006 for home and community-based long-term care;

h. Older adults and those with physical disabilities or Alzheimer's disease and related disorders that require a nursing facility level of care should not be forced to choose between going into a nursing home or giving up the medical assistance that pays for their needed services, and thereby be denied the right to choose where they receive those services; their eligibility for home and community-based long-term care services under Medicaid should be based upon the same income and asset standards as those used to determine eligibility for long-term care in an institutional setting; and

i. The enactment of this bill will ensure that, in the case of Medicaid-funded long-term care services, "the money follows the person" to allow maximum flexibility between nursing homes and home and community-based settings when it does not compromise federal funding or services in the nursing home and, in so doing, significantly expands the choices available to consumers of these services and thereby fulfills the goal of personal independence so highly valued by the growing number of older adults and persons with disabilities in this State.

C.30:4D-17.25 Definitions relative to long-term care for Medicaid recipients.

3. As used in this act:

"Commissioner" means the Commissioner of Health and Senior Services.

"Funding parity between nursing home care and home and community-based care" means that the distribution of the amounts expended for these two categories of long-term care under the Medicaid program reflects an appropriate balance between the service delivery costs of those persons whose needs and preferences can most appropriately be met in a nursing home and those persons whose needs and preferences can most appropriately be met in a home or community-based setting.

"Home and community-based care" means Medicaid home and community-based long-term care options available in this State, including, but not limited to, the Community Care Program for the Elderly and Disabled,

Assisted Living, Adult Family Care, Caregiver Assistance Program, Adult Day Health Services, Traumatic Brain Injury, AIDS Community Care Alternatives Program, Community Resources for People with Disabilities, and Community Resources for People with Disabilities Private Duty Nursing.

C.30:4D-17.26 Process to rebalance allocation of funding for expansion of long-term care services; pilot program, use Statewide.

4. a. (1) Beginning in fiscal year 2008, and in each succeeding fiscal year through fiscal year 2013, the commissioner, in consultation with the State Treasurer and the Commissioner of Human Services and in accordance with the provisions of this section, shall implement a process that rebalances the overall allocation of funding within the Department of Health and Senior Services for long-term care services through the expansion of home and community-based services for persons eligible for long-term care as defined by regulation of the commissioner. The expansion of home and community-based services shall be funded, within the existing level of appropriations, by diverting persons in need of long-term care to allow maximum flexibility between nursing home placements and home and community-based services. The State Treasurer, after review and analysis, shall determine the transfer of such funding to home and community-based services provided by the Departments of Health and Senior Services and Human Services as is necessary to effectuate the purposes of this act.

(2) Beginning in fiscal year 2008, and in each succeeding fiscal year through fiscal year 2013, funds equal to the amount of the reduction in the projected growth of Medicaid expenditures for nursing home care pursuant to paragraph (1) of this subsection, for State dollars only plus the percentage anticipated for programs and persons that will receive federal matching dollars, shall be reallocated to home and community-based care through a global budget and expended solely for such care, until the commissioner determines that total Medicaid expenditures for long-term care have been sufficiently rebalanced to achieve funding parity between nursing home care and home and community-based care. Any funds so reallocated, which are not expended in the fiscal year in which they are reallocated, shall be reserved for expenditures for home and community-based care in a subsequent fiscal year.

(3) Subject to federal approval, the home and community-based services to which funds are reallocated pursuant to this act shall include services designated by the commissioner, in consultation with the Commissioner of Human Services and the Medicaid Long-Term Care Funding Advisory Council established pursuant to this act.

(4) Notwithstanding the provisions of this subsection to the contrary, this act shall not be construed to authorize a reduction in funding for Medicaid-approved services based upon the approved State Medicaid nursing home reimbursement methodology, including existing cost screens used to determine daily rates, annual rebasing and inflationary adjustments.

b. The commissioner, in consultation with the Commissioner of Human Services, shall adopt modifications to the Medicaid long-term care intake system that promote increased use of home and community-based services. These modifications shall include, but not be limited to, the following:

(1) commencing March 1, 2007, on a pilot basis in Atlantic and Warren counties, pursuant to Executive Order No. 31 of 2005:

(a) the provision of home and community-based services available under Medicaid, as designated by the commissioner, in consultation with the Commissioner of Human Services and the Medicaid Long-Term Care Funding Advisory Council established pursuant to this act, pending completion of a formal Medicaid financial eligibility determination for the recipient of services, for a period that does not exceed a time limit established by the commissioner; except that the cost of any services provided pursuant to this subparagraph to a person who is subsequently determined to be ineligible for Medicaid may be recovered from that person; and

(b) the use of mechanisms for making fast-track Medicaid eligibility determinations, a revised clinical assessment instrument, and a computerized tracking system for Medicaid long-term care expenditures; and

(2) commencing March 1, 2008, expansion of the services and measures provided for in paragraph (1) of this subsection to all of the remaining counties in the State, subject to the commissioner conducting or otherwise providing for an evaluation of the pilot programs in Atlantic and Warren counties prior to that date and determining from that evaluation that the pilot programs are cost-effective and should be expanded Statewide.

C.30:4D-17.27 Duties of commissioner relative to report on budget, management plan.

5. The commissioner, in consultation with the Medicaid Long-Term Care Funding Advisory Council established pursuant to this act, shall:

a. no later than October 1, 2007, present a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that provides a detailed budget and management plan for effectuating the purposes of this act, including a projected schedule and procedures for the implementation and operation of the Medicaid long-term care expenditure reforms required pursuant thereto; and

b. no later than January 1, 2008, present a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that documents the reallocation of funds to home and community-based care pursuant to section 4 of this act, and present an updated report no later than January 1 of each succeeding year until the commissioner determines that total Medicaid expenditures for long-term care have been sufficiently rebalanced to achieve funding parity between nursing home care and home and community-based care, at which point the commissioner shall document and certify to the Governor and the Legislature that such funding parity has been achieved.

C.30:4D-17.28 Duties of commissioner relative to funding parity, coordination, assessment instrument.

6. The commissioner, in consultation with the Medicaid Long-Term Care Funding Advisory Council established pursuant to this act, shall:

a. Implement, by such time as the commissioner certifies to the Governor and the Legislature that funding parity has been achieved pursuant to subsection b. of section 5 of this act, a comprehensive data system to track long-term care expenditures and services and consumer profiles and preferences. The data system shall include, but not be limited to: the number of vacant nursing home beds annually and the number of nursing home residents transferred to home and community-based care pursuant to this act; annual long-term care expenditures for nursing home care and each of the home and community based long-term care options available to Medicaid recipients; and annual percentage changes in both long-term care expenditures for, and the number of Medicaid recipients utilizing, nursing home care and each of the home and community based long-term care options, respectively;

b. Commence the following no later than January 1, 2008:

(1) implement a system of Statewide long-term care service coordination and management designed to minimize administrative costs, improve access to services, and minimize obstacles to the delivery of long-term care services to people in need;

(2) identify home and community based long-term care service models that are determined by the commissioner to be efficient and cost-effective alternatives to nursing home care, and develop clear and concise performance standards for those services for which standards are not already available in a home and community-based services waiver;

(3) develop and implement with the Commissioner of Human Services a comprehensive consumer assessment instrument that is designed to facili-

tate an expedited process to authorize the provision of home and community-based care to a person through fast track eligibility prior to completion of a formal financial eligibility determination; and

(4) develop and implement a comprehensive quality assurance system with appropriate and regular assessments that is designed to ensure that all forms of long-term care available to consumers in this State are financially viable, cost-effective, and promote and sustain consumer independence; and

c. Seek to make information available to the general public on a Statewide basis, through print and electronic media, regarding the various forms of long-term care available in this State and the rights accorded to long-term care consumers by statute and regulation, as well as information about public and nonprofit agencies and organizations that provide informational and advocacy services to assist long-term care consumers and their families.

C.30:4D-17.29 Medicaid Long-Term Care Funding Advisory Council.

7. a. There is established the Medicaid Long-Term Care Funding Advisory Council within the Department of Health and Senior Services. The advisory council shall meet at least quarterly during each fiscal year until such time as the commissioner certifies to the Governor and the Legislature that funding parity has been achieved pursuant to subsection b. of section 5 of this act, and shall be entitled to receive such information from the Departments of Health and Senior Services, Human Services and the Treasury as the advisory council deems necessary to carry out its responsibilities under this act.

b. The advisory council shall:

(1) monitor and assess, and advise the commissioner on, the implementation and operation of the Medicaid long-term care expenditure reforms and other provisions of this act; and

(2) develop recommendations for a program to recruit and train a stable workforce of home care providers, including recommendations for changes to provider reimbursement under Medicaid home and community-based care programs.

c. The advisory council shall comprise 15 members as follows:

(1) the commissioner, the Commissioner of Human Services and the State Treasurer, or their designees, as ex officio members; and

(2) 12 public members to be appointed by the commissioner as follows: one person appointed upon the recommendation of AARP; one person upon the recommendation of the New Jersey Association of Area Agencies on Aging, one person upon the recommendation of the New Jersey Association of County Offices for the Disabled; one person upon the

recommendation of the Health Care Association of New Jersey; one person upon the recommendation of the New Jersey Association of Non-Profit Homes for the Aging; one person upon the recommendation of the New Jersey Hospital Association; one person upon the recommendation of the Rutgers Center for State Health Policy; one person upon the recommendation of the New Jersey Elder Rights Coalition; one person upon the recommendation of the County Welfare Directors Association of New Jersey; one person upon the recommendation of the New Jersey Adult Day Services Association; one person upon the recommendation of a labor union that represents home and community-based health care workers; and one person who is a representative of the home care industry.

d. The advisory council shall organize as soon as possible after the appointment of its members, and shall annually select from its membership a chairman who shall serve until his successor is elected and qualifies. The members shall also select a secretary who need not be a member of the advisory council.

e. The department shall provide such staff and administrative support to the advisory council as it requires to carry out its responsibilities.

C.30:4D-17.30 Waiver of federal requirements.

8. The Commissioner of Human Services, with the approval of the Commissioner of Health and Senior Services, shall apply to the federal Centers for Medicare and Medicaid Services for any waiver of federal requirements, or for any State plan amendments or home and community-based services waiver amendments, which may be necessary to obtain federal financial participation for State Medicaid expenditures in order to effectuate the purposes of this act.

C.30:4D-17.31 Tracking of expenditures.

9. The commissioner, in consultation with the Commissioner of Human Services, shall track Medicaid long-term care expenditures necessary to carry out the provisions of this act.

C.30:4D-17.32 Inclusion of budget line for Medicaid long-term care expenditures.

10. There shall be included a unique global budget appropriation line item for Medicaid long-term care expenditures in the annual appropriations act for fiscal year 2008 and each succeeding fiscal year in order to provide flexibility to align these expenditures with services to be provided during each fiscal year as necessary to effectuate the purposes of this act.

11. This act shall take effect immediately.

Approved June 21, 2006.

CHAPTER 24

AN ACT concerning the discontinuance of electric and gas utility service and removal of equipment from abandoned properties, and amending and supplementing P.L.2003, c.210 (C.55:19-78 et al.).

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

C.55:19-106 Findings, declarations relative to discontinuation of certain utility service from abandoned properties.

1. The Legislature finds and declares that:

a. Abandoned properties raise significant concerns for communities where they are located, including fostering criminal activity, posing possible public health problems and generally posing a risk to the quality of life for residents and businesses in the area.

b. Under current law and tariffs approved under Board of Public Utilities regulations, customers of electric and natural gas utilities are required to provide reasonable access at all reasonable times to such utilities for the purpose of inspection of the customers' premises incident to the rendering of service, reading meters or the repairing of utility facilities used in connection with supplying service or for the removal of utility property.

c. Public utilities are bound by law to provide safe, adequate and proper service and must be able to periodically inspect the customers' premises incident to rendering service, read meters, repair utility facilities or remove utility property.

d. As a result of certain properties being abandoned or vacant, electric and natural gas utilities are denied the reasonable access to their facilities provided for by law and this impacts the ability to provide safe, adequate and proper service.

e. The Legislature therefore determines that in the interest of the public safety of our communities, any electric and natural gas utility should be granted access to abandoned or vacant properties in order to inspect, repair and remove its facilities or property.

2. Section 3 of P.L.2003, c.210 (C.55:19-80) is amended to read as follows:

C.55:19-80 Definitions relative to abandoned property.

3. As used in sections 1 through 25 of P.L.2003, c.210 (C.55:19-78 through C.55:19-102) and section 3 of P.L.2006, c.24 (C.55:19-107):

"Department" means the New Jersey Department of Community Affairs.

"Lienholder" or "mortgage holder" means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

"Municipality" means any city, borough, town, township or village situated within the boundaries of this State and shall include a qualified rehabilitation entity that may be designated by the municipality pursuant to section 13 of P.L.2003, c.210 (C.55:19-90) to act as its agent to exercise any of the municipality's rights pursuant thereto.

"Owner" means the holder or holders of title to an abandoned property.

"Property" means any building or structure and the land appurtenant thereto.

"Public officer" means the person designated by the municipality pursuant to section 3 of P.L.1942, c.112 (C.40:48-2.5) or any officer of the municipality qualified to carry out the responsibilities set forth in P.L.2003, c.210 (C.55:19-78 et al.) and designated by resolution of the governing body of the municipality, except that in municipalities organized under the "mayor-council plan" of the Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.), the public officer shall be designated by the mayor.

"Qualified rehabilitation entity" means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in P.L.2003, c.210 (C.55:19-78 et al.) to carry out the rehabilitation of vacant buildings in urban areas.

"Utility" means any electric or natural gas public utility that is regulated under the jurisdiction of the Board of Public Utilities.

C.55:19-107 Access to abandoned property by utility, conditions.

3. A utility may take all necessary steps to enter the premises of, discontinue utility service to, and remove utility equipment from, any property listed on an abandoned property list established pursuant to section 36 of

P.L.1996, c.62 (C.55:19-55) or any property that is determined by a public officer to meet the definition of abandoned property as set forth in sections 4 through 6 of P.L.2003, c.210 (C.55:19-81 through C.55:19-83), provided that the utility is accompanied by a law enforcement officer from the municipality within which the property is located.

4. Section 36 of P.L.1996, c.62 (C.55:19-55) is amended to read as follows:

C.55:19-55 Identification of abandoned property, listing.

36. a. A qualified municipality that has designated or appointed a public officer pursuant to section 3 of P.L.1942, c.112 (C.40:48-2.5), may adopt an ordinance directing the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the municipality, or within those parts of the municipality as the governing body may designate. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

b. In those municipalities in which abandoned properties have been identified in accordance with subsection a. of this section, the public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The municipality may add properties to the abandoned property list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in section 31 of P.L.2003, c.210 (C.55:19-105).

An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of section 29 of P.L.2003, c.210 (C.55:19-103).

c. The Department of Community Affairs in conjunction with the Department of Environmental Protection shall prepare an information bulletin for distribution to every municipality describing the authority of a municipality under existing statutes and regulations to repair, demolish or otherwise deal with abandoned property.

d. (1) The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the municipality, which publication shall constitute public notice and, within 10 days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection d. of R.S.54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in section 5 of P.L.1942, c.112 (C.40:48-2.7). The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54) and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the municipality as plaintiff, as though an action had been commenced by the municipality against the owner.

(2) The authority or its subsidiaries, as appropriate, may reimburse the municipality for the postage costs and search fees associated with providing notice in accordance with paragraph (1) of this subsection in accordance with procedures and rules promulgated by the Department of Community Affairs.

(3) The public officer, within ten days of the establishment of the abandoned property list, or any additions thereto, shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the municipality.

e. An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to subsection b. of this section by appealing that determination to the public officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the

public officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to subsection d. of this section, the public officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54). The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

f. The property owner may challenge an adverse determination of an appeal with the public officer pursuant to subsection e. of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to subsection e. of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.

g. The public officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.

h. The abandoned property list shall become effective, and the municipality shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

5. This act shall take effect immediately.

Approved June 22, 2006.

CHAPTER 25

AN ACT concerning certain wage disputes and amending R.S.34:11-58.

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

1. R.S.34:11-58 is amended to read as follows:

Investigation of wage claims; testimony; award and judgment.

34:11-58. The commissioner is authorized and empowered to investigate any claim for wages due an employee and in such investigation may summon the defendant, subpoena witnesses, administer oaths, take testimony and shall upon such proceeding make a decision or award when the sum in controversy, exclusive of costs, does not exceed $30,000.00.

Such decision or award shall be a judgment when a certified copy thereof is filed with the Superior Court.

Such judgment shall be entered in the same manner and have the same effect and be subject to the same proceedings as are judgments rendered in suits duly heard and determined by courts of competent jurisdiction.

The commissioner is authorized to supervise the payment of amounts due to employees under an award made pursuant to this section, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employees, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor and Workforce Development.

2. This act shall take effect 90 days after enactment.

Approved June 22, 2006.

CHAPTER 26

AN ACT concerning the management and operation of cemeteries by certain entities and amending and supplementing P.L.2003, c.261.

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

C.45:27-7.1 Certificate of authority to provide management services for a cemetery, issuance to certain for-profit entities.

1. a. A for-profit corporation, partnership, association or other private entity that managed or operated a cemetery in this State prior to January 14, 2004, shall be issued a certificate of authority to manage or operate a cemetery by the New Jersey Cemetery Board and may continue to manage or operate that cemetery on or after that date, notwithstanding its for-profit status and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A for-profit corporation, partnership, association or other private entity that managed or operated more than one cemetery in this State prior to January 14, 2004, shall be issued one certificate of authority pursuant to this subsection covering all such cemeteries.

b. On or after the effective date of this section, a for-profit corporation, partnership, association, or other private entity may, notwithstanding its for-profit status, apply to the board for, and may be granted, a certificate of authority to provide management services for a cemetery in this State and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.).

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 cemetery company that operates or seeks to operate only a crematory shall not be required to make the $75,000 initial trust fund deposit. 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 sale price of comparable graves;

(4) on bulk sales of crypts or niches, 10% of the current retail gross sale 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. This act shall take effect immediately.

Approved June 22, 2006.

CHAPTER 27

AN ACT concerning the preference granted to certain applicants for initial appointment as members of paid fire departments or paid members of part-paid fire departments.

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

1. Notwithstanding any other provision of law to the contrary, a duly qualified applicant for an initial appointment to a paid fire department or paid member of a part-paid fire department who was on an eligible list certified by the Department of Personnel on the effective date of P.L.2005, c.290 shall be entitled to preference in appointment as provided in section 1 of that act.

2. This act shall take effect immediately and shall expire upon the expiration of the applicable eligible lists in effect on the effective date of P.L.2005, c.290.

Approved June 27, 2006.

CHAPTER 28

AN ACT concerning certain prosecutions and supplementing Title 52 of the Revised Statutes and Title 2B of the New Jersey Statutes.

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

C.2B:12-17.2 Motor vehicle matters involving death, bodily injury, Superior Court exclusive jurisdiction; prosecution guidelines.

1. a. In any matter concerning Title 39 of the Revised Statutes where death or serious bodily injury has occurred, regardless of whether the death or serious bodily injury is an element of the offense or violation, the Supe-

rior Court shall have exclusive jurisdiction over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. For the purposes of this section, the term "serious bodily injury" shall have the meaning set forth in subsection b. of N.J.S.2C:11-1.

b. The Attorney General may develop guidelines establishing procedures to be followed for prosecutions involving violations of N.J.S.2C:11-4, N.J.S.2C:11-5 or section 1 of P.L.1997, c.111 (C.2C:11-5.1) or criminal offenses involving serious bodily injury and underlying motor vehicle offenses arising from the same incident consistent with the provisions of P.L.2006, c.28 (C.2B:12-17.2 et al.).

C.52:17B-211 Uniform enforcement relative to death, serious bodily injury resulting from motor vehicle accident.

2. In order to promote uniform enforcement in matters when death or serious bodily injury arises out of a motor vehicle incident, any guidelines developed by the Attorney General pursuant to the provisions of section 1 of this act, P.L.2006, c.28 (C.2B:12-17.2), may be disseminated to the county prosecutors.

3. This act shall take effect immediately.

Approved June 29, 2006.

CHAPTER 29

AN ACT removing certain restrictions on the sale of poppies, amending P.L.1938, c.207 and repealing section 4 of P.L.1938, c.207.

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

1. Section 2 of P.L.1938, c.207 (C.38:25A-2) is amended to read as follows:

C.38:25A-2 Sale of poppies to raise funds for veterans' projects.

2. It shall be unlawful for any person, firm or corporation to sell or offer for sale to raise funds dedicated to veterans' projects any poppy or poppies made up in any material forming a replica of the natural poppy except as hereinafter provided.

2. Section 6 of P.L.1938, c.207 (C.38:25A-6) is amended to read as follows:

C.38:25A-6 Municipal regulation of sale of poppies.

6. Nothing in this act shall in any way limit or interfere with the right of the governing body or law enforcement agency of any municipality of the State of New Jersey to enact by ordinance, resolution or otherwise, regulations governing the sale of poppies within said municipality; provided, that no such regulation shall extend the right of sale by persons, or for purposes, other than those mentioned in section three of this act, nor shall permit the sale of poppies other than those designated in section five of this act.

Repealer.

3. Section 4 of P.L.1938, c.207 (C.38:25A-4) is repealed.

4. This act shall take effect immediately.

Approved July 7, 2006.

CHAPTER 30

AN ACT appropriating $1,263,166 from the "Garden State Historic Preservation Trust Fund" for the purpose of making grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects.

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

1. a. There is appropriated from the "Garden State Historic Preservation Trust Fund," established pursuant to section 21 of P.L.1999, c.152 (C.13:8C-21), to the New Jersey Historic Trust the sum of $1,263,166 for the purpose of making grants, as awarded by the New Jersey Historic Trust, for historic preservation projects listed in this subsection. The following projects are eligible for funding with the moneys appropriated pursuant to this subsection:

County	Municipality	Name of Organization	Project Name	Grant Award
Bergen	Edgewater Boro	Edgewater Boro	Edgewater Municipal Building	$27,810
Burlington	Burlington City	Trustees of Burlington College	St. Mary's Hall-Doane Academy	15,225

Burlington	Mount Holly Twp	First Presbyterian Church of Mount Holly	First Baptist Church of Mount Holly	49,995
Burlington	Mount Holly & Westampton Twps	National Society of the Colonial Dames in America in New Jersey	Peachfield Plantation and the Old School House	49,155
Camden	Camden City	Home Port Alliance for the USS New Jersey	Battleship New Jersey	11,099
Camden	Camden City	South Jersey Tourism Corp.	Camden Collaboration	24,000
Cape May	Cape May City	Cape May Stage Playhouse	Cape Island Presbyterian Church	50,000
Cumberland	Bridgeton City	St. Andrew's Episcopal Church	St. Andrew's Episc. Church, Bridgeton	14,972
Cumberland	Greenwich Twp	Greenwich Friends Meeting	Greenwich Lower Meeting House and Orthodox Cemetery Walls	5,000
Cumberland	Millville City	Millville Army Air Field Museum	Millville Army Airfield Hanger #8 and Building 31	50,000
Essex	Glen Ridge Twp Boro	Glen Ridge Twp Boro	Glen Ridge Municipal Complex	10,500
Essex	Montclair Twp	Montclair Historical Society	Evergreens, Crane & Clark Houses	28,960
Essex	Montclair Twp	Montclair Twp Library	Upper Montclair Bellevue Ave. Library	50,000
Essex	Newark City	Deliverance Evangelistic Center	Temple B'nai Abraham, Newark	24,497
Essex	Newark City	Lincoln Park Coast Cultural District, Inc.	South Park Presbyterian Church Facade	50,000
Essex	Newark City	Newark Museum	Ballantine Mansion Carriage House Association	50,000
Essex	Orange City	Orange Free Public Library	Orange Free Public Library	38,325

Gloucester	Woolwich Twp	Historical and Educational Lodge-Hall Preservatory (HELP)	Mount Zion Cemetery	21,750
Hudson	Jersey City	Save Ellis Island	Ellis Island Laundry Building	50,000
Hunterdon	East Amwell Twp	Kirkpatrick Memorial Presbyterian Church	Kirkpatrick Memorial Presbyterian Church	39,596
Hunterdon	Flemington Boro	Flemington Boro	Fleming Castle	18,750
Hunterdon	Franklin Twp	Franklin Twp	Pittstown Station	15,750
Hunterdon	Stockton Boro	Stockton Board of Education	District 98 Schoolhouse	22,462
Mercer	Hightstown Boro	Hightstown Boro	Stockton Street Historic District	42,298
Mercer	Princeton Boro	Princeton Theological Seminary	Princeton Theological Seminary	49,995
Mercer	Trenton City	St. Michael's Episcopal Church	St. Michael's Episcopal Church, Trenton	26,250
Mercer	Trenton City	Trenton Meeting of Friends	Trenton Friends Meeting House	42,775
Mercer	Trenton City	Trenton Public Libraries	Samuel Dickinson Mansion/East Trenton Branch Library	25,748
Middlesex	New Brunswick City	Catholic Charities, Diocese of Metuchen	Convent of St. Peter the Apostle, New Brunswick	43,778
Monmouth	Manasquan Boro	Manasquan Boro	Squan Beach Life Saving Station	32,047
Morris	Harding Twp	Harding Twp	Glen Alpin	50,000
Morris	Madison Boro	Madison Masonic Lodge No. 93	Presbyterian Church of Chatham Township	23,557
Morris	Long Hill Twp	All Saints' Episcopal Church	All Saints' Episcopal Church, Millington	12,461
Ocean	Barnegat Twp	Barnegat Twp	Mary Etta Cox House Outbuildings	46,660

Passaic	Paterson City	Eastside Neighborhood Association	Eastside Park Horse Stable	50,000
Salem	Salem City	Preservation Salem, Inc.	Telegraph Building	14,552
Salem	Salem City	Salem County Historical Society	Alphonso Eakin House	18,000
Somerset	Bound Brook Boro	Presbyterian Church at Bound Brook	Presbyterian Church at Bound Brook	29,178
Warren	Hope Twp	St. Luke's Episcopal Church	St. Luke's Episcopal Church, Hope	11,021
Warren	Washington Twp	Port Colden United Methodist Church	Port Colden United Methodist Church	27,000
TOTAL				**$1,263,166**

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

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

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

2. This act shall take effect immediately.

Approved July 7, 2006.

CHAPTER 31

AN ACT concerning graffiti, supplementing chapter 48 of Title 40 of the Revised Statutes and amending P.L.2002, c.128.

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 "Municipal Beautification Act."

C.40:48-2.59 Municipal powers to abate graffiti.

2. a. The governing body of every municipality may make, amend, repeal, and enforce ordinances to prohibit acts of graffiti on buildings, structures and other exposed surfaces located within the municipality and to require the owner of a building, structure or other exposed surface located in the municipality to remove graffiti.

b. For the purposes of this section, "graffiti" means any drawing, painting or making of any mark or inscription on public or private real or personal property without the prior written permission of the owner of the property.

c. (1) An ordinance requiring an owner to remove graffiti shall provide that the owner of record of the property shall be entitled to written notice of the order to remove graffiti and that the notice shall be delivered to the owner by certified and regular mail. The order shall afford the owner the opportunity to remove the graffiti within 90 days from the date that the notice is sent, however, the Department of Transportation shall be afforded 120 days from the date a notice is sent to remove graffiti from property owned by the department.

(2) The notice to remove graffiti shall contain a form to be utilized by a property owner to inform the municipality that the graffiti has been removed. The form shall contain a provision stating that by affixing a signature to the form, indicating that graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

(3) An owner who has been ordered to remove graffiti shall respond to the municipality by personal delivery or by certified mail:

(a) of any objection to the order, within 30 days of the date of the order, or

(b) of notice that the graffiti has been removed, within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order.

d. An owner who objects to an order to remove graffiti, pursuant to paragraph (3) of subsection c. of this section, may institute an action challenging the order before a court of competent jurisdiction within 60 days of the date of the order.

e. If a property owner does not undertake the removal of graffiti within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order, unless an action challenging the order to remove graffiti is still pending pursuant to subsection d. of this section, the municipality may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the municipality, by certified and regular mail, for reimbursement from the property owner.

f. Whenever a municipality undertakes the removal of graffiti from any building, structure or other exposed surface, the governing body of the municipality, in addition to assessing the cost of removal as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

3. Section 5 of P.L.2002, c.128 (C.13:1E-217) is amended to read as follows:

C.13:1E-217 Clean Communities Program Fund.

5. The Clean Communities Program Fund is established as a nonlapsing, revolving fund in the Department of the Treasury. The Clean Communities Program Fund shall be administered by the Department of Environmental Protection and credited, in addition to any appropriations made thereto, with all user fees imposed pursuant to section 4 of P.L.2002, c.128 (C.13:1E-216) or penalties imposed pursuant to section 10 of P.L.2002, c.128 (C.13:1E-222), and any sums received as voluntary contributions from private sources. Interest received on moneys in the Clean Communities Program Fund shall be credited to the fund. Unless otherwise expressly provided by the specific appropriation thereof by the Legislature, which shall take the form of a discrete legislative appropriations act and shall not be included within the annual appropriations act, all available moneys in the Clean Communities Program Fund shall be appropriated annually solely for the following purposes and no others:

a. 10% of the estimated annual balance of the Clean Communities Program Fund shall be used for a State program of litter pickup and removal and of enforcement of litter-related laws and ordinances in State owned places and areas that are accessible to the public. Moneys in the fund may also be used by the State to abate graffiti;

b. 50% of the estimated annual balance of the Clean Communities Program Fund shall be distributed as State aid to eligible municipalities with total housing units of 200 or more for programs of litter pickup and removal, including establishing an "Adopt-A-Highway" program, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each municipality shall be solely calculated based on the proportion which the housing units of a qualifying municipality bear to the total housing units in the State. Total housing units shall be determined using the most recent federal decennial population estimates for New Jersey and its municipalities, filed in the office of the Secretary of State. Moneys in the fund may also be used by an eligible municipality to abate graffiti;

c. 30% of the estimated annual balance of the Clean Communities Program Fund shall be distributed as State aid to eligible municipalities with total housing units of 200 or more for programs of litter pickup and removal, including establishing an "Adopt-A-Highway" program, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each municipality shall be solely calculated based on the proportion which the municipal road mileage of a qualifying municipality bears to the total municipal road mileage within the State. For the purposes of this subsection, "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the Department of Transportation. Moneys in the fund may also be used by an eligible municipality to abate graffiti;

d. 10% of the estimated annual balance of the Clean Communities Program Fund shall be distributed as State aid to eligible counties for programs of litter pickup and removal, including establishing an "Adopt-A-Highway" program, of public education and information relating to litter abatement and of enforcement of litter-related laws and ordinances. The amount of State aid due each county shall be solely calculated based on the proportion which the county road mileage of an eligible county bears to the total county road mileage within the State. For the purposes of this subsection, "county road mileage" means that road mileage under the jurisdiction of counties, as determined by the Department of Transportation. Moneys in the fund may also be used by an eligible county to abate graffiti;

e. No eligible municipality shall receive less than $4,000 in State aid as apportioned pursuant to subsections b. and c. of this section. A municipality or county may use up to 5% of its State aid for administrative expenses;

f. Prior to the distribution of funds pursuant to subsections a. through d. of this section:

(1) 25% of the estimated annual balance of the Clean Communities Program Fund shall be annually appropriated to the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96). These moneys shall be used by the Department of Environmental Protection for direct recycling grants to counties and municipalities, up to a maximum appropriation of $4,000,000 per year. The moneys made available to the department from the Clean Communities Program Fund for direct recycling grants shall be annually appropriated to the State Recycling Fund until such time as an alternative funding mechanism for direct recycling grants is enacted into law; and

(2) $300,000 of the estimated annual balance of the Clean Communities Program Fund shall be annually appropriated to the department and made available on July 1 of every year to the organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) for a Statewide public information and education program concerning antilittering activities and other aspects of responsible solid waste handling behavior.

The organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) shall, no later than the date on which the contract period concludes, submit a report to the Governor and the Legislature concerning its activities during the contract period and any recommendations concerning improving the program. Every eligible municipality and county shall cooperate with the organization under contract with the department pursuant to section 6 of P.L.2002, c.128 (C.13:1E-218) in providing information concerning its program of litter pickup and removal.

g. As used in this section, "graffiti" means any inscription drawn, painted or otherwise made on a bridge, building, public transportation vehicle, rock, wall, sidewalk, street or other exposed surface on public property.

The department may carry forward any unexpended balances in the Clean Communities Program Fund as of June 30 of each year.

4. This act shall take effect immediately.

Approved July 7, 2006.

CHAPTER 32

AN ACT authorizing the State Treasurer to enter a reciprocal debt collection agreement with the federal government, enabling the implementation of the agreement, supplementing Title 54 of the Revised Statutes and amending R.S.54:50-9.

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

C.54:49-12.7 Reciprocal debt collection agreement with federal government.

1. The State Treasurer or the State Treasurer's designee may enter into a reciprocal collection and offset of indebtedness agreement with the federal government, pursuant to which the State will offset from State tax refunds and from payments otherwise due to vendors and contractors providing goods or services to State departments, agencies or institutions, non-tax debt owed to the federal government; and the federal government will offset from federal payments to vendors, contractors and taxpayers debt owed to the State of New Jersey.

C.54:49-12.8 Definitions relative to reciprocal debt collection agreement.

2. As used in sections 2 through 6 of P.L.2006, c.32 (C.54:49-12.8 through 54:49-12.12):

"Federal official" means a unit or official of the federal government charged with the collection of non-tax liabilities payable to the federal government pursuant to 31 U.S.C. s.3716.

"Non-tax liability due the State" means a liability certified by the State Treasurer and shall include but shall not be limited to fines, fees, penalties and other non-tax assessments imposed by or payable to an agency of the State of New Jersey that is finally determined to be due and owing.

"Person" means an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing.

"Refund" means an amount described as a refund of tax under the provisions of the State tax law that authorized its payment.

"Vendor payment" means any payment, other than a refund, made by the State to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the State; but shall not include a person's salary, wages, or pension.

C.54:49-12.9 Powers of federal official.

3. a. A federal official may:

(1) Certify to the State Treasurer the existence of a person's delinquent non-tax liability owed by the person to the federal government; and

(2) Request that the State Treasurer withhold any refund and vendor payment to which the person is entitled.

b. A federal official may certify and request the State Treasurer to withhold a refund or vendor payment only if the laws of the United States:

(1) Allow the State Treasurer, on behalf of the State, to enter into a reciprocal agreement with the United States, pursuant to which the federal official would be authorized to offset federal payments to collect delinquent tax and non-tax debts owed to the State; and

(2) Provide for the payment of the amount withheld to the State.

c. The Department of the Treasury may retain a portion of the proceeds of any collection setoff as provided under agreement with the federal official.

C.54:49-12.10 Certification by federal official to State Treasurer.

4. a. A certification by a federal official to the State Treasurer shall include:

(1) the full name and address of the person and any other names known to be used by the person;

(2) the social security number or federal tax identification number;

(3) the amount of the non-tax liability; and

(4) a statement that the debt is past due and legally enforceable in the amount certified.

b. The State Treasurer shall determine if a person for whom a certification is received is due a refund of New Jersey tax or a vendor payment.

c. The State Treasurer shall:

(1) withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) in accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) pay to the federal official the lesser of:

(a) the entire refund and/or vendor payment; or

(b) the amount certified; and

(4) pay any refund or vendor payment in excess of the certified amount to the person.

C.54:49-12.11 Powers of State Treasurer.

5. The State Treasurer may:

a. certify to a federal official the existence of a person's delinquent non-tax and tax liability owed by the person to the State government;

b. request that the federal official withhold any vendor payment to which the person is entitled; and

c. provide for the payment of the amount withheld to the State.

C.54:49-12.12 Certification by State Treasurer to federal official.

6. A certification by the State Treasurer to the federal official shall include:

a. the full name and address of the person and any other names known to be used by the person;

b. the social security number or tax identification number;

c. the amount of the tax or non-tax liability;

d. a statement that the debt is past due and legally enforceable in the amount certified; and

e. any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

7. R.S.54:50-9 is amended to read as follows:

Certain officers entitled to examine records.

54:50-9. Nothing herein contained shall be construed to prevent:

a. The delivery to a taxpayer or the taxpayer's duly authorized representative of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of this subtitle or of any such State tax law;

b. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

c. The director, in the director's discretion and subject to reasonable conditions imposed by the director, from disclosing the name and address of any licensee under any State tax law, unless expressly prohibited by such State tax law;

d. The inspection by the Attorney General or other legal representative of this State of the reports or files relating to the claim of any taxpayer who shall bring an action to review or set aside any tax imposed under any State tax law or against whom an action or proceeding has been instituted in accordance with the provisions thereof;

e. The examination of said records and files by the Comptroller, State Auditor or State Commissioner of Finance, or by their respective duly authorized agents;

f. The furnishing, at the discretion of the director, of any information contained in tax reports or returns or any audit thereof or the report of any

investigation made with respect thereto, filed pursuant to the tax laws, to the taxing officials of any other state, the District of Columbia, the United States and the territories thereof, providing said jurisdictions grant like privileges to this State and providing such information is to be used for tax purposes only;

g. The furnishing, at the discretion of the director, of any material information disclosed by the records or files to any law enforcing authority of this State who shall be charged with the investigation or prosecution of any violation of the criminal provisions of this subtitle or of any State tax law;

h. The furnishing by the director to the State agency responsible for administering the Child Support Enforcement program pursuant to Title IV-D of the federal Social Security Act, Pub. L.93-647 (42 U.S.C. s.51 et seq.), with the names, home addresses, social security numbers and sources of income and assets of all absent parents who are certified by that agency as being required to pay child support, upon request by the State agency and pursuant to procedures and in a form prescribed by the director;

i. The furnishing by the director to the Board of Public Utilities any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be necessary for the administration of P.L.1991, c.184 (C.54:30A-18.6 et al.) and P.L.1997, c.162 (C.54:10A-3 et al.);

j. The furnishing by the director to the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be relevant, in the discretion of the director, in any proceeding conducted for the issuance, suspension or revocation of any license authorized pursuant to Title 33 of the Revised Statutes;

k. The inspection by the Attorney General or other legal representative of this State of the reports or files of any tobacco product manufacturer, as defined in section 2 of P.L.1999, c.148 (C.52:4D-2), for any period in which that tobacco product manufacturer was not or is not in compliance with subsection a. of section 3 of P.L.1999, c.148 (C.52:4D-3), or of any licensed distributor as defined in section 102 of P.L.1948, c.65 (C.54:40A-2), for the purpose of facilitating the administration of the provisions of P.L.1999, c.148 (C.52:4D-1 et seq.);

l. The furnishing, at the discretion of the director, of information as to whether a contractor or subcontractor holds a valid business registration as defined in section 1 of P.L.2001, c.134 (C.52:32-44);

m. The furnishing by the director to a State agency as defined in section 1 of P.L.1995, c.158 (C.54:50-24) the names of licensees subject to

suspension for non-payment of State tax indebtedness pursuant to P.L.2004, c.58 (C.54:50-26.1 et al.);

n. The release to the United States Department of the Treasury, Bureau of Financial Management Service, or its successor of relevant taxpayer information for purposes of implementing a reciprocal collection and offset of indebtedness agreement entered into between the State of New Jersey and the federal government pursuant to section 1 of P.L.2006, c.32 (C.54:49-12.7).

8. This act shall take effect immediately, provided however that sections 2 through 6 shall remain inoperative until the State Treasurer enters into the agreement authorized in section 1.

Approved July 8, 2006.

CHAPTER 33

AN ACT imposing a fee upon grantees under certain deeds conveying certain commercial real property, imposing a tax on certain purchasers of controlling interests in certain commercial real; property, amending P.L.2004, c.66 and supplementing P.L.1968, c.49 (C.46:15-5 et seq.) and Title 54 of the Revised Statutes.

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

1. Section 8 of P.L.2004, c.66 (C.46:15-7.2) is amended to read as follows:

C.46:15-7.2 Additional fee on certain transfers of real property over $1,000,000.

8. a. In addition to all other fees imposed under P.L.1968, c.49 (C.46:15-5 et seq.), there is imposed a fee upon the grantee of a deed for the transfer of real property:

(1) that is classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 2 "residential";

(2) (a) that includes property classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 3A: "farm property (regular)" but only if the property includes a building or structure intended or suited for residential use, and

(b) any other real property, regardless of class, that is effectively transferred to the same grantee in conjunction with the property described in subparagraph (a) of this paragraph;

(3) that is a cooperative unit as defined in section 3 of P.L.1987, c.381 (C.46:8D-3); or

(4) that is classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 4A "commercial properties"

that is transferred for consideration in excess of $1,000,000 recited in the deed, which fee shall be an amount equal to 1 percent of the entire amount of such consideration, which fee shall be collected by the county recording officer at the time the deed is offered for recording and remitted to the State Treasurer not later than the 10th day of the month following the month of collection for deposit into the General Fund.

b. (1) The fee imposed by subsection a. of this section shall not apply to a deed if the grantee of the deed for the transfer of real property is an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.501.

(2) The fee imposed by subsection a. of this section shall not apply to a deed if the transfer of real property is incidental to a corporate merger or acquisition and the equalized assessed value of the real property transferred is less than 20% of the total value of all assets exchanged in the merger or acquisition. A grantee shall claim this exemption from imposition of the fee at the time the deed is offered for recording by filing with the county recording officer such information, in addition to the affidavit of consideration filed by one or more of the grantee parties named in the deed or by the grantee's legal representative pursuant to subsection d. of this section, as the Director of the Division of Taxation in the Department of the Treasury may prescribe as to constitute a filing of a protest of the assessment of the fee and by paying any other recording fees not exempted pursuant to this paragraph. This additional information shall be forwarded by the county recording officer to the director along with the grantee's affidavit of consideration, and shall be deemed to be and have the effect of a protest of a finding by the director of a deficiency of payment of the fee filed on the date on which the deed is recorded.

c. The fee imposed by subsection a. of this section shall be subject to the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.; provided however, that notwithstanding the provisions of subsection a. of R.S.54:49-14, a taxpayer may file a claim under oath for refund at any time within 90 days after the payment of any original fee and that subsection b. of R.S.54:49-14 shall not apply to any additional fee assessed.

d. (1) If a transfer includes property classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 4 property of any type, an affidavit of consideration shall be filed by one or more of the grantor parties

named in the deed or by the grantor's legal representative declaring the consideration and shall be annexed to and recorded with the deed as a prerequisite for the recording of the deed. The filing of an affidavit of consideration pursuant to this paragraph shall be in addition to the filing, if any, pursuant to paragraph (2) of this subsection.

(2) Whether or not the transfer is exempt, pursuant to subsection b. of this section or any other provision of law, from payment of the fee pursuant to subsection a. of this section, if a transfer includes property otherwise subject to subsection a. of this section, then an affidavit of consideration shall be filed by one or more of the grantee parties named in the deed or by the grantee's legal representative declaring the consideration and shall be annexed to and recorded with the deed as a prerequisite for the recording of the deed. The filing of an affidavit of consideration pursuant to this paragraph shall be in addition to the filing, if any, pursuant to paragraph (1) of this subsection.

(3) An affidavit of consideration filed pursuant to paragraph (1) or paragraph (2) of this subsection shall clearly and entirely state the consideration, the county and municipality in which the property is situate, and the block and lot description of the real property conveyed.

(4) One copy of each affidavit of consideration filed and recorded with deeds pursuant to this subsection shall be forwarded by the county recording officer to the Director of the Division of Taxation in the Department of the Treasury on the tenth day of the month following the month of the filing of the deed.

C.46:15-7.4 Refunding of fee on certain property transfers.

2. Notwithstanding the provisions of section 8 of P.L.2004, c.66 (C.46:15-7.2), for the transfer of real property that was classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 4A "commercial properties" at the time of the recording of the deed, provided that the deed was recorded on or before November 15, 2006, and that was transferred pursuant to a contract that was fully executed before July 1, 2006, the fee imposed pursuant to section 8 of P.L.2004, c.66 shall be refunded to the grantee by the filing, within one year following the date of the recording of the deed, of a claim with the New Jersey Division of Taxation for a refund of the fee paid. Proof of claim for refund shall be made by the submission of such documentation as the Director of the Division of Taxation may require.

C.54:15C-1 Tax on transfer over $1,000,000 of controlling interest in certain commercial property.

3. a. (1) There is imposed and shall be paid a tax upon the sale or transfer for consideration in excess of $1,000,000 of a controlling interest in an

entity which possesses, directly or indirectly, a controlling interest in classified real property, which shall be paid by the purchaser of the controlling interest and which shall be equal to 1% of the consideration paid on the sale or transfer; provided however that in the case of the sale or transfer of a controlling interest in an entity which possesses, directly or indirectly, an interest in classified real property and an interest in other property, real or personal, there shall be paid a tax upon the sale only if the equalized assessed value of the classified real property exceeds $1,000,000 which shall be paid by the purchaser of the controlling interest and which shall be equal to 1% of that percentage of the equalized assessed value of the classified real property that is equal to the percentage of the ownership interest transferred.

(2) The sale or transfer of a controlling interest subject to taxation pursuant to paragraph (1) of this subsection may occur in one transaction or in a series of transactions. Transactions which occur within six months of each other are presumed, unless shown to the contrary, to be a series of transactions constituting a single sale or transfer.

Sale or transfer of a controlling interest subject to taxation pursuant to paragraph (1) of this subsection may be accomplished by one purchaser or may be made by a group of purchasers acting in concert. Purchasers who are related parties are presumed, unless shown to the contrary, to be acting in concert.

b. On or before the last day of the month following the month in which the sale or transfer of a controlling interest which is subject to the tax imposed by subsection a. of this section is completed, the purchaser shall file a return with the director, in such form as the director may prescribe. Payment of the tax shall accompany the return.

c. The tax imposed by subsection a. of this section shall not apply to any sale or transfer:

(1) by or to the United States of America, this State, or any instrumentality, agency, or subdivision thereof;

(2) to a purchaser that is an organization determined by the federal Internal Revenue Service to be exempt from federal income taxation pursuant to paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.501;

(3) having the underlying characteristics of the transactions enumerated in section 6 of P.L.1968, c.49 (C.46:15-10);

(4) that is subject to the fee imposed tax pursuant to section 8 of P.L.2004, c.66 (C.46:15-7.2); or

(5) that is incidental to a corporate merger or acquisition if the equalized assessed value of the real property transferred is less than 20% of the total value of all assets exchanged in the merger or acquisition.

d. Notwithstanding the provisions of subsection a. of this section, the transfer of a controlling interest on or before November 15, 2006 in an entity which possesses, directly or indirectly, an interest in classified real property shall not be subject to tax if the interest was transferred pursuant to a contract or other binding agreement that was fully executed before July 1, 2006.

e. (1) The director may require all purchasers subject to a tax imposed under this section to keep such records as the director may prescribe, and the director may require the production of books, papers, documents and other data, to provide or secure information pertinent to the determination of the taxes imposed by this section and the enforcement and collection thereof.

(2) An entity with respect to which there is a sale or transfer of a controlling interest in that entity, shall keep a record of every transfer of a controlling interest in its stock or in its capital, profits or beneficial interests, as the case may be, and such other information as the director may prescribe. An entity shall report that information to the director in such form and at such times as the director may prescribe.

(3) The director may examine the books, papers, records and equipment of an entity with respect to which there is a sale or transfer of a controlling interest in that entity or of a purchaser liable under the provisions of this section.

(4) The director shall collect and administer the tax imposed pursuant to this section. The director is authorized to adopt rules and regulations to effectuate the purposes of this section pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(5) The director may extend, for cause shown by general regulation or individual authorization, the time of filing any return on such terms and conditions as the director may require, and may, for cause shown, remit or waive penalties and interest as provided for in the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

(6) The director may delegate the director's functions hereunder to any officer or employee of the director's division such of the director's powers as the director may deem necessary to carry out efficiently the provisions of this section.

f. The tax imposed pursuant to this section shall be governed by the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

g. As used in this section:

"Classified real property" means property that is classified pursuant to the requirements of N.J.A.C.18:12-2.2 as Class 4A "commercial properties".

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

"Consideration" means the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the purchaser.

"Controlling interest" means, in the case of an entity that is a corporation, more than fifty per cent of the total combined voting power of all classes of stock of that corporation, and in the case of an entity that is a partnership, association, trust or other organization, more than fifty per cent of the beneficial ownership of classified real property of that partnership, association, trust or other organization.

"Related parties" means parties that have the relationship necessary for attribution of constructive ownership of stock pursuant to section 318 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.318, and members of an affiliated group or a controlled group pursuant to section 1504 or 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1504 or 1563.

4. This act shall take effect August 1, 2006 and apply to transfers of property on or after that date.

Approved July 8, 2006.

CHAPTER 34

AN ACT concerning urban enterprise zones, amending P.L.1983, c.303 and P.L.1980, c.105.

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

1. Section 20 of P.L.1983, c.303 (C.52:27H-79) is amended to read as follows:

C.52:27H-79 Sales tax procedure relative to sales to enterprise zone business; definitions; evaluation.

20. a. Retail sales of personal property (except motor vehicles and energy) and sales of services (except telecommunications and utility services) to a qualified business for the exclusive use or consumption of such busi-

ness within an enterprise zone are exempt from the taxes imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

b. Notwithstanding the provisions of subsection a. of this section, the seller shall charge and collect from a purchaser that is not a small qualified business the tax at the rate then in effect, and the tax shall be refunded to the purchaser by the filing, within one year following the date of sale, of a claim with the New Jersey Division of Taxation for a refund of sales and use taxes paid for the goods and materials. Proof of claim for refund shall be made by the submission of auditable receipts and such other documentation as the Director of the Division of Taxation may require.

c. As used in this section:

"Qualified business" includes a business that becomes qualified by the time the refund application is filed pursuant to subsection b. of this section; and

"Small qualified business" means a qualified business that has been determined and certified by the director to have had less than $1,000,000 in annual gross receipts in that business prior annual tax period.

d. The director shall submit to the Senate Legislative Oversight Committee and the Assembly Regulatory Oversight Committee any rules or regulations to effectuate amendments made to this section by P.L.2006, c.34 that are proposed for publication in the New Jersey Register. The director shall evaluate the effectiveness of the amendments made to this section by P.L.2006, c.34 and report any findings and recommendations regarding the amendments to the Senate Legislative Oversight Committee and the Assembly Regulatory Oversight Committee before the Governor presents a budget proposal for Fiscal Year 2008.

2. Section 34 of P.L.1980, c.105 (C.54:32B-8.22) is amended to read as follows:

C.54:32B-8.22 Sales tax exemption for certain services, supplies to certain exempt organizations.

34. Receipts from sales made to contractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of:

a. Organizations described in subsections (a) and (b) of section 9 of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-9) that are exempt from the tax imposed under the "Sales and Use Tax Act";

b. Qualified businesses within an enterprise zone as authorized in section 20 of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C. 52:27H-79); and

c. Housing sponsors who have obtained financing for housing projects pursuant to the "New Jersey Housing and Mortgage Finance Agency Law of 1983," P.L.1983, c.530 (C.55:14K-1 et seq.), which projects have received other federal, State or local subsidies in order to achieve financial feasibility are exempt from the tax imposed under the "Sales and Use Tax Act," provided any person seeking to qualify for the exemption shall do so pursuant to such rules and regulations and upon forms as shall be prescribed by the director.

For the purposes of this section, a qualified business within an enterprise zone shall include any urban renewal entity established pursuant to P.L.1961, c.40 (C.40:55C-40 et seq.), provided, however, that the entity is the sole owner of an operating company which is a qualified business pursuant to subsection c. of section 3 of P.L.1983, c.303 (C.52:27H-62), and that the entity and its operating company are situated within the same zone.

3. Section 3 of P.L.1983, c.303 (C.52:27H-62) is amended to read as follows:

C.52:27H-62 Definitions.

3. As used in this act:

a. "Enterprise zone" or "zone" means an urban enterprise zone designated by the authority pursuant to this act;

b. "Authority" means the New Jersey Urban Enterprise Zone Authority created by this act;

c. "Qualified business" means any entity authorized to do business in the State of New Jersey which, at the time of designation as an enterprise zone or a UEZ-impacted business district, is engaged in the active conduct of a trade or business in that zone or district; or an entity which, after that designation but during the designation period, becomes newly engaged in the active conduct of a trade or business in that zone or district and has at least 25% of its full-time employees employed at a business location in the zone or district, meeting one or more of the following criteria:

(1) Residents within the zone, the district, within another zone or within a qualifying municipality; or

(2) Unemployed for at least six months prior to being hired and residing in New Jersey, and recipients of New Jersey public assistance programs for at least six months prior to being hired, or either of the aforesaid; or

(3) Determined to be low income individuals pursuant to the Workforce Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2811);

Approval as a qualified business shall be conditional upon meeting all outstanding tax obligations, and may be withdrawn by the authority if a business is continually delinquent in meeting its tax obligations;

d. "Qualifying municipality" means any municipality in which there was, in the last full calendar year immediately preceding the year in which application for enterprise zone designation is submitted pursuant to section 14 of P.L.1983, c.303 (C.52:27H-73), an annual average of at least 2,000 unemployed persons, and in which the municipal average annual unemployment rate for that year exceeded the State average annual unemployment rate; except that any municipality which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) shall qualify if its municipal average annual unemployment rate for that year exceeded the State average annual unemployment rate. The annual average of unemployed persons and the average annual unemployment rates shall be estimated for the relevant calendar year by the Office of Labor Planning and Analysis of the State Department of Labor and Workforce Development. In addition to those municipalities that qualify pursuant to the criteria set forth above, that municipality accorded priority designation pursuant to subsection e. of section 7 of P.L.1983, c.303 (C.52:27H-66), those municipalities set forth in paragraph (7), paragraph (8) of section 3 of P.L.1995, c.382 (C.52:27H-66.1), and paragraph (9) of section 3 of P.L.1995, c.382 as amended by section 3 of P.L.2004, c.75 (C.52:27H-66.1), and the municipalities in which the three additional enterprise zones, including the joint enterprise zone, are to be designated pursuant to criteria according priority consideration for designation of the zones pursuant to section 12 of P.L.2001, c.347 (C.52:27H-66.7) shall be deemed qualifying municipalities;

e. "Public assistance" means income maintenance funds administered by the Department of Human Services or by a county welfare agency;

f. "Zone development corporation" means a nonprofit corporation or association created or designated by the governing body of a qualifying municipality to formulate and propose a preliminary zone development plan pursuant to section 9 of P.L.1983, c.303 (C.52:27H-68) and to prepare, monitor, administer and implement the zone development plan;

g. "Zone development plan" means a plan adopted by the governing body of a qualifying municipality for the development of an enterprise zone therein, and for the direction and coordination of activities of the municipality, zone businesses and community organizations within the enterprise zone toward the economic betterment of the residents of the zone and the municipality;

h. "Zone neighborhood association" means a corporation or association of persons who either are residents of, or have their principal place of employment in, a municipality in which an enterprise zone has been designated pursuant to this act; which is organized under the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes; and which has for its principal purpose the encouragement and support of community activities within, or on behalf of, the zone so as to (1) stimulate economic activity, (2) increase or preserve residential amenities, or (3) otherwise encourage community cooperation in achieving the goals of the zone development plan;

i. "Enterprise zone assistance fund" or "assistance fund" means the fund created by section 29 of P.L.1983, c.303 (C.52:27H-88); and

j. "UEZ-impacted business district" or "district" means an economically-distressed business district classified by the authority as having been negatively impacted by two or more adjacent urban enterprise zones in which 50% less sales tax is collected pursuant to section 21 of P.L.1983, c.303 (C.52:27H-80).

4. Section 29 of P.L.1983, c.303 (C.52:27H-88) is amended to read as follows:

C.52:27H-88 Enterprise zone assistance fund.

29. a. There is created an enterprise zone assistance fund to be held by the State Treasurer, which shall be the repository for all moneys required to be deposited therein under section 21 of P.L.1983, c.303 (C.52:27H-80) or moneys appropriated annually to the fund. All moneys deposited in the fund shall be held and disbursed in the amounts necessary to fulfill the purposes of this section and subject to the requirements hereinafter prescribed. The State Treasurer may invest and reinvest any moneys in the fund, or any portion thereof, in legal obligations of the United States or of the State or of any political subdivision thereof. Any income from, interest on, or increment to moneys so invested or reinvested shall be included in the fund.

The State Treasurer shall maintain separate accounts for each enterprise zone designated under this act, and one in the authority's name for the administration of the Urban Enterprise Zone program. The State Treasurer shall credit to each account an amount of the moneys deposited in the fund equal to the amount of revenues collected from the taxation of retail sales made in the zone and appropriated to the enterprise zone assistance fund, or that amount of moneys appropriated to the fund and required to be credited to the enterprise zone account of the qualifying municipality pursuant to section 21 of P.L.1983, c.303 (C.52:27H-80).

The State Treasurer shall promulgate the rules and regulations necessary to govern the administration of the fund for the purposes of this section, which shall include, but not be limited to, regulations requiring the establishment of separate bank accounts for funds credited to the enterprise zone account of each municipality from the enterprise zone assistance fund, commonly known as "first generation funds," and funds generated from the repayments of loans to individuals and businesses from the enterprise zone account of each municipality and the proceeds from the sale of properties and equipment acquired through the enterprise zone program, commonly known as "second generation funds," and the review, compilation, and monitoring of second generation fund quarterly reports submitted by each enterprise zone.

Any individual, including an individual who is not directly employed by a municipality, with the authority to administer, allocate or approve the use of zone assistance funds is subject to the "Local Government Ethics Law," P.L.1991, c.29 (C.40A:9-22.1 et seq.), unless the individual is a State employee or a special State officer.

b. The enterprise zone assistance fund shall be used for the purpose of assisting qualifying municipalities in which enterprise zones are designated in undertaking public improvements, economic development projects and in upgrading eligible municipal services in designated enterprise zones.

c. The governing body of a qualifying municipality in which an enterprise zone is designated and the zone development corporation created or designated by the municipality for that enterprise zone may, by resolution jointly adopted after public hearing, propose to undertake a project for the public improvement of the enterprise zone or to increase eligible municipal services in the enterprise zone, and to fund that project or increase in eligible municipal services from moneys deposited in the enterprise zone assistance fund and credited to the account maintained by the State Treasurer for the enterprise zone.

The proposal so adopted shall set forth a plan for the project or for the increase in eligible municipal services and shall include:

(1) A description of the proposed project or of the municipal services to be increased;

(2) An estimate of the total project costs, or of the total costs of increasing the municipal services, and an estimate of the amounts of funding necessary annually from the enterprise zone account;

(3) A statement of any other revenue sources to be used to finance the project or to fund the increase in eligible municipal services;

(4) A statement of the time necessary to complete the project, or of the time during which the increased municipal services are to be maintained;

(5) A statement of the manner in which the proposed project or increase in municipal services furthers the municipality's policy and intentions for addressing the economic and social conditions existing in the area of the enterprise zone as set forth in the zone development plan approved by the authority; and

(6) A description of the financial and programmatic controls and reporting mechanisms to be used to guarantee that the funds will be spent in accordance with the plan and that the project or increased municipal service will accomplish its purpose.

As used in this section, "project" means an activity funded by the zone assistance fund through the qualified municipality and implemented by the zone development corporation, including the purchasing, leasing, condemning, or otherwise acquiring of land or other property, or an interest therein, in the enterprise zone or as necessary for a right-of-way or other easement to or from the enterprise zone; the relocating and moving of persons or businesses displaced by the acquisition of land or property; the rehabilitation and redevelopment of land or property, including demolition, clearance, removal, relocation, renovation, alteration, construction, reconstruction, installation or repair of a land or a building, street, highway, alley, utility, service or other structure or improvement which will lead to increased economic activity within the zone; the acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, except buildings and facilities for the general conduct of government and schools; the establishment of revolving loan or grant programs for qualified businesses in the zone to encourage private investment and job creation, matching grant programs for the establishment or operation of pedestrian malls, special improvement districts and tax increment districts, or other appropriate entity; marketing, advertising and special event activities that will lead to increased economic activity or encourage private investment and job creation in the zone, but not including the expenditures therefor which are required to be reported pursuant to "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.) and the costs associated therewith including the costs of an administrative appraisal, economic and environmental analyses, environmental remediation, engineering, planning, design, architectural, surveying or other professional or managerial services.

As used in this section, "eligible municipal services" means the hiring of additional policemen or firemen assigned duties in the enterprise zone, or the purchasing or leasing of additional police or fire vehicles, equipment or

apparatus to be used for the provision of augmented or upgraded public safety services in the enterprise zone and its immediate vicinities.

d. Upon adoption by the governing body of the qualifying municipality and by the zone development corporation, the proposal shall be sent to the authority for its evaluation and approval. The authority shall approve the proposal if it shall find:

(1) In the case of a project, that the proposed project furthers the policy and intentions of the zone development plan approved by the authority, and that the estimated annual payments for the project from the enterprise zone account to which the proposal pertains are not likely to result in a deficit in that account;

(2) In the case of an increase in eligible municipal services, that the proposal furthers the policy and intentions of the zone development plan approved by the authority; that the qualifying municipality has furnished satisfactory assurances that the additional policemen or firemen to be hired, or the additional vehicles, equipment or apparatus to be purchased or leased, shall be used to augment or upgrade public safety in the enterprise zone, and shall not be used in other areas of the municipality; that the qualifying municipality shall annually appropriate for the increased eligible municipal services an amount equal to 20% of the amount of annual payments for the eligible municipal services from the enterprise zone account and shall not request for the increased eligible municipal services an amount equal to more than 35% of the amount of annual payments into the enterprise zone account, unless the municipality and the authority have entered into an agreement or agreements to the contrary prior to July 1, 1992; and that the estimated annual payments for the eligible municipal services from the enterprise zone account to which the proposal pertains are not likely to result in a deficit in that account.

e. If the authority shall approve the proposal, it shall annually, upon its receipt of a written statement from the governing body of the qualifying municipality and the zone development corporation, certify to the State Treasurer the amount to be paid in that year from the enterprise zone account in the enterprise zone assistance fund with respect to each project or increase in eligible municipal services approved. The authority may at any time revoke its approval of a project or an increase in eligible municipal services if it finds that the annual payments made from the enterprise zone assistance fund are not being used as required by this section.

f. Upon certification by the authority of the annual amount to be paid to a qualifying zone with respect to any project or increase in eligible municipal services, the State Treasurer shall pay in each year to the qualifying municipality from the amounts deposited in the enterprise zone assistance

fund the amount so certified, within the limits of the amounts credited to the enterprise zone account of the qualifying municipality.

g. An amount not to exceed one-third of the amount deposited in the account created in the name of the authority in the enterprise zone assistance fund shall be used by the authority for the coordination and administration of the program throughout the State, including but not limited to costs for personnel, operating expenses and marketing. The balance of the remaining amount shall be distributed to qualifying municipalities in proportion to each municipality's contribution to the enterprise zone assistance fund for the coordination and administration of the program within the municipality, including but not limited to costs for personnel, operating expenses and marketing.

5. This act shall take effect July 15, 2006 and sections 1 and 2 shall apply to sales made on and after that date.

Approved July 8, 2006.

CHAPTER 35

AN ACT concerning the assessment of certain fees against operators of nuclear electric generating facilities, and amending and supplementing P.L.1981, c.302.

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

1. Section 12 of P.L.1981, c.302 (C.26:2D-48) is amended to read as follows:

C.26:2D-48 Assessment against operator of nuclear electric generating facility; levy and payment.

12. a. In order to defray the expenses of local, county and State agencies in discharging their responsibilities under this act, including those costs associated with the development, testing and updating of the Emergency Radiation Response Plans and for the acquisition and maintenance of any equipment necessary to carry out their responsibilities, the State Treasurer shall annually make an assessment against the operator of each nuclear electric generating facility located in New Jersey;

b. The assessment against the operator of a single nuclear electric generating facility shall not exceed $2,750,000 (in 2003 dollars adjusted by the CPI) and, in the case of an operator of two or more nuclear electric generating facilities, the assessment shall not exceed $5,500,000 (in 2003 dollars adjusted by the CPI), and shall be assessed in an amount equal to the sum of the amounts in paragraphs (1) and (2) of this subsection and determined annually by the State Treasurer on or before June 30 in the following manner:

(1) The total amount appropriated to the various local, county and State agencies by law for the purpose of discharging their responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the State's next fiscal year for costs related directly to a particular nuclear electric generating facility shall be assessed against the operator of that particular nuclear electric generating facility.

(2) All other amounts appropriated to the State agencies by law for the purpose of discharging their responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.) for the next fiscal year shall be assessed equally against each operator of a nuclear electric generating facility.

The assessment prescribed above shall be levied by the State Treasurer not later than July 1, and shall be paid within 30 days after mailing by first class mail to the affected operator of the nuclear electric generating facility notice thereof and a statement of the amount;

c. The assessments shall be appropriated through the regular appropriation process in accordance with a joint budget to be submitted by the division and the department;

d. Any costs of a local, county or State agency incurred in discharging its responsibilities under P.L.1981, c.302 (C.26:2D-37 et seq.), not reasonably required to carry out the purposes of P.L.1981, c.302 (C.26:2D-37 et seq.) or not generally associated with or related to the operation of nuclear electric generating facilities located in New Jersey, shall not be included in any such assessment or appropriation;

e. "CPI" means the annual Consumer Price Index for a calendar year as determined year to year using the decimal increase in the September through August, 12-month average for the previous year of the Consumer Price Index for All Urban Consumers (CPI-U), as published by the United States Department of Labor.

C.26:2D-48.1 Additional assessment for provision of supplemental security.

2. To defray the costs incurred by the State in providing supplemental security, the State Treasurer shall annually make an assessment against the operator of each nuclear electric generating facility located in New Jersey.

The amount of the assessment shall be determined by the State Treasurer. In making that determination, the State Treasurer shall include the salaries of the State Police and State National Guard personnel assigned supplemental security duties, the costs of all necessary specialized equipment and training, and all other expenditures directly related to having the State provide supplemental security at each nuclear electric generating facility. The amount of the assessment so determined shall not exceed the actual aggregate costs incurred by the State in providing supplemental security at these facilities.

To the greatest extent practicable, the State Treasurer shall apportion the assessment among the operators to reflect the actual costs incurred by the State in providing supplemental security at each particular nuclear electric generating facility.

The assessment apportioned each operator shall be due and payable at a time and in a manner prescribed by the State Treasurer.

C.26:2D-48.2 Operator not liable for assessment under certain circumstances.

3. Commencing with the Fiscal Year 2008, an operator of a nuclear electric generating facility shall not be liable for an assessment under section 2 of P.L.2006, c.35 (C.26:2D-48.1) if, prior to the commencement of any fiscal year, the Attorney General, after reviewing the findings and recommendations of the Director of the New Jersey Office of Homeland Security and Preparedness and the Superintendent of State Police, determines that the operator has an approved, privately funded security program in operation at its facility.

4. This act shall take effect immediately.

Approved July 8, 2006.

CHAPTER 36

AN ACT concerning filing methods for State tax returns and payments, including electronic filing methods, and requiring certain tax preparers to electronically file gross income tax returns, amending R.S.54:48-2, P.L.1992, c.175 and R.S.54:49-4 and supplementing Title 54A of the New Jersey Statutes.

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

1. R.S.54:48-2 is amended to read as follows:

Definitions.

54:48-2. As used in this subtitle:

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

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

"Director" means the Director of the Division of Taxation.

"Prime rate" means the average predominant prime rate, as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due; except that as to the calculation of interest accruing on and after the July 1 next following enactment of P.L.1992, c.175 "prime rate" means that rate quoted as of December 1 of the calendar year immediately preceding the calendar year in which the payment was due, provided however, that if the director determines that the prime rate quoted by commercial banks to large businesses varies by more than one percentage point from the rate otherwise determined, the director shall redetermine the prime rate to be that quoted prime rate for subsequent calendar quarters of the calendar year in which payments become due.

"State tax" means any tax which is payable to or collectible by the director, and "State tax law" means any law which levies or imposes a State tax as herein defined.

"Taxpayer" means any person owing or liable to pay any State tax or any person deemed by the director to be so owing or liable.

"Tax preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax or claim for refund under any State tax law.

2. Section 13 of P.L.1992, c.175 (C.54:49-3.1) is amended to read as follows:

C.54:49-3.1 Date deemed delivery date, acceptable methods of filing; transmittal as filing.

13. a. Except as another payment method may be specified by law, a tax return, report, notice, petition, protest, claim or other document to be filed or remittance containing payment of tax, required to be filed within a prescribed period, or on or before a prescribed date, under the provisions of any State tax that, after the period or the date, is delivered by United States mail

to the director, bureau, office, officer or person with which or with whom the document is required to be filed shall be deemed to be delivered on the date of the United States postmark stamped on the envelope. This shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of the document, determined with regard to any extension granted for filing, and the document was deposited in the mail, postage prepaid, properly addressed to the director, bureau, office, officer or person with which or with whom the document is required to be filed. If any document is sent by United States registered or certified mail, such registration or certification shall be prima facie evidence that the document was delivered to the director, bureau, office, officer or person to which or to whom addressed. This section shall also apply to postmarks not made by the United States Postal Service to the extent the Director of the Division of Taxation in the Department of the Treasury may prescribe.

b. Notwithstanding any law to the contrary, the director is authorized to permit or mandate the acceptable methods of filing any return required to be filed and making any payment required to be remitted within a prescribed period, or on or before a prescribed date, under the provisions of any State tax law. The director may prescribe reasonable methods for filing and payment, including electronic filing and payment methods, at the director's discretion, by the promulgation of regulations. The provisions of this section shall not be deemed to authorize the director to require any individual taxpayer preparing the taxpayer's own gross income tax return pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or any tax preparer preparing a gross income tax return pro bono, to file that return or to remit payment of the tax by electronic methods.

c. For returns required or permitted by law, or by regulation promulgated by the director, to be filed electronically, the date the return is transmitted to the division shall be deemed the date of filing.

3. R.S. 54:49-4 is amended to read as follows:

Late filing penalty.

54:49-4. a. In addition thereto any taxpayer failing to file a return with the director within the time prescribed under the act imposing such tax shall be liable to a late filing penalty of $100 for each month or fraction thereof that such return is delinquent, plus a penalty of 5% per month or fraction thereof of the underpayment not to exceed 25% of such underpayment, except that if no return has been filed within 30 days of the date on which the first notice of delinquency in filing the return was sent to the taxpayer, the

penalty shall accrue at 5% per month or fraction thereof of the total tax liability not to exceed 25% of such tax liability. Unless any part of any underpayment of tax required to be shown on a return or report is shown to be due to reasonable cause, there shall be added to the tax an amount equal to 5% of the underpayment.

b. In addition to any other penalty for failing to file a return within the time prescribed or underpayment provided in this section or pursuant to any other provision of law, if a taxpayer or tax preparer fails to use electronic methods to file a return as may be required pursuant to the provisions of subsection b. of section 13 of P.L.1992, c.175 (C.54:49-3.1), section 4 of P.L.2006, c.36 (C.54A:8-6.1) or the law imposing the tax, or if a taxpayer fails to use electronic methods to pay tax as may be required pursuant to the provisions of subsection b. of section 13 of P.L.1992, c.175 (C.54:49-3.1), or the law imposing the tax, the taxpayer shall be liable for a penalty of $50 for each return or payment for which the taxpayer failed to file or pay electronically as may be applicable, and the tax preparer shall be liable for a penalty of $50 for each return for which the tax preparer failed to file electronically as may be applicable. The director may exercise discretion to abate all or any portion of the penalty in any circumstances the director determines appropriate, including but not limited to circumstances in which a taxpayer or tax preparer demonstrates to the director's satisfaction that the failure to file or pay electronically was due to reasonable cause.

C.54A:8-6.1 Certain tax preparers required to use electronic methods for filing.

4. a. (1) Notwithstanding any other law to the contrary, for New Jersey gross income tax returns for taxable years beginning in 2006, if a tax preparer prepared or filed 100 or more gross income tax returns for the prior taxable year, the tax preparer shall use electronic methods for filing the returns and paying the tax for all the returns prepared or filed by the tax preparer for a taxable year, subject to such exceptions as the Director of the Division of Taxation may determine are reasonable. The director may exercise discretion to extend this requirement to a tax preparer that has prepared or filed 100 or more gross income tax returns for any of the five prior taxable years.

(2) The director is authorized to extend by regulation the electronic methods filing requirement, commencing with New Jersey gross income tax returns filed for taxable years beginning in 2007, to tax preparers that prepared or filed 50 or more gross income tax returns for the prior taxable year. The director, by regulation, may exercise discretion to extend this re-

quirement to a tax preparer that has prepared or filed 50 or more gross income tax returns for any of the five prior taxable years.

b. As used in this section, "tax preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax or claim for refund under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

c. The director shall determine the method or methods of electronic filing of returns and paying tax that satisfy the requirements imposed in this section including a procedure by which a taxpayer may elect that the tax preparer not file the taxpayer's return by electronic methods.

d. The director is authorized to determine if the requirements of this section shall apply to declarations and payments of estimated tax made by a tax preparer. To the extent that the director determines it will not be unduly burdensome, the director is authorized to require employers and payors of gambling winnings that withhold tax under N.J.S.54A:7-1, and payors of voluntary withholdings under section 1 of P.L.1989, c.328 (C.54A:7-1.1), to file returns and pay tax by electronic methods.

e. A tax preparer, employer or payor, other than an individual taxpayer preparing the taxpayer's own gross income tax return or a tax preparer preparing a return pro bono, failing to use electronic methods as required in this section shall be liable for the penalties provided in subsection b. of R.S.54:49-4 or as otherwise provided under the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

5. This act shall take effect immediately.

Approved July 8, 2006.

CHAPTER 37

AN ACT raising the cigarette tax rate, changing the tobacco products wholesale sales tax on moist snuff to a weight-based tax and increasing funds deposited in the Health Care Subsidy Fund, amending and supplementing P.L.1990, c.39 and P.L.1948, c.65 and amending P.L.1997, c.264.

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

1. Section 301 of P.L.1948, c.65 (C.54:40A-8) is amended to read as follows:

C.54:40A-8 Tax imposed; rate.

301. Tax imposed; rate. A tax is hereby imposed on the sale, use or possession for sale or use within this State of all cigarettes at the rate of $0.12875 for each cigarette.

2. a. Each retail licensee under P.L.1948, c.65 (C.54:40A-1 et seq.), shall, on or before the first day of the second month after the effective date of P.L.2006, c.37, file a return under oath or certified under the penalties of perjury with the director on forms furnished by the director, showing the amount of cigarettes in the retail licensee's possession in the State at 12:01 a.m. on the effective date of P.L.2006, c.37, and shall at the time of filing that return pay the tax to the director. Failure to obtain such forms shall not be an excuse for the failure to make a return containing the information required by the director.

b. Notwithstanding the provisions of section 401 of P.L.1948, c.65 (C.54:40A-11) to the contrary, each licensed distributor and wholesale dealer under P.L.1948, c.65 (C.54:40A-1 et seq.), shall, on or before the first day of the second month after the effective date of P.L.2006, c.37, file a return under oath or certified under the penalties of perjury with the director on forms furnished by the director, showing the amount of cigarettes in the dealer's or wholesaler's possession in the State at the close of business prior to the effective date of P.L.2006, c.37. An amount of tax shall be due equal to the additional tax on the number of cigarettes bearing stamps, and unaffixed stamps on hand. Each licensed distributor and wholesale dealer shall at the time of filing that return pay the tax to the director. Failure to obtain such forms shall not be an excuse for the failure to make a return containing the information required by the director.

C.54:40B-3.1 Tax imposed upon sale, use, distribution of moist snuff.

3. a. There is imposed a tax upon the sale, use or distribution of moist snuff within this State by a distributor or wholesaler to a retail dealer or consumer at the rate of $0.75 per ounce on the net weight, as listed by the manufacturer, of the moist snuff, and a proportionate rate on all fractional parts of an ounce of the net weight of moist snuff.

b. Unless a moist snuff product has already been or will be subject to the wholesale sales tax imposed in subsection a. of this section, if a distributor or wholesaler uses the moist snuff within this State, there is imposed upon the distributor or wholesaler a compensating use tax of $0.75

per ounce on the net weight, as listed by the manufacturer, of the moist snuff, and a proportionate rate on all fractional parts of an ounce of the net weight of moist snuff.

c. Unless a wholesale use tax is due pursuant to subsection b. of this section, if a distributor or wholesaler has not paid the wholesale sales tax imposed in subsection a. of this section upon a sale that is subject to the wholesale sales tax imposed in that subsection a., there is imposed upon the retail dealer or consumer chargeable for the sale a compensating use tax of $0.75 per ounce on the net weight, as listed by the manufacturer, of the moist snuff, and a proportionate rate on all fractional parts of an ounce of the net weight of moist snuff, which shall be collected in the manner provided in subsection b. of section 5 of P.L.1990, c.39 (C.54:40B-5).

4. Section 2 of P.L.1990, c.39 (C.54:40B-2) is amended to read as follows:

C.54:40B-2 Definitions.

2. As used in sections 2 through 14 and section 20 of this act:

"Consumer" means a person except a distributor, manufacturer or wholesaler who acquires a tobacco product for consumption, storage or use in this State;

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

"Distributor" means

a person engaged in the business of selling tobacco products in this State who brings, or causes to be brought into this State from without the State a tobacco product for sale within this State,

a person who makes or manufactures tobacco products in this State for sale in the State,

a person engaged in the business of selling tobacco products without this State who ships or transports tobacco products to a person in this State to be sold to a retail dealer, or

a person who receives tobacco products on which the tax has not or will not be paid by another distributor;

"Dry snuff" means any finely cut, ground or powdered smokeless tobacco that is intended to be sniffed through the nasal cavity, but does not include moist snuff;

"Manufacturer" means a person, wherever resident or located, who manufactures or produces, or causes to be manufactured or produced, a tobacco product and sells, uses, stores or distributes the product regardless of

whether it is intended for sale, use or distribution within or without this State;

"Moist snuff" means any finely cut, ground or powdered smokeless tobacco that is intended to be placed or dipped in the oral cavity, but does not include dry snuff;

"Person" means an individual, firm, corporation, copartnership, joint venture, association, receiver, trustee, guardian, executor, administrator, or any other person acting in a fiduciary capacity, or an estate, trust or group or combination acting as a unit, the State Government and any political subdivision thereof, and the plural as well as the singular, unless the intention to give a more limited meaning is disclosed by the context;

"Place of business" means a place where a tobacco product is sold or where a tobacco product is brought or kept for the purpose of sale or consumption, including so far as may be applicable a vessel, vehicle, airplane, train or vending machine;

"Retail dealer" means a person who is engaged in this State in the business of selling any tobacco product at retail. A person placing a tobacco product vending machine at, or on any premises shall be deemed to be a retail dealer for each vending machine;

"Sale" means any sale, transfer, exchange, barter, or gift, in any manner or by any means whatsoever;

"Tobacco product" means any product containing any tobacco for personal consumption including, but not limited to, cigars, little cigars, cigarillos, chewing tobacco, pipe tobacco, smoking tobacco and their substitutes, and dry and moist snuff, but does not include cigarette as defined in section 102 of the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.);

"Treasurer" means the State Treasurer;

"Use" means the exercise of any right or power incidental to the ownership of a tobacco product, including a sale at retail;

"Wholesale price" means the actual price for which a manufacturer sells tobacco products to a distributor; and

"Wholesaler" means a person, wherever resident or located, other than a distributor as defined herein, who:

a. purchases tobacco products from any other person who purchases from the manufacturer and who acquires tobacco products solely for the purpose of bona fide resale to retail dealers or to other persons for the purposes of resale only; or

b. services retail outlets by the maintenance of an established place of business for the purchase of tobacco products including, but not limited to,

the maintenance of warehousing facilities for the storage and distribution of tobacco products.

5. Section 3 of P.L.1990, c.39 (C.54:40B-3) is amended to read as follows:

C.54:40B-3 Tax of 30 percent imposed on wholesale sale, use, distribution of tobacco product.

3. a. There is imposed a tax of 30% upon the wholesale price upon the sale, use or distribution of a tobacco product within this State, except that if the product is moist snuff, the tax shall be imposed as provided in section 3 of P.L.2006, c.37 (C.54:40B-3.1).

b. Unless a tobacco product has already been or will be subject to the wholesale sales tax imposed in subsection a. of this section, if a distributor or wholesaler uses a tobacco product within this State, there is imposed upon the distributor or wholesaler a compensating use tax of 30% measured by the sales price of a similar tobacco product to a distributor, except that if the product is moist snuff, the tax shall be imposed as provided in section 3 of P.L.2006, c.37 (C.54:40B-3.1).

c. Unless a wholesale use tax is due pursuant to subsection b. of this section, if a distributor or wholesaler has not paid the wholesale sales tax imposed in subsection a. of this section upon a sale that is subject to the wholesale sales tax imposed in that subsection a., there is imposed upon the retail dealer or consumer chargeable for the sale a compensating use tax of 30% of the price paid or charged for the tobacco product, except that if the product is moist snuff, the tax shall be imposed as provided in section 3 of P.L.2006, c.37 (C.54:40B-3.1), which shall be collected in the manner provided in subsection b. of section 5 of this act.

6. Each retail dealer shall take a physical inventory of all moist snuff in that dealer's possession at the close of business on the last day of the first month following enactment or such other date as the director may prescribe, and shall file a return with the director in such form as the director may prescribe by the twentieth day of the third month following enactment, showing the amount of moist snuff in that dealer's possession and shall at the time of filing that return pay to the director the tax imposed pursuant to section 3 of P.L.2006, c.37 (C.54:40B-3.1) that is in excess of any tax already paid pursuant to section 3 of P.L.1990, c.39 (C.54:40B-3) on that moist snuff as reflected on that return.

7. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended to read as follows:

C.26:2H-18.58g Disposition of revenue collected from cigarette tax.

4. Notwithstanding the provisions of any other law to the contrary,

a. commencing July 1, 1998 and ending June 30, 2006: after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first $150,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58); and the next $390,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually for health programs, and the next $50,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually to the New Jersey Economic Development Authority for payment of debt service incurred by the authority for school facilities projects and in fiscal years commencing July 1, 2002 and July 1, 2003, the next $30,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be directed to the Department of Health and Senior Services to fund anti-smoking initiatives, except that the amount shall be $40,000,000 in the fiscal year commencing July 1, 2004 and $45,000,000 in the fiscal year commencing July 1, 2005; and

b. commencing with fiscal years beginning on and after July 1, 2006, after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first $365,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

8. This act shall take effect July 15, 2006 and sections 3 through 5 shall apply to sales, uses or distributions occurring on or after the first day of the first month following enactment.

Approved July 8, 2006.

CHAPTER 38

AN ACT imposing a surcharge on liability and increasing the minimum tax under the corporation business tax, amending and supplementing P.L.1945, c.162.

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

C.54:10A-5.40 Imposition of surtax on liability.

1. In addition to the franchise tax paid by each taxpayer determined pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), for privilege periods ending on or after July 1, 2006 but before July 1, 2009, each taxpayer shall be assessed and shall pay a surtax equal to 4% of the amount of the liability determined pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) remaining after application of any credits allowed against that liability other than credits for installment payments, estimated payments made with a request for an extension of time for filing a return, or overpayments from prior privilege periods. The surtax imposed under this section shall be due and payable in accordance with section 15 of P.L.1945, c.162 (C. 54:10A-15), and the surtax shall be administered pursuant to the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.). Notwithstanding the provisions of any other law to the contrary, no credits shall be allowed against the surtax liability computed under this section except for credits for installment payments, estimated payments made with a request for an extension of time for filing a return, or overpayments from prior privilege periods.

2. Section 5 of P.L.1945, c.162 (C.54:10A-5) is amended to read as follows:

C.54:10A-5 Franchise tax.

5. The franchise tax to be annually assessed to and paid by each taxpayer shall be the greater of the amount computed pursuant to this section or the alternative minimum assessment computed pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a); provided however, that in the case of a taxpayer that is a New Jersey S corporation, an investment company, a professional corporation organized pursuant to P.L.1969, c. 232 (C.14A:17-1 et seq.) or a similar corporation for profit organized for the purpose of rendering professional services under the laws of another state, or a person operating on a cooperative basis under Part I of Subchapter T of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1381 et seq., there shall be no alter-

native minimum assessment computed pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a).

The amount computed pursuant to this section shall be the sum of the amount computed under subsection (a) hereof, or in the alternative to the amount computed under subsection (a) hereof, the amount computed under subsection (f) hereof, and the amount computed under subsection (c) hereof:

(a) That portion of its entire net worth as may be allocable to this State as provided in section 6, multiplied by the following rates: 2 mills per dollar on the first $100,000,000.00 of allocated net worth; 4/10 of a mill per dollar on the second $100,000,000.00; 3/10 of a mill per dollar on the third $100,000,000.00; and 2/10 of a mill per dollar on all amounts of allocated net worth in excess of $300,000,000.00; provided, however, that with respect to reports covering accounting or privilege periods set forth below, the rate shall be that percentage of the rate set forth in this subsection for the appropriate year:

Accounting or Privilege Periods Beginning on or after:	The Percentage of the Rate to be Imposed Shall be:
April 1, 1983	75%
July 1, 1984	50%
July 1, 1985	25%
July 1, 1986	0

(b) (Deleted by amendment, P.L.1968, c.250, s.2.)

(c) (1) For a taxpayer that is not a New Jersey S corporation, 3 1/4% of its entire net income or such portion thereof as may be allocable to this State as provided in section 6 of P.L.1945, c.162 (C.54:10A-6) plus such portion thereof as is specifically assigned to this State as provided in section 5 of P.L.1993, c.173 (C.54:10A-6.1); provided, however, that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1967, the rate shall be 4 1/4%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1971, the rate shall be 5 1/2%; and that with respect to reports covering accounting or privilege periods or parts thereof ending after December 31, 1974, the rate shall be 7 1/2%; and that with respect to reports covering privilege periods or parts thereof ending after December 31, 1979, the rate shall be 9%; provided however, that for a taxpayer that has entire net income of $100,000 or less for a privilege period and is not a partnership the

rate for that privilege period shall be 7 1/2% and provided further that for a taxpayer that has entire net income of $50,000 or less for a privilege period and is not a partnership the rate for that privilege period shall be 6 1/2%.

(2) For a taxpayer that is a New Jersey S corporation:

(i) for privilege periods ending on or before June 30, 1998 the rate determined by subtracting the maximum tax bracket rate provided under N.J.S.54A:2-1 for the privilege period from the tax rate that would otherwise be applicable to the taxpayer's entire net income for the privilege period if the taxpayer were not an S corporation provided under paragraph (1) of this subsection for the privilege period; and

(ii) For a taxpayer that has entire net income in excess of $100,000 for the privilege period, for privilege periods ending on or after July 1, 1998, but on or before June 30, 2001, the rate shall be 2%,

for privilege periods ending on or after July 1, 2001, but on or before June 30, 2006, the rate shall be 1.33%,

for privilege periods ending on or after July 1, 2006, but on or before June 30, 2007, the rate shall be 0.67%, and

for privilege periods ending on or after July 1, 2007 there shall be no rate of tax imposed under this paragraph, and

(iii) For a taxpayer that has entire net income of $100,000 or less for privilege periods ending on or after July 1, 1998, but on or before June 30, 2001 the rate for that privilege period shall be 0.5%, and for privilege periods ending on or after July 1, 2001 there shall be no rate of tax imposed under this paragraph.

(iv) The taxpayer's rate determined under subparagraph (i), (ii) or (iii) of this paragraph shall be multiplied by its entire net income that is not subject to federal income taxation or such portion thereof as may be allocable to this State pursuant to sections 6 through 10 of P.L.1945, c.162 (C.54:10A-6 through 54:10A-10) plus such portion thereof as is specifically assigned to this State as provided in section 5 of P.L.1993, c.173 (C.54:10A-6.1).

(3) For a taxpayer that is a New Jersey S corporation, in addition to the amount, if any, determined under paragraph (2) of this subsection, the tax rate that would otherwise be applicable to the taxpayer's entire net income for the privilege period if the taxpayer were not an S corporation provided under paragraph (1) of this subsection for the privilege period multiplied by its entire net income that is subject to federal income taxation or such portion thereof as may be allocable to this State pursuant to sections 6 through 10 of P.L.1945, c.162 (C.54:10A-6 through 54:10A-10).

(d) Provided, however, that the franchise tax to be annually assessed to and paid by any investment company or real estate investment trust, which has elected to report as such and has filed its return in the form and within the

time provided in this act and the rules and regulations promulgated in connection therewith, shall, in the case of an investment company, be measured by 40% of its entire net income and 40% of its entire net worth, and in the case of a real estate investment trust, by 4% of its entire net income and 15% of its entire net worth, at the rates hereinbefore set forth for the computation of tax on net income and net worth, respectively, but in no case less than $250, and further provided, however, that the franchise tax to be annually assessed to and paid by a regulated investment company which for a period covered by its report satisfies the requirements of Chapter 1, Subchapter M, Part I, Section 852(a) of the federal Internal Revenue Code shall be $250.

(e) The tax assessed to any taxpayer pursuant to this section shall not be less than $25 in the case of a domestic corporation, $50 in the case of a foreign corporation, or $250 in the case of an investment company or regulated investment company. Provided however, that for privilege periods beginning in calendar year 1994 and thereafter the minimum taxes for taxpayers other than an investment company or a regulated investment company shall be as provided in the following schedule:

Period Beginning In Calendar Year	Domestic Corporation Minimum Tax	Foreign Corporation Minimum Tax
1994	$ 50	$100
1995	$100	$200
1996	$150	$200
1997	$200	$200
1998	$200	$200
1999	$200	$200
2000	$200	$200
2001	$210	$210

and for calendar year 2002 through 2005 the minimum tax for all taxpayers shall be $500, and for calendar year 2006 and thereafter the minimum tax shall be based on the New Jersey gross receipts, as defined for the purposes of this section pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a), of the taxpayer pursuant to the following schedule:

New Jersey Gross Receipts:	Minimum Tax:
Less than $100,000	$500
$100,000 or more but less than $250,000	$750

$250,000 or more but less than $500,000	$1,000
$500,000 or more but less than $1,000,000	$1,500
$1,000,000 or more	$2,000

provided however, that for a taxpayer that is a member of an affiliated group or a controlled group pursuant to section 1504 or 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1504 or 1563, and whose group has total payroll of $5,000,000 or more for the privilege period, the minimum tax shall be $2,000 for the privilege period.

(f) In lieu of the portion of the tax based on net worth and to be computed under subsection (a) of this section, any taxpayer, the value of whose total assets everywhere, less reasonable reserves for depreciation, as of the close of the period covered by its report, amounts to less than $150,000, may elect to pay the tax shown in a table which shall be promulgated by the director.

(g) Provided however, that for privilege periods beginning on or after January 1, 2001 but before January 1, 2002 the franchise tax annually assessed to and paid by a taxpayer:

(1) that is a limited liability company or foreign limited liability company classified as a partnership for federal income tax purposes shall be the amount determined pursuant to the provisions of section 3 of P.L.2001, c.136 (C.54:10A-15.6); or

(2) that is a limited partnership or foreign limited partnership classified as a partnership for federal income tax purposes shall be the amount determined pursuant to the provisions of section 4 of P.L.2001, c.136 (C.54:10A-15.7).

(h) Provided however, that for privilege periods beginning on or after January 1, 2002 the franchise tax annually assessed to and paid by a taxpayer that is a partnership shall be the amount determined pursuant to the provisions of section 12 of P.L.2002, c.40 (C.54:10A-15.11).

(i) Notwithstanding the provisions of subsection c. of this section to the contrary, and notwithstanding the provisions of subsection (B) of section 6 of P.L.1945, c.162 (C.54:10A-6) to the contrary, the amount by which the exclusion of receipts from the denominator of the sales fraction pursuant to subsection (B) of section 6 of P.L.1945, c.162 (C.54:10A-6) increases the liability of all of the members of an affiliated group or a controlled group pursuant to section 1504 or 1563 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1504 or 1563, over that liability calculated without application of the exclusion for a privilege period shall not exceed

$5,000,000. If the exclusion of receipts from the denominator of the sales fraction pursuant to subsection (B) would otherwise increase the liability of all of the members of an affiliated group or a controlled group by more than $5,000,000 for a privilege period, then the amount of liability in excess of $5,000,000 due to the exclusion of receipts from the denominator shall be abated, and the abated liability shall be allocated among the members of the affiliated group or the controlled group in proportion to each member's increase in liability due to the exclusion of such receipts; provided however, that the director may allow a single corporation within the affiliated group or controlled group to act as the key corporation for the abatement, in such manner as the director may prescribe.

3. This act shall take effect immediately.

Approved July 8, 2006.

CHAPTER 39

AN ACT concerning the certificate of ownership for certain motor vehicles and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-8.3 Definitions relative to certificate of ownership for certain motor vehicles.

1. As used in this act:

"Environmental Protection Administration average fuel efficiency rating" means the fuel efficiency rating for a particular motor vehicle calculated by adding together the Environmental Protection Administration's city and highway miles per gallon rating for that motor vehicle and dividing the resulting sum by two.

"Lease price" means the capitalized cost as stated in the agreement between a lessor and a lessee.

"Sales price" means the gross selling price appearing on a contract of sale.

C.39:3-8.4 Additional fee for certificate of ownership for certain motor vehicles; rules, regulations.

2. a. In addition to the motor vehicle registration fees imposed pursuant to the provisions of chapter 3 of Title 39 of the Revised Statutes, the chief

administrator shall, as a condition for the issuance and filing of a certificate of ownership pursuant to R.S.39:10-11, impose and collect an additional fee for any new passenger automobile having:

(1) A sales price or lease price of $45,000 or more, prior to any credit or offset of that sales price or lease price resulting from any rebate or trade-in which lowers the price of the passenger automobile to less than $45,000, or

(2) An Environmental Protection Administration average fuel efficiency rating of less than 19 miles per gallon.

b. The additional fee authorized under subsection a. of this section shall be determined by multiplying the sales price or lease price for the new passenger automobile, prior to any credit or offset for any rebate or trade-in, by 0.4 percent. The fee imposed under this section shall be separately stated on any bill, receipt, invoice or similar document provided to the purchaser and shall not be subject to the retail sales taxes imposed under the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

c. In the case of a new passenger automobile purchased or leased in New Jersey, the fee shall be collected by the person required to collect the retail sales tax imposed on that motor vehicle pursuant to subsection a. of section 3 of P.L.1966, c.30 (C.54:32B-3). That person shall be personally liable for collecting, reporting and remitting the fee in a manner prescribed by the chief administrator.

In the case of a new passenger automobile purchased or leased in a jurisdiction other than New Jersey, the fee and any forms required by the chief administrator shall be remitted directly to the chief administrator. If the seller or lessor of the new passenger automobile in that other jurisdiction is required to collect the retail sales tax imposed on that motor vehicle pursuant to subsection a. of section 3 of P.L.1966, c.30 (C.54:32B-3) and is authorized to apply for the issuance and filing of a certificate of ownership pursuant to R.S.39:10-11, that seller or lessor may collect, report and remit the fee in a manner prescribed by the chief administrator.

d. The fee authorized under this section shall not be imposed on the sale or lease of any new passenger automobile having a sale price or lease price, as the case may be, over $45,000 that:

(1) Has an Environmental Protection Administration average fuel efficiency rating of 40 or more miles per gallon; or

(2) Is certified as a zero emission vehicle by the Commissioner of Environmental Protection pursuant to the provisions of P.L.2003, c.266 (C.26:2C-8.15 et al.).

e. The chief administrator, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

3. This act shall take effect immediately and shall apply to new passenger automobiles for which the issuance and filing of a certificate of ownership is required by the chief administrator on or after July 15, 2006.

Approved July 8, 2006.

CHAPTER 40

AN ACT changing the phase-out schedule of the transitional energy facility assessment (TEFA) unit rate surcharges on certain energy sales and amending P.L.1997, c.162.

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

1. Section 67 of P.L.1997, c.162 (C.48:2-21.34) is amended to read as follows:

C.48:2-21.34 Definitions relative to phase out schedule of transitional energy facility assessment unit rate surcharges; formulas; adjustments to rates.

67. a. As used in this section:

"Base rates" means the rates, including minimum bills, charged for utility commodities or service subject to the board's jurisdiction, other than the rates charged under a utility's levelized energy adjustment clause, hereinafter "LEAC," or levelized gas adjustment clause, hereinafter "LGAC," or equivalent rate provision;

"Base year" means the calendar year 1996;

"Board" means the Board of Public Utilities;

"Sales and use tax" means the sales and use tax liability computed on sales and use of energy and utility service as defined in section 2 of P.L.1966, c.30 (C.54:32B-2);

"Utility" means a public utility subject to regulation by the board pursuant to Title 48 of the Revised Statutes; and

"Utility service" means the supply, transmission, distribution or transportation of electricity, natural gas or telecommunications services or any combination of such commodities, processes or services.

b. No later than 60 days after the date this act is enacted, each electric, gas and telecommunications utility subject to the provisions of this act shall file with the board, and shall simultaneously provide copies to the Director of the Division of the Ratepayer Advocate, revised tariffs and such other supporting schedules, narrative and documentation required by this act, as set forth in this section, to reflect in the utility's rates the changes in tax liability effected pursuant to this act. No later than 90 days after the date of the utility's filing, and after determining that the filing and the rate changes provided for therein are in compliance with the provisions of this act, the board shall approve the utility's filing and associated rates for billing to the utility's customers, effective for utility service rendered on and after January 1, 1998. If the board determines that the utility's filing and the associated rate changes provided for therein are not in compliance with the provisions of this act, the board shall require the utility to amend or otherwise modify its filing to render it in compliance. The board may also permit the rates provided for in the utility's filing to be implemented on an interim basis pending the board's final determination in the event the board, in its discretion, determines that due to the filing's complexity, or for other valid reasons, including but not limited to the enactment of this act after June 30, 1997, additional time is needed for the board to complete its review of the filing. If the rates approved by the board upon its final determination are less than the rates implemented on an interim basis, the difference shall be refunded to the utility's customers with interest computed in accordance with N.J.A.C.14:3-7.5(c). The rate adjustments implemented pursuant to this act shall not constitute a fixing of rates pursuant to R.S.48:2-21 and shall not be subject to the hearing requirements set forth in that section.

c. As of the effective date of the rate changes implemented pursuant to this act, and except for rates applicable to sales that were or are currently exempt from the unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) and rates applicable to sales to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies, the board shall remove from the base rates of each electric public utility and gas public utility the unit tax rates included therein for the recovery of those unit-based energy taxes, and include therein provision for the recovery of corporation business tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.), and additionally shall authorize the collection of the sales and use tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.), as follows:

(1) The base rates of each gas and electric utility shall be reduced by the amount of the unit-based energy taxes per kilowatthour or per therm included therein.

(2) The provision for corporation business tax initially included in the base rates of each gas and electric utility shall be based on the utility's after-tax net income earned in the base year as booked, unless the board determines, in its discretion, that such income as booked is unusually high or low or otherwise unrepresentative of the utility's prospective net income, in which case the utility's base year net income shall be adjusted as determined by the board.

To permit the board to make this determination, in addition to including in its filing schedules showing its net income earned in the base year as booked, the utility shall include adjustments to such booked income to eliminate the effect of revenues, expenses and extraordinary or other charges that are non-recurring, atypical, or both, including, but not limited to an adjustment to eliminate the effect of unusually hot or cold weather, and that would otherwise make the utility's base year net income unusually high or low or otherwise unrepresentative of the utility's prospective net income. If the adjustment is being made to eliminate the effect of unusually hot or cold weather, associated revenue and expense adjustments shall also be made. Subject to the board's approval, such adjusted income shall be the basis for the calculation of the initial provision for corporation business tax to be included in the utility's base rates.

The utility shall also include a calculation of its rate of return on common equity achieved in the base year, both as booked and as adjusted in accordance with the foregoing. The calculation shall be made employing the methodology set forth in N.J.A.C.14:12-4.2(b)1, and shall separately show the effect of reflecting adjustments to the calculation, if any, that may have been employed historically in establishing the utility's rate of return on common equity allowed for ratemaking purposes. The utility's filing shall also include copies of its audited financial statements for the base year and associated quarterly and other reports filed with the Securities and Exchange Commission.

To reflect the provision for corporation business tax in base rates, the demand charges, or charges per kilowatt, decatherm or million cubic feet; the energy charges, or charges per kilowatthour or per therm; and the customer charges, or charges other than demand and energy charges, set forth in each base rate schedule, and the floor price employed in parity rate schedules, included in the utility's tariff filed with and approved by the board shall be increased by amounts determined by multiplying such charges by the adjustment factor, "A e, g" derived below:

$$A\ e, g = \frac{((I\ e, g) \times [Rs/(1-Re)])}{(Br\ e,g)}$$

where:

"A e, g" means the adjustment factor applicable to electric base rates (e), gas base rates (g), or both, other than rates applicable to sales that were exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies;

"I e, g" means the utility's base year after-tax net income from electric or gas sales, or both, and transportation service subject to the board's jurisdiction and other operating revenue if such revenue is reflected in the utility's cost of service for ratemaking purposes, adjusted as approved by the board;

"Br e, g" means the utility's base year revenue from base rates applicable to electric or gas sales, or both, and transportation service subject to the board's jurisdiction, but excluding sales that were exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies;

"Rs" means the corporation business tax rate, expressed as a decimal;

"Rf" means the applicable federal corporation income tax rate expressed as a decimal; and

"Re" equals Rs + Rf(1-Rs).

The utility shall account for the changes in tax liability provided for by this act effective January 1, 1998. Such accounting shall include the recording on the utility's income statement and balance sheet of deferred corporation business tax defined, for book accounting purposes, as differences in corporation business tax expense arising from timing differences in the recognition of revenue and expenses for book and tax purposes.

(3) When billed to the utility's customers, the adjusted base rate charges determined pursuant to paragraphs (1), (2), and (4) of this subsection, and the charges determined pursuant to the utility's levelized energy adjustment clause, levelized gas adjustment clause, or both, as determined both upon the effective date of the rate changes authorized by this act and as revised prospectively in accordance with the utility's tariff filed with and approved by the board, and the transitional energy facility assessment unit rate surcharges, hereinafter, "TEFA unit rate surcharges," determined in accordance with subsection d. of this section, shall be increased by an amount determined by multiplying such charges by the sales and use tax

rate imposed under P.L.1966, c.30 (C.54:32B-1 et seq.). In addition to the utility's rates for service included in its tariff, for informational purposes the tariff shall include such rates after application of the sales and use tax authorized by this section.

(4) The utility's filing with the board to implement the rate changes provided for by this act shall include an analysis, description, and quantification of the effect of the changes in rates and tax payments implemented pursuant to this act on the utility's requirement for cash working capital, and if such requirement is less than the cash working capital allowed for the collection and payment of unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) in determining the utility's base rates in effect prior to the rate changes implemented pursuant to this act, and to the extent the working capital reduction is not offset by a reduction in net deferred taxes as provided for below, such base rates shall be reduced by the reduction in the utility's revenue requirement associated with the remaining reduction in the working capital requirement not so offset, if any. The reduction in working capital shall be determined by using the same methodology employed in establishing the working capital allowance related to unit-based energy taxes reflected in the utility's base rates in effect prior to the rate changes implemented pursuant to this act. The reduction in the utility's revenue requirement associated with the reduced working capital requirement shall be calculated using the utility's last overall rate of return allowed by the board, including provision for federal income taxes and the corporation business tax implemented pursuant to this act payable on the equity portion of the return, and shall be implemented on the effective date of the rate changes provided for, and in the manner set forth in paragraph (2) of this subsection.

If the utility's requirement for cash working capital is increased as a result of the changes in rates and tax payments implemented pursuant to this act, the utility may accrue carrying costs, calculated at its last overall rate of return allowed by the board and applied on a simple annual interest basis without compounding, on the increased working capital requirement and request recovery of such carrying costs in a rate proceeding before the board.

The working capital-related base rate changes and carrying cost accruals shall be subject to the board's approval, and shall not be included in the determination of the TEFA unit tax surcharges provided for in subsection d. of this section.

The utility's filing with the board to implement the rate changes provided for by this act shall also include an analysis, description and quantification of net deferred taxes. For the purposes of this section, "net deferred

taxes" means deferred corporation business taxes, net of federal deferred income taxes, associated with the tax and rate changes implemented pursuant to this act, including deferred corporation business tax recorded in accordance with section 4 of P.L.1945, c.162 (C.54:10A-4), projected for the calendar year in which this act takes effect and for each year of the tax life of the asset giving rise to the deferred corporation business taxes pursuant to section 4 of P.L.1945, c.162 (C.54:10A-4).

If the change in such net deferred taxes projected for the calendar year in which the rate changes implemented pursuant to this act takes effect is negative and if the utility's requirement for working capital is reduced as a result of the changes in rates and tax payments implemented pursuant to this act, the working capital-related rate reduction that otherwise would have been implemented pursuant to this subsection shall be treated as set forth in subparagraph (a) or (b) of this paragraph. For the purposes of this act, a change in net deferred taxes is considered negative when it reduces an existing deferred tax liability or creates a deferred tax asset on the utility's balance sheet. An appropriate rate adjustment for the working capital impacts of this act, reflecting all relevant facts and circumstances at the time of the adjustment, shall be made in the year when the earlier of the following events occur:

(a) The year in which the reduction in carrying costs assumed for the rate reduction for working capital that would have been made but for this paragraph is no longer required to offset, on a present value basis, the annual carrying costs calculated on the accumulated balance of negative net deferred taxes projected to be recorded by the utility, its successors and assigns, over the tax life of the single asset account giving rise to such net deferred taxes pursuant to section 4 of P.L.1945, c.162 (C.54:10A-4). For the purposes of this subparagraph (a):

(i) Carrying costs and present values are to be computed using the weighted average after-tax rate of return approved by the board in the utility's last base rate proceeding.

(ii) The accumulated balance of such negative net deferred taxes shall include net deferred taxes associated with all assets and liabilities originally placed in service by the utility and held by the utility or a company affiliated with the utility regardless of whether or not such assets continue to be subject to regulation by the New Jersey Board of Public Utilities.

(b) The year in which both an appropriate working capital adjustment and the accumulated balance of negative deferred taxes, as described in (ii) of subparagraph (a) of this paragraph (4), are reflected in the utility's rate base in a rate proceeding before the board. It is the intent of this section to

fully compensate utilities on a present value basis, for the carrying costs associated with negative net deferred taxes arising as a result of this act, and to remit to ratepayers any credit due them as a result of any overcompensation as may have occurred due to the treatment of working capital and deferred taxes as set forth herein or in subparagraph (a) of this paragraph (4). At the time the above base rate adjustment is made, an analysis shall be made to determine if such carrying costs have been or will be fully recovered pursuant to the intent of this provision and any additional credit or charge to ratepayers to adjust for ratepayer overpayments or underpayments, if any shall be addressed.

If the change in net deferred taxes is positive, the increase shall be added to, or increase, the reduction in the utility's requirement for working capital if the requirement is reduced as a result of the rate and tax payment changes implemented pursuant to this act, or subtracted from the working capital requirement if it is increased, and the resultant net working capital requirement shall be reflected in rates or accrue carrying costs in the same manner as prescribed for changes in the utility's requirement for working capital above.

The deferred tax-related rate changes or carrying cost accruals shall be subject to the board's approval and shall not be included in the determination of the TEFA unit rate surcharges provided for in subsection d. of this section.

d. (1) Electric and gas utilities shall file, for the board's review and approval, initial TEFA unit rate surcharges determined by deducting from each unit-based energy tax unit tax rate effective January 1, 1997 the following: (a) An amount per kilowatthour or per therm determined by multiplying the total revenue received in the base year from sales to which that unit tax rate would have been applicable by the factor Ru/(1 + Ru), where Ru is the sales and use tax rate imposed under P.L.1966, c.30 (C.54:32B-1 et seq.) expressed as a decimal, and dividing the result by the kilowatthours or therms billed in that unit tax rate class in the base year; and (b) An amount per kilowatthour or per therm determined by dividing the revenue that would have been received in the base year from the inclusion, in the manner prescribed in paragraph (2) of subsection c. of this section, of the corporation business tax in the rates applicable to sales billed in that unit tax rate class by the kilowatthours or therms billed in that rate class. In each case, the determination shall reflect the effect of adjustments that affect the level of sales and revenue, if any, as provided in subsection c. of this section. Of the resultant rate per kilowatthour or per therm, the portion for recovery of the utility's transitional energy facilities assessment liability shall be determined by multiplying such rate by the factor (1 - Rs), where Rs is the corporation business tax rate expressed as a decimal. The TEFA unit rate surcharges shall constitute non-bypassable wires and/or mains

charges of the utility, and shall be applied to all sales within the customer classes to which they apply, regardless of whether such customers are purchasing bundled or unbundled services from the utility, but shall not be applied to sales that were or are currently exempt from unit-based energy taxes formerly imposed pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) or to which section 59 of P.L.1997, c.162 (C.48:2-21.31) applies.

If, following the effective date of this act, a customer taking bundled service from the utility shall elect to obtain its requirements from another supplier and take transportation or wheeling service from the utility, the TEFA unit rate surcharge applicable to the bundled service shall continue to apply to the transportation or wheeling service. The TEFA components of the unit rate surcharges determined pursuant to this subsection (the components of the surcharges remaining after deducting the provision for corporation business tax included therein) shall be used to determine the transitional energy facility assessment liability pursuant to sections 36 through 49 of P.L.1997, c.162 (C.54:30A-100 through C.54:30A-113).

(2) Unless reduced pursuant to paragraphs (3) and (4) of this subsection, the initial TEFA unit rate surcharges are to be reduced annually on January 1, 1999 through January 1, 2001 by the following percentages:

January 1, 1999,	20%
January 1, 2000,	40%
January 1, 2001,	60%

(3) For each year beginning with calendar year 1998 and ending with calendar year 2001, the TEFA surcharge adjustment shall be determined as the difference between:

(a) The sum of the estimated, or actual when known, (i) TEFA liabilities, as defined in section 43 of P.L.1997, c.162 (C.54:30A-107), and sales and use taxes collected and corporation business taxes booked for the year 1998 by the gas and electric utilities and other entities subject to the TEFA provisions of this act (the year 1998 liability), and (ii) the TEFA liabilities of those utilities and entities in all years following the year 1998 through the year in which a determination is being made pursuant to this subsection (the determination year); and

(b) The sum of (i) the total of each remitter's base year liability, as defined in section 37 of P.L.1997, c.162 (C.54:30A-101), and (ii) the cumulative TEFA obligation, defined as the sum through the determination year of the amounts calculated by multiplying, for the applicable year, the percentage in the second column of the following table:

Determination Year	% of Year 1998 TEFA
1999	80%
2000	60%

by the Year 1998 TEFA,

where the Year 1998 TEFA is calculated as the total of each remitter's base year liability less the sales and use taxes collected and the corporation business taxes booked for the privilege period ending in calendar year 1998 by the gas and electric utilities and other entities subject to the TEFA provisions of this act. For purposes of this subsection, the amounts assumed for the determination year, including the year 1998 liability when first determined for the purposes of this subsection, shall be estimates based on nine months of actual data through and including the month of September, and three months of data forecast for the months of October through December.

(4) If the TEFA surcharge adjustment determined for the determination year is positive (that is, if the amount determined pursuant to subparagraph (a) of paragraph (3) of this subsection is greater than the amount determined pursuant to subparagraph (b) of paragraph (3) of this subsection), no reduction shall be made in the reduction in the TEFA unit rate surcharges provided for in paragraph (2) of this subsection for the year following the determination year. If the TEFA surcharge adjustment is negative, the reduction in the TEFA unit rate surcharges that otherwise would have been implemented on January 1 of the year following the determination year pursuant to paragraph (2) of this subsection shall be reduced by an amount (by percentage points) equal to the percentage the TEFA surcharge adjustment is of the total of the base year transitional energy facility assessment of all remitters, as defined in section 37 of P.L.1997, c.162 (C.54:30A-101), provided however, that such reduction in the reduction in the TEFA unit rate surcharges shall not exceed the percentage shown in paragraph (2) of this subsection for that year; and provided further that in the first two years, that such reduction shall not exceed 10 percentage points for each year.

(5) (a) The TEFA unit rate surcharges for calendar years 2002 through 2008 shall be the same as the TEFA unit rate surcharges in effect for calendar year 2001.

(b) The TEFA unit rate surcharges in effect for calendar year 2008 shall be reduced on January 1, 2009 and January 1, 2010 by the following percentages:

January 1, 2009	25%
January 1, 2010	50%

e. The utility's filing with the board to implement the rate changes provided for by this act shall include proof of revenue schedules that show for each rate schedule included in the utility's tariff, aggregated by unit-based energy tax unit tax classes, the number of customers billed under the rate schedule, the billing determinants of such customers (i.e. the kilowatts of billing demand and kilowatthours of electric energy consumed, and the million cubic feet/decatherm subject to gas capacity-related charges and decatherm of gas consumed) and the associated revenue, both as booked in the base year and on a pro forma basis reflecting the rate changes implemented pursuant to this act. The proof of revenue shall additionally show the amount of unit-based energy taxes included in the base year revenue as booked, the unit-based energy taxes that would have been collected at the unit-based energy tax unit tax rates effective January 1, 1997, if different, as well as the corporation business tax, sales and use tax and transitional energy facility assessment revenue that would have been collected or received on a pro forma basis if the rates implemented pursuant to this act had been in effect in the base year.

f. The board may, in its discretion, permit the rate changes provided for this act to be implemented as part of a pending base rate case or other proceeding in which the utility's rates are to be changed, provided that the effective date of the changes is not delayed beyond the date on which the changes would have been implemented under subsection c. of this section. The board may also, pursuant to its powers provided by law, permit or require further modifications in the implementation of this section to address unforeseen consequences arising out of the implementation of this act.

g. Customers of the utility who are exempt from the sales and use tax imposed on sales of gas and/or electricity or as a result of rate changes occurring prior to the effective date of this act or for other valid reasons are due a refund of sales or use tax inadvertently imposed on such customers as a result of implementing the rate changes provided for by this act shall file with the State Treasurer to obtain such refunds. The State Treasurer shall promptly notify the utility of customers granted refunds under this provision in order to prevent additional collections of the sales and use tax from such customers.

h. Public utilities providing telecommunications service regulated by the board shall file for the board's review and approval revised tariffs that eliminate from the rates applicable to such service the excise tax liability

included therein pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.), and shall include therein the corporation business tax calculated using the methodology used in calculating the adjustment factor set forth in paragraph (2) of subsection c. of this section. Subsection d. of this section shall not apply to telecommunication utilities, and telecommunication utilities subject to a plan of regulation other than rate base/rate of return shall additionally not be required to file the rate of return information required by paragraph (2) of subsection c. Such utilities shall, however, include a narrative and/or other documentation as required by the board to support the reasonableness of the after-tax income, which may be adjusted to eliminate the effect of non-recurring or other atypical events, on which the corporate business tax inclusion in rates is based. Telecommunications utilities shall comply with all other applicable provisions of this section.

i. (1) The board shall not adjust the rates of a public utility, as provided in subsections c. and d. of this section, for a purchase by a cogenerator of natural gas and the transportation of that gas, that is exempt from sales and use tax pursuant to paragraph (2) of subsection b. of section 26 of P.L.1997, c.162 (C.54:32B-8.46). The board shall not allocate, in any future rate case, any sales and use tax, corporation business tax, or transitional energy facility assessment to rates for this purpose.

(2) The board shall adjust the rates, as provided in subsection c. of this section, for a purchase by a cogenerator of any quantity of natural gas and the transportation of that gas that is not exempt from sales and use tax pursuant to paragraph (2) of subsection b. of section 26 of P.L.1997, c.162 (C.54:32B-8.46).

(3) For the purposes of this section, "cogenerator" means a person or business entity that owns or operates a cogeneration facility in the State of New Jersey, which facility is a plant, installation or other structure whose primary purpose is the sequential production of electricity and steam or other forms of useful energy which are used for industrial, commercial, heating or cooling purposes, and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub.L.95-617.

2. This act shall take effect immediately.

Approved July 8, 2006.

CHAPTER 41

AN ACT imposing a gross receipts tax on the retail sale of fur clothing in this State and a use tax on the use of certain fur clothing in this State for which a tax has not been paid, and supplementing Title 54 of the Revised Statutes.

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

C.54:32G-1 Retail sales of fur clothing, gross receipts tax, use tax imposed.

1. a. (1) There is imposed on a person making retail sales of fur clothing a tax at the rate of 6% of the gross receipts from retail sales of fur clothing in this State.

(2) Gross receipts from retail sales of fur clothing in this State shall not include receipts from retail sales of fur clothing which the seller delivers to a common carrier for delivery outside this State, places in the United States mail or parcel post directed to the purchaser outside this State, or delivers to the purchaser outside this State by means of the seller's own delivery vehicles, and which is not returned to a point within this State, except in the course of interstate commerce.

b. (1) A person that receives fur clothing for use in this State other than from a person that paid the tax under subsection a. of this section is subject to tax at the rate imposed under subsection a. of this section, measured by the consideration given or contracted to be given for the fur clothing including delivery charges made by the seller but excluding any credit for property of the same kind accepted in part payment and intended for resale.

(2) The use of fur clothing in this State shall not be subject to the tax imposed pursuant to paragraph (1) of this subsection in respect of the use of fur clothing purchased by the user while a nonresident of this State and in respect of the use of fur clothing to the extent that a gross receipts, retail sales or use tax was legally due and paid thereon, without any right to a refund or credit thereof, to any other state or jurisdiction within any other state; provided however, that to the extent that the tax imposed by this section is at a higher rate than the rate of tax in the first taxing jurisdiction, this exemption shall be inapplicable and the tax imposed by paragraph (1) of this subsection shall apply to the extent of the difference in such rates.

c. As used in this section, "fur clothing" means an article exempt from the tax imposed pursuant to the "Sales and Use Tax Act" pursuant to section 16 of P.L.1980, c.105 (C.54:32B-8.4) that is made of fur on the hide or pelt of an animal or animals and that fur is the component material of chief value

of the article. Other terms have the meaning given those terms pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

d. The Director of the Division of Taxation shall collect and administer the tax imposed pursuant to this section. In carrying out the provisions of this section, the director shall have all of the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The tax shall be reported and paid to the director on a quarterly basis in a manner prescribed by the Director of the Division of Taxation.

e. The tax imposed pursuant to this section shall be governed by the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

f. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the director may adopt immediately upon filing with the Office of Administrative Law such regulations as the director deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 180 days following enactment of P.L.2006, c.41 (C.54:32G-1) and may thereafter be amended, adopted or readopted by the director in accordance with the requirements of P.L.1968, c.410.

2. This act shall take effect July 15, 2006 and apply to gross receipts from sales made on and after that date.

Approved July 8, 2006.

CHAPTER 42

AN ACT increasing the $2 per day rental motor vehicle surcharge to $5 per day and amending P.L.2002, c.34.

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

1. Section 54 of P.L.2002, c.34 (C.App.A:9-78) is amended to read as follows:

App.A:9-78 Definitions relative to fees charged in renting motor vehicles; $2 to fund Domestic Security Account.

54. a. As used in this section:

"Rental company" means a person engaged in the business of renting motor vehicles.

"Rental motor vehicle" means a passenger automobile, truck or semi-trailer that is rented without a driver and used in the transportation of persons or property other than commercial freight.

b. Each rental company doing business in this State shall pay a fee for each rental motor vehicle that the company shall have rented from a location in this State under the terms of a rental agreement for a period of not more than 28 days. The amount of the fee shall be $5 for each day or part thereof that each such vehicle was rented. The fee shall be separately stated to the person to whom the motor vehicle is rented and shall not be included in the receipts subject to the taxes imposed pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

The director of the Division of Taxation in the Department of the Treasury shall collect and administer the fee; in so doing, the director shall have all the powers granted pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.). The director may, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), make, adopt, amend or repeal such rules and regulations as the director finds necessary to carry out the provisions of this subsection.

c. There is established in the General Fund the New Jersey Domestic Security Account, which shall be a dedicated nonlapsing account. Amounts paid to the State Treasurer from the first $2 of the fee for each day or part thereof that a rental motor vehicle was rented pursuant to subsection b. of this section shall be deposited into the account upon receipt. Moneys in the account, including interest thereon, shall be available exclusively for appropriation to support medical emergency disaster preparedness for bioterrorism, security coverage at nuclear power facilities, State Police salaries related to Statewide security services, and counter-terrorism programs.

2. This act shall take effect immediately.

Approved July 8, 2006.

CHAPTER 43

AN ACT concerning the annual assessment on health maintenance organizations and amending P.L.2004, c.49.

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

1. Section 3 of P.L.2004, c.49 (C.26:2J-47) is amended to read as follows:

C.26:2J-47 Special interim assessment on HMOs, annual assessment beginning in FY2007; rates.

3. a. (1) For the fiscal years 2005 and 2006, the Commissioner of Banking and Insurance shall issue, in accordance with the provisions of this section, a special interim assessment of one percent, and in fiscal year 2007 and each fiscal year thereafter, an annual assessment, in the amount of two percent, on the net written premiums received by each health maintenance organization granted a certificate of authority to operate in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), to be allocated to the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) for the purpose of providing charity care payments to hospitals in accordance with the formula used for the distribution of charity care subsidies that are provided pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.).

(2) "Net written premiums received" means direct premiums as reported on the annual financial statement submitted pursuant to section 9 of P.L.1973, c.337 (C.26:2J-9), and to the commissioner on a quarterly basis.

b. The commissioner shall certify the amount of the annual assessment issued to each health maintenance organization as calculated pursuant to subsection a. of this section. Each health maintenance organization shall remit the amount so certified on a quarterly basis in each fiscal year to the Department of Banking and Insurance in accordance with the procedures established in P.L.1995, c.156 (C.17:1C-19 et seq.), and as prescribed by the commissioner, who may adjust the quarterly payments from time to time as necessary to meet the current and estimated assessment obligation of each health maintenance organization in each fiscal year.

c. Amounts collected by the commissioner shall be allocated to the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) and used solely for the purpose of providing charity care payments to hospitals in accordance with the formula used for the distribution of charity care subsidies that are provided pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.).

d. (1) A health maintenance organization shall not impose any additional premium, fee or surcharge on its premium or enrollee charge to recoup any assessment paid pursuant to this section.

(2) The provisions of paragraph (1) of this subsection shall not apply to a health maintenance organization with respect to any federally funded program underwritten by that health maintenance organization.

2. This act shall take effect immediately, and shall apply to assessments made for fiscal year 2007 and thereafter.

Approved July 8, 2006.

CHAPTER 44

AN ACT concerning the sales and use tax, amending and supplementing P.L.1966, c.30, and amending P.L.1980, c.105, P.L.1993, c.373, P.L.2003, c.114, and P.L.2005, c.126.

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

1. Section 2 of P.L.1966, c.30 (C.54:32B-2) is amended to read as follows:

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) "Person" includes an individual, trust, partnership, limited partnership, limited liability company, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, fiduciary and any other legal entity.

(b) "Purchase at retail" means a purchase by any person at a retail sale.

(c) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(d) "Receipt" means the amount of the sales price of any tangible personal property or digital property or service taxable under this act.

(e) "Retail sale" means any sale, lease, or rental for any purpose, other than for resale, sublease, or subrent.

(1) For the purposes of this act a sale is for "resale, sublease, or subrent" if it is a sale (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, including the conversion of natural gas into another intermediate or end product, other than electricity or thermal energy, produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term "retail sale" includes: sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) (Deleted by amendment, P.L.2005, c.126).

(4) The term "retail sale" does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the seller.

(f) "Sale, selling or purchase" means any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" includes electricity, water, gas, steam, and prewritten computer software including prewritten computer software delivered electronically.

(h) "Use" means the exercise of any right or power over tangible personal property, digital property, services to property, or services by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any distribution, any installation, any affixation to real or personal property, or any consumption of such property. Use also includes the exercise of any

right or power over intrastate or interstate telecommunications and prepaid calling services. Use also includes the exercise of any right or power over utility service. Use also includes the derivation of a direct or indirect benefit from a service.

(i) "Seller" means a person making sales, leases or rentals of personal property or services.

(1) The term "seller" includes:

(A) A person making sales, leases or rentals of tangible personal property, digital property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State or having an agent maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property, digital property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons;

(F) (Deleted by amendment, P.L.2005, c.126);

(G) A person who sells, stores, delivers or transports energy to users or customers in this State whether by mains, lines or pipes located within this State or by any other means of delivery;

(H) A person engaged in collecting charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and

(I) A person engaged in the business of parking, storing or garaging motor vehicles.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, ped-

dler or canvasser as the agent of the seller, distributor, supervisor or employer under whom the agent operates or from whom the agent obtains tangible personal property or digital property sold by the agent or for whom the agent solicits business, the director may, in the director's discretion, treat such agent as the seller jointly responsible with the agent's principal, distributor, supervisor or employer for the collection and payment over of the tax. A person is an agent of a seller in all cases, but not limited to such cases, that: (A) the person and the seller have the relationship of a "related person" described pursuant to section 2 of P.L.1993, c.170 (C.54:10A-5.5); and (B) the seller and the person use an identical or substantially similar name, tradename, trademark, or goodwill, to develop, promote, or maintain sales, or the person and the seller pay for each other's services in whole or in part contingent upon the volume or value of sales, or the person and the seller share a common business plan or substantially coordinate their business plans, or the person provides services to, or that inure to the benefit of, the seller related to developing, promoting, or maintaining the seller's market.

(j) "Hotel" means a building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) "Occupancy" means the use or possession or the right to the use or possession, of any room in a hotel.

(l) "Occupant" means a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) "Permanent resident" means any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) "Room" means any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) "Admission charge" means the amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) "Amusement charge" means any admission charge, dues or charge of a roof garden, cabaret or other similar place.

(q) "Charge of a roof garden, cabaret or other similar place" means any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) "Dramatic or musical arts admission charge" means any admission charge paid for admission to a theater, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) "Lessor" means any person who is the owner, licensee, or lessee of any premises, tangible personal property or digital property which the person leases, subleases, or grants a license to use to other persons.

(t) "Place of amusement" means any place where any facilities for entertainment, amusement, or sports are provided.

(u) "Casual sale" means an isolated or occasional sale of an item of tangible personal property or digital property by a person who is not regularly engaged in the business of making retail sales of such property where the item was obtained by the person making the sale, through purchase or otherwise, for the person's own use.

(v) "Motor vehicle" includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" includes: every seller of tangible personal property, digital property or services; every recipient of amusement charges; every operator of a hotel; every seller of telecommunications; every recipient of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every recipient of charges for parking, storing or garaging a motor vehicle. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership.

(x) "Customer" includes: every purchaser of tangible personal property, digital property or services; every patron paying or liable for the payment of any amusement charge; every occupant of a room or rooms in a hotel; every person paying charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every purchaser of parking, storage or garaging a motor vehicle.

(y) "Property and services the use of which is subject to tax" includes: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under sec-

tion 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property or digital property the use of which is subject to tax under section 6 or will become subject to tax when such property is distributed within the State or is received by or comes into possession or control of such person within the State; (3) intrastate or interstate telecommunications sourced to this State pursuant to section 29 of P.L.2005, c.126 (C.54:32B-3.4); (4) (Deleted by amendment, P.L.1995, c.184); (5) energy sold, exchanged or delivered in this State for use in this State; (6) utility service sold, exchanged or delivered in this State for use in this State; (7) direct mail processing services in connection with direct mail distributed in this State; (8) (Deleted by amendment, P.L.2005, c.126); and (9) services the benefit of which are received in this State.

(z) "Director " means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A "lease or rental" may include future options to purchase or extend.

(1) "Lease or rental" does not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or one percent of the total required payments; or

(C) Providing tangible personal property or digital property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set-up the tangible personal property or digital property.

(2) "Lease or rental" does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. s.7701(h)(1).

(3) The definition of "lease or rental" provided in this subsection shall be used for the purposes of this act regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the federal Internal Revenue Code or other provisions of federal, state or local law.

(bb) (Deleted by amendment, P.L.2005, c.126).

(cc) "Telecommunications" means the act or privilege of originating or receiving messages or information through the use of any kind of one-way or two-way communication; including but not limited to voice, video, facsimile, teletypewriter, computer, mobile telecommunications service or any other type of communication; using electronic or electromagnetic methods, and all services and equipment provided in connection therewith or by means thereof. "Telecommunications" shall not include:

(1) one-way radio or television broadcasting transmissions available universally to the general public without a fee;

(2) purchases of telecommunications by a telecommunications provider for use as a component part of telecommunications provided to an ultimate retail consumer who (A) originates or terminates the taxable end-to-end communications or (B) pays charges exempt from taxation pursuant to paragraph (5) of this subsection;

(3) services provided by a person, or by that person's wholly owned subsidiary, not engaged in the business of rendering or offering telecommunications services to the public, for private and exclusive use within its organization, provided however, that "telecommunications" shall include the sale of telecommunications services attributable to the excess unused telecommunications capacity of that person to another;

(4) charges in the nature of subscription fees paid by subscribers for cable television service;

(5) charges subject to the local calling rate paid by inserting coins into a coin operated telecommunications device available to the public; and

(6) purchases of telecommunications using a prepaid calling service.

(dd) "Interstate telecommunication" means any telecommunication that originates or terminates inside this State, including international telecommunication. In the case of mobile telecommunications service, "interstate telecommunication" means any mobile telecommunications service that originates in one state and terminates in another state, territory, or foreign country that is provided to a customer with a place of primary use in this State.

(ee) "Intrastate telecommunication" means any telecommunication that originates and terminates within this State. In the case of mobile telecommunications service, "intrastate telecommunication" means any mobile

telecommunications service that originates and terminates within the same state that is provided to a customer with a place of primary use in this State.

(ff) "Natural gas" means any gaseous fuel distributed through a pipeline system.

(gg) "Energy" means natural gas or electricity.

(hh) "Utility service" means the transportation or transmission of natural gas or electricity by means of mains, wires, lines or pipes, to users or customers.

(ii) "Self-generation unit" means a facility located on the user's property, or on property purchased or leased from the user by the person owning the self-generation unit and such property is contiguous to the user's property, which generates electricity to be used only by that user on the user's property and is not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcates the user's or self-generation unit owner's otherwise contiguous property.

(jj) "Co-generation facility" means a facility the primary purpose of which is the sequential production of electricity and steam or other forms of useful energy which are used for industrial or commercial heating or cooling purposes and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub.L.95-617.

(kk) "Non-utility" means a company engaged in the sale, exchange or transfer of natural gas that was not subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to December 31, 1997.

(ll) "Pre-paid calling service" means the right to purchase exclusively telecommunications services, that must be paid for in advance, that enables the origination of calls using an access number or authorization code, whether manually or electronically dialed; provided, that the remaining amount of units of service that have been pre-paid shall be known by the service provider on a continuous basis.

(mm) "Mobile telecommunications service" means commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

(nn) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which shall be the residential street address or the primary business street address of the customer and within the licensed service area of the home service provider. For the purposes of determining the primary place of use, the terms used shall have the meanings provided pursuant to

the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.124 (Pub.L.106-252).

(oo) (1)"Sales price" is the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(C) Charges by the seller for any services necessary to complete the sale;

(D) Delivery charges;

(E) Installation charges; and

(F) The value of exempt personal property given to the purchaser where taxable and exempt personal property have been bundled together and sold by the seller as a single product or piece of merchandise.

(2) "Sales price" does not include:

(A) Discounts, including cash, term, or coupons that are not reimbursed by a third party, that are allowed by a seller and taken by a purchaser on a sale;

(B) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(C) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(D) The amount of sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L. 95-113 (7 U.S.C. s.2011 et seq.); or

(E) Credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(pp) "Purchase price" means the measure subject to use tax and has the same meaning as "sales price."

(qq) "Sales tax" means the tax imposed on certain transactions pursuant to the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

(rr) "Delivery charges" means charges by the seller for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage,

handling, crating, and packing. If a shipment includes both exempt and taxable property, the seller should allocate the delivery charge by using: (1) a percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment; or (2) a percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment.

(ss) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser in cases in which the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property or digital property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(tt) "Streamlined Sales and Use Tax Agreement" means the agreement entered into as governed and authorized by the "Uniform Sales and Use Tax Administration Act," P.L.2001, c.431 (C.54:32B-44 et seq.).

(uu) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

(vv) "Digital property" means electronically delivered music, ringtones, movies, books, audio and video works and similar products, where the customer is granted a right or license to use, retain or make a copy of such item. Digital property does not include video programming services, including video on demand television services, and broadcasting services, including content to provide such services.

(ww) "Landscaping services" means services that result in a capital improvement to land other than structures of any kind whatsoever, such as: seeding, sodding or grass plugging of new lawns; planting trees, shrubs, hedges, plants; and clearing and filling land.

(xx) "Investigation and security services" means:

(1) investigation and detective services, including detective agencies and private investigators, and fingerprint, polygraph, missing person tracing and skip tracing services;

(2) security guard and patrol services, including bodyguard and personal protection, guard dog, guard, patrol, and security services;

(3) armored car services; and

(4) security systems services, including security, burglar, and fire alarm installation, repair or monitoring services.

(yy) "Information services" means the furnishing of information of any kind, which has been collected, compiled, or analyzed by the seller, and provided through any means or method, other than personal or individual information which is not incorporated into reports furnished to other people.

2. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Imposition of sales tax.

3. There is imposed and there shall be paid a tax of 7% upon:

(a) The receipts from every retail sale of tangible personal property or digital property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property or digital property, performed for a person who directly or indirectly furnishes the tangible personal property or digital property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property or digital property, or maintaining, servicing, repairing tangible personal property or digital property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property or digital property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P.L.1980, c.105 (C.54:32B-8.1), (iii) (Deleted by amendment, P.L.1990, c.40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, or pressing clothing, and shoe repairing and shoeshining and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, other than landscaping services and other than installing carpeting and other flooring.

(3) Storing all tangible personal property not held for sale in the regular course of business; the rental of safe deposit boxes or similar space; and the furnishing of space for storage of tangible personal property by a person engaged in the business of furnishing space for such storage.

"Space for storage" means secure areas, such as rooms, units, compartments or containers, whether accessible from outside or from within a

building, that are designated for the use of a customer and wherein the customer has free access within reasonable business hours, or upon reasonable notice to the furnisher of space for storage, to store and retrieve property. Space for storage shall not include the lease or rental of an entire building, such as a warehouse or airplane hanger.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Direct-mail processing services, except for direct-mail processing services in connection with distribution of direct mail to out-of-State recipients.

(6) (Deleted by amendment, P.L.1995, c.184).

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

(8) Tanning services, including the application of a temporary tan provided by any means.

(9) Massage, bodywork or somatic services, except such services provided pursuant to a doctor's prescription.

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications.

(11) Investigation and security services.

(12) Information services.

(13) Transportation services originating in this State and provided by a limousine operator, as permitted by law, except such services provided in connection with funeral services.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property or digital property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge

made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(3) For the purposes of this subsection:

"Food and beverages sold through vending machines" means food and beverages dispensed from a machine or other mechanical device that accepts payment; and

"Prepared food" means:

(i) A. food sold in a heated state or heated by the seller; or

B. two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses; or

C. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food;

provided however, that

(ii) "prepared food" does not include the following sold without eating utensils:

A. food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries);

B. food sold in an unheated state by weight or volume as a single item; or

C. bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon a permanent resident.

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) (1) The receipts from every sale, except for resale, of intrastate or interstate telecommunications sourced to this State in accordance with section 29 of P.L.2005, c.126 (C.54:32B-3.4).

(2) The receipts from every sale, except for resale, of intrastate or interstate mobile telecommunications services billed by or for a customer's home service provider and provided to a customer with a place of primary use in this State. The provisions and definitions of the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. ss. 116-126 (Pub.L. 106-252), are applicable herein.

(g) The receipts from every sale, except for resale, of prepaid calling service and the recharge of prepaid calling service.

(h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State, except for membership in a club or organization whose members are predominantly age 18 or under.

(i) The receipts from parking, storing or garaging a motor vehicle, excluding charges for the following types of parking: residential parking; employee parking, when provided by an employer or at a facility owned or

operated by the employer; municipal metered parking; and such receipts subject to tax pursuant to any other law or ordinance.

3. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to read as follows:

C.54:32B-4 Tax bracket schedule, pay phone formula.

4. a. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the seller by the purchaser, a seller shall use one of the two following options:

(1) a tax shall be calculated based on the following formula:

Amount of Sale	Amount of Tax
$0.01 to $0.10	No Tax
0.11 to 0.19	$0.01
0.20 to 0.32	0.02
0.33 to 0.47	0.03
0.48 to 0.62	0.04
0.63 to 0.77	0.05
0.78 to 0.90	0.06
0.91 to $1.10	0.07

and in addition to a tax of $0.07 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula; or

(2) tax shall be calculated to the third decimal place. One-half cent ($0.005) or higher shall be rounded up to the next cent; less than $0.005 shall be dropped in order to round the result down.

Sellers may compute the tax due on a transaction on either an item or an invoice basis.

b. For charges paid by inserting coins into a coin operated telecommunications device available to the public the tax shall be computed to the nearest multiple of five cents of the tax otherwise due pursuant to subsection a. of this section, except that, if the amount of the tax is midway between multiples of five cents, the next higher multiple shall apply.

4. Section 5 of P.L.1966, c.30 (C.54:32B-5) is amended to read as follows:

C.54:32B-5 Transitional provisions.

5. Transitional provisions. a. (1) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after January 3, 1983 but prior to July 1, 1990, are subject to the taxes imposed under subsections (a), (b), (c), and (f) of section 3 of this act at the rate, if any, in effect for such sales and services on June 30, 1990, except if the property so sold is delivered or the services so sold are rendered on or after July 1, 1990 but prior to July 1, 1992, in which case the tax shall be computed and paid at the rate of 7%; provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after January 3, 1983 and ending after June 30, 1990 but prior to July 1, 1992, the receipts from such agreement are subject to tax at the rate, if any, applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(2) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1990 but prior to July 1, 1992, are subject to the taxes imposed under subsections (a), (b), (c) and (f) of section 3 of this act at the rate of 7%, except if the property so sold is delivered or the services so sold are rendered on or after July 1, 1992 but prior to July 15, 2006, in which case the tax shall be computed and paid at the rate of 6%, provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1990, and ending after July 1, 1992, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(3) Except as otherwise provided in this act, receipts received from all sales made and services rendered on and after July 1, 1992 but prior to July 15, 2006, are subject to the taxes imposed under subsections (a), (b), (c), (f) and (g) of section 3 of P.L.1966, c.30 (C.54:32B-3) at the rate of 6%, except if the property so sold is delivered or the services so sold are rendered on or after July 15, 2006, in which case the tax shall be computed and paid at the rate of 7%, provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after July 1, 1992, and ending after July 15, 2006, the receipts from such agreement are subject to tax at the rate applicable to each period as set forth hereinabove and shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered

thereby; provided however, if a service or maintenance agreement in effect on July14, 2006 covers billing periods ending after July 15, 2006, the seller shall charge and collect from the purchaser a tax on such sales at the rate of 6%, unless the billing period starts on or after July 15, 2006 in which case the seller shall charge and collect a tax at the rate of 7%.

b. (1) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 7% upon any occupancy on and after July 1, 1990 but prior to July 1, 1992, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after January 3, 1983 but prior to July 1, 1990, the rent for the period of occupancy prior to July 1, 1990 shall be taxed at the rate of 6%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(2) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6% upon any occupancy on and after July 1, 1992 but prior to July 15, 2006, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after July 1, 1990 but prior to July 1, 1992, the rent for the period of occupancy prior to July 1, 1992 shall be taxed at the rate of 7%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

(3) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 7% upon any occupancy on and after July 15, 2006, although such occupancy is pursuant to a prior contract, lease or other arrangement. If an occupancy, taxable under this act, covers any period on or after July 1, 1992 but prior to July 15, 2006, the rent for the period of occupancy prior to July 15, 2006 shall be taxed at the rate of 6%. If rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth hereinabove shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

c. (1) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 7% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1990 but prior to July 1, 1992, whether or not the admission charge has been paid prior to July 1, 1990, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1990 and the tax

imposed under this act during the period January 3, 1983 through June 30, 1990 shall have been paid.

(2) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6% to any admission to or for the use of facilities of a place of amusement occurring on or after July 1, 1992 but prior to July 15, 2006, whether or not the admission charge has been paid prior to July 1, 1992, unless the tickets were actually sold and delivered, other than for resale, prior to July 1, 1992 and the tax imposed under this act during the period July 1, 1990 through December 31, 1990 shall have been paid.

(3) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 7% to any admission to or for the use of facilities of a place of amusement occurring on or after July 15, 2006, whether or not the admission charge has been paid prior to that date, unless the tickets were actually sold and delivered, other than for resale, prior to July 15, 2006 and the tax imposed under this act during the period July 1, 1992 through July 14, 2006 shall have been paid.

d. (1) Sales made on and after July 1, 1990 but prior to July 1, 1992 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 7%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after January 3, 1983 but prior to July 1, 1990, such sales shall be subject to tax at the rate of 6%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

(2) Sales made on or after July 1, 1992 but prior to July 15, 2006 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 6%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such con-

tract was entered into or such bid was made on or after July 1, 1990, but prior to July 1, 1992, such sales shall be subject to tax at the rate of 7%.

(3) Sales made on or after July 15, 2006 to contractors, subcontractors or repairmen of materials, supplies, or services for use in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others shall be subject to the taxes imposed by subsections (a) and (b) of section 3 and section 6 hereof at the rate of 7%; provided, however, that if such sales are made for use in performance of a contract which is either of a fixed price not subject to change or modification, or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn, and, in either case, such contract was entered into or such bid was made on or after July 1, 1992, but prior to July 15, 2006, such sales shall be subject to tax at the rate of 6%, but the vendor shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

e. (1) As to sales other than those referred to in d. above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof, and the taxes imposed under subsection (f) of section 3 and section 6 hereof, upon receipts received on or after July 1, 1990 and on or before December 31, 1990, shall be at the rate in effect on June 30, 1990, in case of sales made or services rendered pursuant to a written contract entered on or after January 3, 1983 but prior to July 1, 1990, and accompanied by a deposit or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser on such sales at the rate of 7%, which tax shall be reduced to the rate, if any, in effect on June 30, 1990, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of P.L.1966, c.30 (C.54:32B-20). A claim for refund shall not be allowed if there has been no deposit or partial payment of the contract price unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

(2) As to sales other than those referred to in d. above, the taxes imposed under subsections (a) and (b) of section 3 and section 6 hereof, and the taxes imposed under subsections (f) and (g) of section 3 and section 6 hereof, upon receipts received on or after July 15, 2006 and on or before December 31, 2006, shall be at the rate in effect on July 14, 2006, in case of sales made or services rendered pursuant to a written contract entered on or after July 1, 1992 but prior to July 15, 2006, and accompanied by a deposit

or partial payment of the contract price, except in the case of a contract which, in the usage of trade, is not customarily accompanied by a deposit or partial payment of the contract price, but the vendor shall charge and collect from the purchaser on such sales at the rate of 7%, which tax shall be reduced to the rate, if any, in effect on July 14, 2006, only by a claim for refund filed by the purchaser with the director within 90 days after receipt of said receipts and otherwise pursuant to the provisions of section 20 of P.L.1966, c.30 (C.54:32B-20). A claim for refund shall not be allowed if there has been no deposit or partial payment of the contract price unless the claimant shall establish by clear and convincing evidence that, in the usage of trade, such contracts are not customarily accompanied by a deposit or partial payment of the contract price.

f. (1) The taxes imposed under subsections (a), (b), (c) and (f) of section 3 upon receipts received on or after July 1, 1990 but prior to July 1, 1992 shall be at the rate, if any, in effect on June 30, 1990 in the case of sales made or services rendered, if delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered prior to July 1, 1990.

(2) The taxes imposed under subsections (a), (b), (c) and (f) of section 3 upon receipts received on or after July 1, 1992 but prior to July 15, 2006 shall be at the rate of 7% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered on or after July 1, 1990 but prior to July 1, 1992.

(3) The taxes imposed under subsections (a), (b), (c), (f) and (g) of section 3 upon receipts received on or after July 15, 2006 shall be at the rate of 6% in the case of sales made or services rendered, where delivery of the property which was the subject matter of the sale has been completed or such services have been entirely rendered on or after July 1, 1992 but prior to July 15, 2006.

g. The director is empowered to promulgate rules and regulations to implement the provisions of this section.

5. Section 6 of P.L.1966, c.30 (C.54:32B-6) is amended to read as follows:

C.54:32B-6 Imposition of compensating use tax.

6. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 7%, except as

otherwise exempted under this act, (A) of any tangible personal property or digital property purchased at retail, including energy, provided however, that electricity consumed by the generating facility that produced it shall not be subject to tax, (B) of any tangible personal property or digital property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property or digital property are offered for sale by him in the regular course of business, or if items of the same kind of tangible personal property are not offered for sale by him in the regular course of business and are used as such or incorporated into a structure, building or real property, (C) of any tangible personal property or digital property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of interstate or intrastate telecommunications and mobile telecommunications described in subsection (f) of section 3 of P.L.1966, c.30, (E) (Deleted by amendment, P.L.1995, c.184), (F) of utility service provided to persons in this State for use in this State, provided however, that utility service used by the facility that provides the service shall not be subject to tax, (G) of direct-mail processing services described in paragraph (5) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), (H) of prepaid calling service and the recharge of prepaid calling service, (I) of any services subject to tax pursuant to subsection (11), (12) or (13) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), and (J) of access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property including delivery charges made by the seller, but excluding any credit for property of the same kind accepted in part payment and intended for resale. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property or digital property are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tan-

gible personal property or digital property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property or digital property transferred in conjunction with the performance of the service, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider. For purposes of clause (F) of this section, the tax shall be at the applicable rate on the charge made by the utility service provider. For purposes of clause (G) of this section, the tax shall be at the applicable rate on that proportion of the amount of all processing costs charged by a direct-mail processing service provider that is attributable to the service distributed in this State. For the purposes of clause (H) of this section, the tax shall be at the applicable rate on the consideration given or contracted to be given for the prepaid calling service or the recharge of the prepaid calling service. For purposes of clause (I) of this section, the tax shall be at the applicable rate on the charge made by the service provider. For purposes of clause (J) of this section, the tax shall be at the applicable rate on the charges in the nature of initiation fees, membership fees or dues.

6. Section 7 of P.L.1966, c.30 (C.54:32B-7) is amended to read as follows:

C.54:32B-7 Special rules for computing price and consideration.

7. (a) The retail sales tax imposed under subsection (a) of section 3 and the compensating use tax imposed under section 6, when computed in respect to tangible personal property and digital property wherever manufactured, processed or assembled and used by such manufacturer, processor or assembler in the regular course of business within this State, shall be based on the price at which items of the same kind of tangible personal property are offered for sale by him.

(b) Tangible personal property or digital property, which has been purchased by a resident of the State of New Jersey outside of this State for use outside of this State and subsequently becomes subject to the compensating use tax imposed under this act, shall be taxed on the basis of the purchase price of such property, provided, however:

(1) That where a taxpayer affirmatively shows that the property was used outside such State by him for more than six months prior to its use within this State, such property shall be taxed on the basis of current market value of the property at the time of its first use within this State. The value of such property, for compensating use tax purposes, may not exceed its cost.

(2) That the compensating use tax on such tangible personal property or digital property brought into this State (other than for complete consumption or for incorporation into real property located in this State) and used in the performance of a contract or subcontract within this State by a purchaser or user for a period of less than six months may be based, at the option of the taxpayer, on the fair rental value of such property for the period of use within this State.

(c) Leased tangible personal property or digital property which has been purchased outside this State for lease outside of this State and subsequently becomes subject to the compensating use tax imposed under this act shall be taxed on the basis of the purchase price of such property, provided however, that the compensating use tax on such property brought into and used within this State may be based on the total of the lease payments attributable to the lease of that property attributable to the period of the lease remaining after first use in this State.

(d) Sales tax imposed on the lease or rental of tangible personal property or digital property in New Jersey shall be based on either the total of the periodic payments required under the agreement or the original purchase price of the property. The full amount of sales tax due on the complete term of a lease or rental for more than six months shall be remitted with the monthly or quarterly sales and use tax return due for the period in which the leased personal property was delivered to the lessee in this State. However, if the tax is paid on a lease or rental based on the original purchase price of the tangible personal property or digital property, a subsequent lease or rental of the same property shall not be subject to the tax imposed under P.L. 1966, c.30 (C.54:32B-1 et seq.).

If leased property is subsequently removed on a permanent basis from this State, the lessee shall be entitled to a refund of the tax allocable to the portion of the lease or rental that remains in effect after the property has been removed from this State, but only if the other state does not allow a credit for the sales or use tax paid to this State on the lease or rental transaction, and further, in the case of property removed to a state that imposes or computes tax on leases or rentals based on a lump sum or accelerated basis, only if the other state also allows a corresponding refund with respect to the lease of property upon which a sales or use tax is due and paid to this State.

(e) The purchase of energy shall be subject to the compensating use tax imposed under section 6 on the basis of the purchase price of the energy, including any charges for utility service.

7. Section 17 of P.L.1980, c.105 (C.54:32B-8.5) is amended to read as follows:

C.54:32B-8.5 Newspapers, magazines, periodicals, certain, exemptions from tax.

17. a. Receipts from sales of:

(1) newspapers,

(2) magazines and periodicals sold by subscription, and

(3) membership periodicals

are exempt from the tax imposed under the "Sales and Use Tax Act," whether or not accessed by electronic means.

b. For the purposes of this section, a "membership periodical" is any periodical distributed by a nonprofit organization to its members as a benefit of membership in the organization.

8. Section 23 of P.L.1980, c.105 (C.54:32B-8.11) is amended to read as follows:

C.54:32B-8.11 Transportation charges, exceptions.

23. Receipts from charges for the transportation of persons or property are exempt from the tax imposed under the "Sales and Use Tax Act," except for delivery charges; transportation services provided by a limousine operator; and the transportation of energy.

9. Section 27 of P.L.1980, c.105 (C.54:32B-8.15) is amended to read as follows:

C.54:32B-8.15 Exemption from taxation for certain wrapping supplies.

27. Sales or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, reusable milk containers, and all other wrapping supplies when such use is incidental to the delivery of any tangible personal property and containers for use in a "farming enterprise" as defined pursuant to section 28 of P.L.1980, c.105 (C.54:32B-8.16) are exempt from the tax imposed under the Sales and Use Tax Act.

10. Section 31 of P.L.1980, c.105 (C.54:32B-8.19) is amended to read as follows:

C.54:32B-8.19 Property taxable under municipal ordinance.

31. Receipts from sales of tangible personal property and services taxable under any municipal ordinance which was adopted pursuant to P.L.1947, c.71 (C.40:48-8.15 et seq.) and was in effect on April 27, 1966 are exempt from the tax imposed under the Sales and Use Tax Act, subject to the following conditions:

a. To the extent that the tax that is or would be imposed under section 3 of P.L.1966, c.30 (C.54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this section; and

b. Irrespective of the rate of tax imposed by such ordinance, such sales shall be exempt only to the extent that the rate of taxation imposed by the ordinance exceeds 6%, except that the combined rate of taxation imposed under the ordinance and under this section shall not exceed 13%.

11. Section 1 of P.L.1993, c.373 (C.54:32B-8.45) is amended to read as follows:

C.54:32B-8.45 One-half sales tax rate, counties, certain.

1. a. Receipts of retail sales, except retail sales of motor vehicles, of alcoholic beverages, of digital products, and cigarettes as defined in the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), made by a seller from a place of business regularly operated by the seller for the purpose of making retail sales at which items are regularly exhibited and offered for retail sale and which is not utilized primarily for the purpose of catalogue or mail order sales, in which county is situated an entrance to an interstate bridge or tunnel connecting New Jersey with a state that does not impose a retail sales and use tax or imposes a retail sales and use tax at a rate at least five percentage points lower than the rate in this State, are exempt to the extent of 50% of the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

b. The exemption provided by subsection a. of this section shall apply unless a seller advises the director, in writing, that it intends to collect the tax at the full rate imposed under the "Sales and Use Tax Act".

12. Section 15 of P.L.2005, c.126 (C.54:32B-8.56) is amended to read as follows:

C.54:32B-8.56 Certain prewritten software, exemption from tax; definitions.

15. Receipts from sales of prewritten software delivered electronically and used directly and exclusively in the conduct of the purchaser's business, trade or occupation are exempt from the tax imposed under the "Sales and Use Tax Act", P.L.1966, c.30 (C.54:32B-1 et seq.). The exemption

provided by this section shall not apply to receipts from sales of prewritten software delivered by a load and leave method.

"Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

"Computer software" means a set of coded instruction designed to cause a computer or automatic data processing equipment to perform a task.

"Delivered electronically" means delivered from the seller to the purchaser by means other than tangible storage media.

"Electronic" means relating to technology having electrical, digital magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Load and leave" means delivery to the purchaser by the use of a tangible storage medium where the tangible storage medium is not physically transferred to the purchaser.

"Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof shall not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. If a person modifies or enhances computer software of which that person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, shall remain prewritten software; provided, however, that if there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software. "Prewritten computer software" shall not include software delivered electronically.

13. Section 9 of P.L.1966, c.30 (C.54:32B-9) is amended to read as follows:

C.54:32B-9 Exempt organizations.

9. (a) Except as to motor vehicles sold by any of the following, any sale, service or amusement charge by or to any of the following or any use

or occupancy by any of the following shall not be subject to the sales and use taxes imposed under this act:

(1) The State of New Jersey, or any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions where it is the purchaser, user or consumer, or where it is a seller of services or property of a kind not ordinarily sold by private persons;

(2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;

(3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

(b) Except as otherwise provided in this section any sale or amusement charge by or to any of the following or any use or occupancy by any of the following, where such sale, charge, use or occupancy is directly related to the purposes for which the following have been organized, shall not be subject to the sales and use taxes imposed under this act: a corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively (1) for religious, charitable, scientific, testing for public safety, literary or educational purposes; or (2) for the prevention of cruelty to children or animals; or (3) as a volunteer fire company, rescue, ambulance, first aid or emergency company or squad; or (4) as a National Guard organization, post or association, or as a post or organization of war veterans, or the Marine Corps League, or as an auxiliary unit or society of any such post, organization or association; or (5) as an association of parents and teachers of an elementary or secondary public or private school exempt under the provisions of this section. Such a sale, charge, use or occupancy by, or a sale or charge to, an organization enumerated in this subsection, shall not be subject to the sales and use taxes only if no part of the net earnings of the organization inures to the benefit of any private shareholder or individual, no substantial part of the activities of the organization is carrying on propaganda, or otherwise attempting to influence legislation, and the organization does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(c) Nothing in this section shall exempt from the taxes imposed under the "Sales and Use Tax Act":

(1) the sale of a motor vehicle by an organization described in subsection (b) of this section, unless the purchaser is an organization exempt under this section;

(2) retail sales of tangible personal property or digital property by any shop or store operated by an organization described in subsection (b) of this section, unless the tangible personal property or digital property was received by the organization as a gift or contribution and the shop or store is one in which substantially all the work in carrying on the business of the shop or store is performed for the organization without compensation and substantially all of the shop's or store's merchandise has been received by the organization as gifts or contributions or unless the purchaser is an organization exempt under this section; or

(3) the sale or use of energy or utility service to or by an organization described in paragraph (1) of subsection (a) or subsection (b) of this section.

(d) Any organization enumerated in subsection (b) of this section shall not be entitled to an exemption granted pursuant to this section unless it has complied with such requirements for obtaining a tax immunity authorization as may be provided in this act.

(e) Where any organization described in subsection (b) of this subsection carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of those activities, it operates a hotel, occupancy of rooms in the premises and rents from those rooms received by the organization shall not be subject to tax under the "Sales and Use Tax Act."

(f) (1) Except as provided in paragraph (2) of this subsection, any admissions all of the proceeds of which inure exclusively to the benefit of the following organizations shall not be subject to any of the taxes imposed under subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-3):

(A) an organization described in paragraph (1) of subsection (a) or subsection (b) of this section;

(B) a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions; or

(C) (Deleted by amendment, P.L.1999, c.416).

(D) a police or fire department of a political subdivision of the State, or a volunteer fire company, ambulance, first aid, or emergency company or squad, or exclusively to a retirement, pension or disability fund for the sole benefit of members of a police or fire department or to a fund for the heirs of such members.

(2) The exemption provided under paragraph (1) of this subsection shall not apply in the case of admissions to:

(A) Any athletic game or exhibition unless the proceeds shall inure exclusively to the benefit of elementary or secondary schools or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game shall inure to the benefit of one or more organizations described in subsection (b) of this section;

(B) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation;

(3) Admission charges for admission to the following places or events shall not be subject to any of the taxes imposed under subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-3):

(A) Any admission to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same; provided the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.

(B) Any admission to a home or garden which is temporarily open to the general public as a part of a program conducted by a society or organization to permit the inspection of historical homes and gardens; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

(C) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines and museums; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

14. Section 12 of P.L.1966, c.30 (C.54:32B-12) is amended to read as follows:

C.54:32B-12 Collection of tax from customer.

12. (a) Every person required to collect the tax shall collect the tax from the customer when collecting the price, service charge, amusement charge or rent to which it applies. If the customer is given any sales slip, invoice, receipt or other statement or memorandum of the price, service charge, amusement charge or rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the State.

(b) For the purpose of the proper administration of this act and to prevent evasion of the tax hereby imposed, and subject to the rules regarding the administration of exemptions authorized by the Streamlined Sales and Use

Tax Agreement, it shall be presumed that all receipts for property or services of any type mentioned in subsections (a), (b) and (c) of section 3, all rents for occupancy of the type mentioned in subsection (d) of said section, and all amusement charges of any type mentioned in subsection (e) of said section, are subject to tax until the contrary is established, and the burden of proving that any such receipt, amusement charge or rent is not taxable hereunder shall be upon the person required to collect tax or the customer. Unless a seller shall have taken from the purchaser a certificate, signed by the purchaser if in paper form and bearing the purchaser's name and address and the number of the purchaser's registration certificate, to the effect that the property or service was purchased for resale or the purchaser prior to taking delivery, furnishes to the seller any affidavit, statement or additional evidence, documentary or otherwise, which the director may require demonstrating that the purchaser is an exempt organization described in section 9(b)(1), the sale shall be deemed a taxable retail sale. Provided however, the director may, in the director's discretion, authorize a purchaser, who acquires tangible personal property, digital property or services under circumstances which make it impossible at the time of acquisition to determine the manner in which the tangible personal property, digital property or services will be used, to pay the tax directly to the director and waive the collection of the tax by the seller or provide for direct pay authority under rules adopted under the Streamlined Sales and Use Tax Agreement. Provided further, the director shall authorize any eligible person, as defined in section 34 of P.L.1997, c.162 (C.54:32B-14.1), who purchases natural gas from a non-utility on and after January 1, 1998 through December 31, 2002, to pay the tax on the commodity directly to the director and waive the collection of the tax by the seller. No such authority shall be granted or exercised except upon application to the director, and the issuance by the director of a direct payment permit. If a direct payment permit is granted, its use shall be subject to conditions specified by the director, and the payment of tax on all acquisitions pursuant to the permit shall be made directly to the director by the permit holder.

(c) The director may provide by regulation that the tax upon receipts from sales on the installment plan may be paid on the amount of each installment and upon the date when such installment is due. He may also provide by regulation for the exclusion from taxable receipts, amusement charges or rents of amounts subject, as applicable, to the provisions of section 30 of P.L.2005, c.126 (C.54:32B-12.1), representing sales where the contract of sale has been canceled, the property returned or the receipt, charge or rent has been ascertained to be uncollectible or, in the case the tax has been paid upon such receipt, charge or rent, for refund or credit of the tax so paid.

15. Section 15 of P.L.1966, c.30 (C.54:32B-15) is amended to read as follows:

C.54:32B-15 Certificate of registration; streamlined methods.

15. (a) On or before June 20, 1966, or in the case of persons commencing business or opening new places of business after such date, within three days after such commencement or opening, every person required to collect any tax imposed by this act and every person purchasing tangible personal property or digital property for resale shall file with the director a certificate of registration in a form prescribed by the director. In the case of a person commencing business or opening a new place of business on or after the first day of the third month following the enactment of P.L.1993, c.274 (C.40:52-1.3 et al.), the certificate shall be filed at least 15 business days before the commencement or opening. The director shall within five days after such registration issue, without charge, to each registrant a certificate of authority empowering the registrant to collect the tax and a duplicate thereof for each additional place of business of such registrant. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificate of authority shall be prominently displayed in the place of business of the registrant. A registrant who has no regular place of doing business shall attach such certificate to his cart, stand, truck or other merchandising device. Such certificates shall be nonassignable and nontransferable and shall be surrendered to the director immediately upon the registrant's ceasing to do business at the place named.

(b) Any person who is not otherwise required to collect any tax imposed by this act and who makes sales to persons within the State of tangible personal property, digital property or services, the use of which is subject to tax under this act, may if he so elects file a certificate of registration with the director who may, in his discretion and subject to such conditions as he may impose, issue to him a certificate of authority to collect the compensating use tax imposed by this act.

(c) A seller that registers to pay or collect and remit sales or use tax in accordance with the terms of the Streamlined Sales and Use Tax Agreement may select one of the following methods of remittance or other method allowed by State law to remit the taxes collected, subject to the liabilities and conditions established pursuant to section 10 of P.L.2001, c.431 (C.54:32B-53):

(1) a model 1 seller, that selects a certified service provider as an agent to perform all the seller's sales or use tax functions, other than the seller's obligation to remit tax on its own purchases;

(2) a model 2 seller, that selects a certified automated system to use which calculates the amount of tax due on a transaction; or

(3) a model 3 seller, that uses its own proprietary automated sales tax system that has been certified as a certified automated system.

(d) A certified service provider in model 1 shall be allowed a monetary allowance in accordance with the terms of the contract that the states participating in the Streamlined Sales and Use Tax Agreement sign with the provider. The director shall prescribe the allowance in accordance with the terms of the contract, which shall be funded entirely from money collected in model 1.

A monetary allowance to a certified service provider may be based on one or more of the following incentives:

(1) A base rate that applies to taxable transactions processed by the provider.

(2) For a period not to exceed 24 months following a voluntary seller's registration through the Streamlined Sales and Use Tax Agreement's central registration process, a percentage of tax revenue generated for a member state by the voluntary seller for each member state for which the seller does not have a requirement to register to collect the tax.

(e) A model 2 seller shall be allowed a monetary allowance which the director shall prescribe in accordance with the terms arrived at by the member states of the Streamlined Sales and Use Tax Agreement. The member states initially anticipate that they will provide a monetary allowance to sellers under model 2 based on the following:

(1) Each seller shall receive a base rate for a period not to exceed 24 months following the commencement of participation by the seller.

(2) For a period not to exceed 24 months following a voluntary seller's registration through the Streamlined Sales and Use Tax Agreement's central registration process, a percentage of tax revenue generated for a member state by the voluntary seller for each member state for which the seller does not have a requirement to register to collect the tax.

(f) A model 3 seller and all other sellers that are not under model 1 or model 2 shall be allowed a monetary allowance which the director shall prescribe in accordance with the terms arrived at by the member states of the Streamlined Sales and Use Tax Agreement. The member states initially anticipate that they will provide a monetary allowance to sellers under model 3 and to all other sellers that are not under models 1 or 2 will be based on the following: for a period not to exceed 24 months following a voluntary seller's registration through the Streamlined Sales and Use Tax Agreement's central registration process, a percentage of tax revenue generated for a member

state by the voluntary seller for each member state for which the seller does not have a requirement to register to collect the tax.

16. Section 17 of P.L.1966, c.30 (C.54:32B-17) is amended to read as follows:

C.54:32B-17 Returns; streamlined systems; amnesty.

17. (a) Every person required to collect or pay tax under this act shall on or before August 28, 1966, and on or before the twentieth day of each month thereafter, make and file a return for the preceding month with the director. The return of a seller of tangible personal property, digital property or services shall show his receipts from sales and also the aggregate value of tangible personal property, digital property and services sold by him, the use of which is subject to tax under this act, and the amount of taxes required to be collected with respect to such sales and use. The return of a recipient of amusement charges shall show all such charges and the amount of tax thereon, and the return of a person required to collect tax on leases or rentals shall show all lease or rental payments received or charged and the amount of tax thereon.

(b) The director may permit or require returns to be made covering other periods and upon such dates as he may specify. In addition, the director may require payments of tax liability at such intervals and based upon such classifications as he may designate. In prescribing such other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved as well as the need for insuring the prompt and orderly collection of the taxes imposed.

(c) The form of returns shall be prescribed by the director and shall contain such information as he may deem necessary for the proper administration of this act. The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

(d) Pursuant to the Streamlined Sales and Use Tax Agreement, the director is authorized to accept certified automated systems and certified service providers to aid in the administration of the collection of the tax imposed under the "Sales and Use Tax Act".

(e) Subject to the limitations of this subsection and other provisions of the "Sales and Use Tax Act":

(1) In addition to the powers of the director prescribed pursuant to section 24 of P.L.1966, c.30 (C.54:32B-24) and the "State Uniform Tax Procedure Law," R.S.54:48-1 et seq., and notwithstanding the provisions of any other law to the contrary, the director shall grant "amnesty" for uncollected or unpaid sales or use tax to a seller that registers to collect and remit appli-

cable sales or use tax on sales made to purchasers in this State in accordance with the terms of the Streamlined Sales and Use Tax Agreement, provided that the seller was not so registered in this State in the twelve-month period preceding the commencement of this State's participation in the agreement.

(2) Under terms of the "amnesty" granted pursuant to paragraph (1) of this subsection, a seller that registers shall not be assessed for uncollected or unpaid sales or use tax and shall not be assessed penalties or interest for sales made during the period the seller was not registered in this State, provided that the seller registers pursuant to paragraph (1) of this subsection within twelve months of the effective date of this State's participation in the Streamlined Sales and Use Tax Agreement.

(3) The limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall not be available to a seller with respect to any matter for which the seller received notice of the commencement of an audit and which audit is not yet finally resolved including any related administrative and judicial processes.

(4) The limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall not be available for sales or use taxes already paid or remitted to the State or to taxes already collected by the seller.

(5) The "amnesty" limitations on deficiency assessments, penalties and interest pursuant to paragraph (2) of this subsection shall be in full effect and the director shall not assess deficiencies for uncollected or unpaid sales or use tax and shall not assess penalties or interest for sales made during the period the seller was not registered in this State so long as the seller continues registration and continues collection and remittance of applicable sales or use taxes for a period of at least 36 months: provided however that the director may make such assessments by reason of the seller's fraud or intentional misrepresentation of a material fact. The statutes of limitations applicable to asserting tax liabilities, deficiencies, penalties and interest are tolled for this 36 month period.

(6) The "amnesty" granted pursuant to paragraph (1) of this subsection shall apply only to sales or use taxes due from a seller in its capacity as a seller and shall not apply to sales or use taxes due from a seller in its capacity as a buyer.

17. Section 33 of P.L.2005, c.126 (C.54:32B-28.1) is amended to read as follows:

C.54:32B-28.1 Effective date of rate change; conformance with Streamlined Agreement.

33. a. The effective date of any sales and use tax rate change shall be the first day of a calendar quarter and a sales and use tax rate change for services covering a period starting before and ending after that effective date shall first apply as follows: for a rate increase, the new rate shall apply to the first billing period starting on or after the effective date, and for a rate decrease, the new rate shall apply to bills rendered on or after the effective date;

b. The State shall make a reasonable effort to: provide sellers with as much advance notice as practicable of a rate change, limit the effective date of a rate change to the first day of a calendar quarter, and notify sellers of legislative changes in the tax base and amendments to sales and use tax rules and regulations; however, failure of a seller to receive notice or failure of the State to provide notice or limit the effective date of a rate change shall not relieve the seller of its obligation to collect sales or use taxes;

c. Any exemption, exception or exclusion from sales and use taxation shall be enacted only in accordance with the applicable provisions of the Streamlined Sales and Use Tax Agreement;

d. The State shall be subject to the uniform rules for the remittance of funds as provided in the Streamlined Sales and Use Tax Agreement;

e. The State shall be subject to the privacy and confidentiality provisions provided in the Streamlined Sales and Use Tax Agreement for participants in the system and consumers who deal with Model 1 sellers;

f. The uniform rules for the recovery of bad debts contained in the Streamlined Sales and Use Tax Agreement shall be in effect; and

g. The State shall not use registration with the central registration system and the collection of sales and use taxes in the member states as a factor in determining whether the seller has nexus with this State for any tax at any time.

18. Section 1 of P.L.2003, c.114 (C.54:32D-1) is amended to read as follows:

C.54:32D-1 State hotel and motel occupancy fee.

1. a. In addition to any other tax, assessment or use fee authorized by law, there is imposed and shall be paid a hotel and motel occupancy fee of 7% for occupancies on and after August 1, 2003 but before July 1, 2004, and of 5% for occupancies on and after July 1, 2004, upon the rent for every occupancy of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c.30 (C:54:32B-3), which every person required to collect tax shall collect from the customer when collect-

ing the rent to which it applies; provided however, that on and after the tenth day following a certification by the Director of the Division of Budget and Accounting in the Department of the Treasury pursuant to subsection d. of section 2 of P.L.2003, c.114 (C.54:32D-2), no such fee shall be paid or collected; and provided further that:

(1) the combined rates of the fee imposed under this section, plus the tax imposed under the "Sales and Use Tax Act", P.L.1966, c.30 (C.54:32B-1 et seq.), plus any tax imposed under P.L.1947, c.71 (C.40:48-8.15 et seq.), shall not exceed a total rate of 14%, and to the extent that the total combined rate of taxation for the listed fees and taxes would exceed 14%, the fee imposed under this section shall be reduced so that the total combined rate equals 14%;

(2) the combined rates of the fee imposed under this section, plus the tax imposed under the "Sales and Use Tax Act", P.L.1966, c.30 (C.54:32B-1 et seq.), plus any tax and assessment imposed under section 4 of P.L.1992, c.165 (C.40:54D-4), shall not exceed a total rate of 14%, and to the extent that the total combined rate of taxation for the listed fees and taxes would exceed 14%, the fee imposed under this section shall be reduced so that the total combined rate equals 14%; and

(3) the fee imposed under this section shall be at the rate of 1% in a city in which the tax authorized under P.L.1981, c.77 (C.40:48E-1 et seq.) is imposed.

b. The hotel and motel occupancy fee imposed by subsection a. of this section shall not be imposed on the rent for an occupancy if the purchaser, user or consumer is an entity exempt from the tax imposed on an occupancy under the "Sales and Use Tax Act" pursuant to subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9).

c. Terms used in this section shall have the meaning given those terms pursuant to section 2 of P.L.1966, c.30 (C.54:32B-2).

C.54:32B-4.1 Rate of tax imposed from July 15, 2006 through September 30, 2006.

19. Notwithstanding the provisions of sections 3 and 6 of P.L.1966, c.30 (C.54:32B-3 and 54:32B-6) to the contrary, from July 15, 2006 through September 30, 2006 the rate of tax imposed pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) shall be 7%.

20. This act shall take effect immediately, provided however that sections 3, 4, 10 and 18 shall remain inoperative until July 15, 2006 and provided further that sections 1, 2, 5 through 9, and 11 through 16 shall remain inoperative until October 1, 2006.

Approved July 8, 2006.

CHAPTER 45

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 2007, dated July 8, 2006.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2007 and regulating the disbursement thereof.

ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2006 - 2007
GENERAL FUND

Undesignated Fund Balance, July 1, 2006	$1,025,017,000

Major Taxes

Sales	$8,721,600,000
Corporation Business	2,607,071,000
Motor Fuels	553,000,000
Transfer Inheritance	600,000,000
Cigarette	215,033,000
Realty Transfer	415,000,000
Insurance Premium	495,000,000
Motor Vehicle Fees	275,244,000
Petroleum Products Gross Receipts	225,000,000
Corporation Banks and Financial Institutions	120,000,000
Alcoholic Beverage Excise	94,000,000
Tobacco Products Wholesale Sales	16,000,000
Public Utility Excise (Reform)	10,912,000
Total -- Major Taxes	$14,347,860,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch --	
Department of Agriculture:	
Fertilizer Inspection Fees	$366,000
Miscellaneous Revenue	362,000
Subtotal, Department of Agriculture	$728,000
Department of Banking and Insurance:	
Actuarial Services	$55,000
Bank Assessments	9,093,000
Banking -- Licenses and Other Fees	4,447,000
FAIR Act Administration	16,500,000

Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

Fraud Fines	2,000,000
Insurance -- Examination Billings	2,400,000
Insurance - Special Purpose Assessment	16,198,000
Insurance Fraud Prevention	32,000,000
Insurance Licenses and Other Fees	30,226,000
Real Estate Commission	10,000,000
Subtotal, Department of Banking and Insurance	$122,919,000
Department of Children and Families:	
Child Care Licensing/Adoption Law	$350,000
Marriage License Fees	1,309,000
Subtotal, Department of Children and Families	$1,659,000
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation - Fair	$20,300,000
Construction Fees	13,205,000
Divorce Filing Fees	1,276,000
Fire Safety	15,384,000
Housing Inspection Fees	8,108,000
Planned Real Estate Development Fees	828,000
Subtotal, Department of Community Affairs	$59,101,000
Department of Education:	
Audit of Enrollments	$137,000
Audit Recoveries	425,000
Local School District Loan Recoveries -- New Jersey Economic Development Authority	8,268,000
Nonpublic Schools Handicapped & Auxiliary Recoveries	2,000,000
Nonpublic Schools Textbook Recoveries	1,200,000
School Construction Inspection Fees	2,150,000
State Board of Examiners	5,000,000
Subtotal, Department of Education	$19,180,000
Department of Environmental Protection:	
Air Pollution Fees -- Minor Sources	$10,000,000
Air Pollution Fees -- Title V Operating Permits	13,100,000
Air Pollution Fines	3,250,000
Clean Water Enforcement Act	1,500,000
Coastal Area Facility Review Act	3,330,000
Endangered Species Tax Check-off	200,000
Environmental Infrastructure Financing Program -- Administrative Fee	5,000,000
Excess Diversion	261,000
Freshwater Wetlands Fees	5,310,000
Freshwater Wetlands Fines	100,000
Hazardous Waste Fees	4,260,000
Hazardous Waste Fines	675,000
Highlands Permitting	812,000
Hunters' and Anglers' Licenses	11,000,000
Industrial Site Recovery Act	1,120,000
Laboratory Certification Fees	2,400,000
Laboratory Certification Fines	20,000
Marina Rentals	885,000
Marine Lands -- Preparation and Filing Fees	140,000
Medical Waste	4,400,000
New Jersey Pollutant Discharge Elimination System/ Stormwater Permits	16,700,000

Parks Management Fees and Permits	4,300,000
Parks Management Fines	165,000
Pesticide Control Fees	4,200,000
Pesticide Control Fines	50,000
Radiation Protection Fees	5,439,000
Radiation Protection Fines	88,000
Radon Testers Certification	263,000
Shellfish and Marine Fisheries	7,000
Solid Waste -- Utility Regulation Assessments	3,100,000
Solid Waste Fines	700,000
Solid Waste Management Fees	11,700,000
Spring Meadow Golf Course	300,000
Stream Encroachment	3,710,000
Toxic Catastrophe Prevention Fees	1,366,000
Toxic Catastrophe Prevention Fines	44,000
Treatment Works Approval	1,957,000
Underground Storage Tanks Fees	1,200,000
Water Allocation	2,050,000
Water Supply Management Regulations	1,300,000
Water/Wastewater Operators Licenses	215,000
Waterfront Development Fees	3,510,000
Waterfront Development Fines	10,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	140,000
Worker Community Right to Know -- Fines	40,000
Subtotal, Department of Environmental Protection	$131,417,000
Department of Health and Senior Services:	
Admission Charge Hospital Assessment	$6,000,000
HMO Covered Lives	1,800,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties, and Fees	790,000
Miscellaneous Revenue	400,000
Subtotal, Department of Health and Senior Services	$10,190,000
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment	$4,000,000
Medicaid Uncompensated Care -- Acute	137,726,000
Medicaid Uncompensated Care -- Mental Health	33,420,000
Medicaid Uncompensated Care -- Psychiatric	178,685,000
Miscellaneous Revenue	1,500,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	15,612,000
Psychiatric Hospitals	56,483,000
School Based Medicaid	3,500,000
Subtotal, Department of Human Services	$430,926,000
Department of Labor and Workforce Development:	
Miscellaneous Revenue	$155,000
Special Compensation Fund	1,708,000
Workers' Compensation Assessment	12,285,000
Workplace Standards -- Licenses, Permits and Fines	4,720,000
Subtotal, Department of Labor and Workforce Development	$18,868,000
Department of Law and Public Safety:	
Beverage Licenses	$3,960,000

Charities Registration Section	695,000
Controlled Dangerous Substances	100,000
EDA School Construction Recoveries	955,000
Forfeiture Funds	250,000
Legalized Games of Chance Control	1,200,000
New Jersey Cemetery Board	96,000
New Jersey Emergency Medical Service Helicopter Response Program	21,000,000
Pleasure Boat Licenses	3,000,000
Private Employment Agencies	258,000
Securities Enforcement	8,994,000
State Board of Architects	420,000
State Board of Audiology and Speech -- Language Pathology Advisory	18,000
State Board of Certified Psychoanalysts	150,000
State Board of Certified Public Accountants	42,000
State Board of Chiropractors	90,000
State Board of Cosmetology and Hairstyling	2,700,000
State Board of Court Reporting	9,000
State Board of Dentistry	210,000
State Board of Electrical Contractors	300,000
State Board of Marriage Counselor Examiners	420,000
State Board of Master Plumbers	540,000
State Board of Medical Examiners	6,600,000
State Board of Mortuary Science	210,000
State Board of Nursing	2,400,000
State Board of Occupational Therapists and Assistants	16,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	12,000
State Board of Optometrists	270,000
State Board of Orthotics and Prosthetics	25,000
State Board of Pharmacy	1,260,000
State Board of Physical Therapy	30,000
State Board of Professional Engineers and Land Surveyors	300,000
State Board of Professional Planners	12,000
State Board of Psychological Examiners	480,000
State Board of Real Estate Appraisers	51,000
State Board of Respiratory Care	10,000
State Board of Social Workers	200,000
State Board of Veterinary Medical Examiners	270,000
State Police -- Fingerprint Fees	3,694,000
State Police - Nuclear Facilities Security Detail	1,600,000
State Police -- Other Licenses	230,000
State Police -- Private Detective Licenses	220,000
Violent Crime Compensation	3,930,000
Weights and Measures - General	2,612,000
Subtotal, Department of Law and Public Safety	$69,839,000
Department of Military and Veterans' Affairs:	
Nuclear Facilities Security Detail	$2,930,000
Soldiers' Homes	33,326,000
Subtotal, Department of Military and Veterans' Affairs	$36,256,000
Department of the Public Advocate:	
Office of Dispute Settlement Mediation	$158,000

Rate Counsel	6,387,000
Subtotal, Department of the Public Advocate	$6,545,000
Department of State:	
Governor's Teaching Scholars Program Loan Repayment	$91,000
Subtotal, Department of State	$91,000
Department of Transportation:	
Air Safety Fund	$965,000
Applications and Highway Permits	1,300,000
Auto Body Repair Shop Licensing	536,000
Autonomous Transportation Authorities	52,000,000
Drunk Driving Fines	350,000
Good Driver	77,450,000
Graduated Driver's License	1,390,000
Heavy Duty Diesel Fines	450,000
Interest on Purchase of Right-of-Way	5,000
Logo Sign Program Fees	300,000
Motor Vehicle Database -- Automated Access	47,500,000
Motor Vehicle Inspection Fund	78,900,000
Outdoor Advertising	5,240,000
Parking Offenses	410,000
Salvage Title Program	1,100,000
Special Plate Fees	750,000
Uninsured Motorists Program	5,000,000
Subtotal, Department of Transportation	$273,646,000
Department of the Treasury:	
Assessment on Real Property Greater Than $1 Million	$113,000,000
Assessments -- Cable TV	4,443,000
Assessments -- Public Utility	29,313,000
Audit and Enforcement Collection	40,000,000
Coin Operated Telephones	3,700,000
Commercial Recording -- Expedited	2,853,000
Commissions (Notary)	1,700,000
Domestic Security	41,000,000
Dormitory Safety Trust Fund -- Debt Service Recovery	5,708,000
Enhanced Debt Collection	10,517,000
Equipment Leasing Fund -- Debt Service Recovery	4,625,000
Escrow Interest -- Construction Accounts	42,000
Fur Clothing Gross Receipts	5,000,000
General Revenue -- Fees (Commercial Recording and UCC)	47,800,000
Higher Education Capital Improvement Fund -- Debt Service Recovery	15,383,000
Hotel/Motel Occupancy Tax	76,000,000
Miscellaneous Revenue	950,000
NJ Public Records Preservation	65,900,000
Nuclear Emergency Response Assessment	4,139,000
Public Defender Client Receipts	4,900,000
Public Utility Fines	1,200,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer)	75,000,000
Railroad Tax -- Class II	3,500,000
Railroad Tax -- Franchise	700,000
Surplus Property	1,500,000
Tax Referral Cost Recovery Fee	6,600,000

Telephone Assessment	119,000,000
Tire Clean-Up Surcharge	9,000,000
Transitional Energy Facilities Assessment	250,924,000
Subtotal, Department of the Treasury	$944,397,000
Other Sources:	
Miscellaneous Revenue	$500,000
Subtotal, Other Sources	$500,000
Inter-Departmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds - Recoveries	$24,156,000
Employee Maintenance Deductions	300,000
Fringe Benefit Recoveries from Colleges and Universities	157,000,000
Fringe Benefit Recoveries from Federal and Other Funds	242,946,000
Fringe Benefit Recoveries from School Districts	46,700,000
Indirect Cost Recoveries -- DEP Other Funds	11,307,000
MTF Revenue Fund	40,500,000
Rent of State Building Space	1,900,000
Social Security Recoveries from Federal and Other Funds	59,000,000
Subtotal, Inter-Departmental Accounts	$583,809,000
The Judiciary:	
Court Fees	$66,345,000
Subtotal, Judicial Branch	$66,345,000
Total -- Miscellaneous Taxes, Fees, Revenues	$2,776,416,000

Interfund Transfers

Beaches and Harbor Fund	$94,000
Clean Waters Fund	10,000
Correctional Facilities Construction Fund	20,000
Correctional Facilities Construction Fund -- 1987	13,000
Cultural Centers and Historic Preservation Fund	55,000
Dam, Lake, Stream and Flood Control Project Fund -- 2003	175,000
Developmental Disabilities Waiting List Reduction Fund	313,000
Dredging and Containment Facility Fund	355,000
Emergency Flood Control Fund	12,000
Energy Conservation Fund	15,000
Enterprise Zone Assistance Fund	9,631,000
Fund for the Support of Free Public Schools	2,822,000
Garden State Farmland Preservation Trust Fund	1,765,000
Garden State Green Acres Preservation Trust Fund	5,007,000
Garden State Historic Preservation Trust Fund	617,000
Hazardous Discharge Fund	7,000
Hazardous Discharge Site Cleanup Fund	10,615,000
Housing Assistance Fund	140,000
Jobs, Education and Competitiveness	15,000
Judiciary Bail Fund	1,050,000
Judiciary Child Support and Paternity Fund	800,000
Judiciary Probation Fund	325,000
Judiciary Special Civil Fund	90,000
Judiciary Superior Court Miscellaneous Fund	140,000
Legal Services Fund	10,410,000
Mortgage Assistance Fund	715,000
Motor Vehicle Security Responsibility Fund	3,000

New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	196,000
Natural Resources Fund	53,000
New Jersey Green Acres Fund - 1983	680,000
New Jersey Spill Compensation Fund	15,589,000
New Jersey Workforce Development Partnership Fund	17,266,000
Pollution Prevention Fund	1,497,000
Public Purpose Buildings Construction Fund	8,000
Public Purpose and Community Based Facilities Construction	120,000
Safe Drinking Water Fund	2,368,000
Sanitary Landfill Facility Contingency Fund	5,000,000
School Fund Investment Account	3,582,000
Shore Protection Fund	445,000
Solid Waste Service Tax Fund	2,000
State Disability Benefit Fund	77,797,000
State Land Acquisition and Development Fund	3,000
State Lottery Fund	846,000,000
State Lottery Fund -- Administration	21,900,000
State Recreation and Conservation Land Acquisition and Development Fund	25,000
State of New Jersey Cash Management Fund	3,034,000
Statewide Transportation and Local Bridge Fund	400,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Tobacco Settlement Fund	27,278,000
Transportation Rehabilitation and Improvement Fund	10,000
Unclaimed Insurance Payments on Deposits Trust Fund	34,000
Unclaimed Personal Property Trust Fund	311,342,000
Unclaimed Utility Deposits Trust Fund	165,000
Unemployment Compensation Auxiliary Fund	22,297,000
Universal Services Fund	72,509,000
Wage and Hour Trust Fund	75,000
Water Conservation Fund	24,000
Water Supply Fund	3,911,000
Worker and Community Right to Know Fund	3,543,000
Total -- Interfund Transfers	$1,484,367,000
Total State Revenues, General Fund	$18,608,643,000
Total Resources, General Fund	$19,633,660,000

Property Tax Relief Fund

Gross Income Tax	$11,475,000,000
Total Resources, Property Tax Relief Fund	$11,475,000,000

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 2006	$429,510,000
Total Resources, Surplus Revenue Fund	$429,510,000

Casino Control Fund

Investment Earnings	$450,000
License Fees	71,589,000
Total Resources, Casino Control Fund	$72,039,000

Casino Revenue Fund

Casino Simulcasting Fund	$600,000

Gross Revenue Tax	424,080,000
Investment Earnings	1,125,000
Other Casino Taxes and Fees	42,282,000
Total Resources, Casino Revenue Fund	$468,087,000

Gubernatorial Elections Fund

Taxpayers' Designations	$700,000
Total Resources, Gubernatorial Elections Fund	$700,000
Total Resources, All State Funds	$32,078,996,000

Federal Revenue

Executive Branch --	
Department of Agriculture:	
Child Care	$68,076,000
Child Nutrition -- School Breakfast	46,200,000
Child Nutrition -- School Lunch	174,300,000
Child Nutrition -- Special Milk	1,600,000
Child Nutrition -- Summer Programs	10,347,000
Child Nutrition -- Administration	4,100,000
Farm Risk Management Education Program	272,000
Farmland Preservation	9,429,000
Fish Inspection Services	125,000
Food Stamp - Temporary Emergency Food Assistance Program (TEFAP)	1,550,000
National Animal Identification Infrastructure	92,000
Team Nutrition Training	225,000
Various Federal Programs and Accruals	5,952,000
Subtotal, Department of Agriculture	$322,268,000
Department of Children and Families:	
Restricted Federal Grants	$9,823,000
Social Services Block Grant	51,529,000
Title IV-B Child Welfare Services	5,500,000
Title IV-E Foster Care	127,680,000
Title XIX Child Residential	81,695,000
Subtotal, Department of Children and Families	$276,227,000
Department of Community Affairs:	
Community Services Block Grant	$17,023,000
Emergency Shelter Grants Program	1,520,000
Fair Housing Initiatives Grant	93,000
Lead-Based Paint Abatement in Low and Moderate Income Housing	3,000,000
Moderate Rehabilitation Housing Assistance	12,162,000
National Affordable Housing - HOME Investment Partnerships	7,890,000
National Fire Academy Training Program	28,000
Section 8 Housing Voucher Program	173,200,000
Shelter Plus Care Program	4,500,000
Small Cities Block Grant Program	8,360,000
Transitional Housing - Homeless	136,000
Weatherization Assistance Program	5,126,000
Subtotal, Department of Community Affairs	$233,038,000
Department of Corrections:	
Body Alarms Justice Technology Grant	$500,000

Crime Prevention Funding	300,000
Crime and Justice Research	219,000
DOE Grant-Life Skills for State and Local Prisoners	426,000
Gang Awareness and Prevention Program: Field Initiated Demo Program Grant	296,000
Justice and Mental Health Collaboration	50,000
National Institute of Justice Grant for Corrections Research - Escape Study	130,000
National Institute of Justice Grant for Corrections Research - Megan's Law Study	39,000
Prisoner Reentry Initiative Grant Essex County	450,000
Prisoner Reentry Initiative Grant - Atlantic County	450,000
Project In-Side	655,000
State Criminal Alien Assistance Program	5,000,000
Weed and Seed Communities	175,000
Various Federal Programs and Accruals	60,000
Subtotal, Department of Corrections	$8,750,000
Department of Education:	
21st Century Schools	$19,898,000
AIDS Prevention Education	247,000
Bilingual and Compensatory Education -- Homeless Children and Youth	1,290,000
Byrd Scholarship Program	1,200,000
Character Education Partnership	672,000
Drug-Free Schools and Communities -- Administration	1,650,000
Drug-Free Schools and Communities -- Discretionary	6,600,000
Enhancing Education Thru Technology	5,381,000
Even Start Family Literacy Grant -- Discretionary	2,071,000
Grants Management	2,339,000
Improving America's Schools Act -- Consolidated Administration	4,600,000
Individuals with Disabilities Education Act Basic State Grant	333,206,000
Individuals with Disabilities Education Act Preschool Grants	11,529,000
Language Acquisition State Grants	21,530,000
Mathematics and Science Partnerships Grants	3,013,000
Migrant Education -- Administration/Discretionary	2,117,000
Public Charter Schools	6,010,000
State Assessments	10,001,000
State Data Grants	484,000
State Grants for Improving Teacher Quality	64,447,000
State Improvement Grant, Administration	1,273,000
Step Up - Teacher Recruitment	1,098,000
Title I -- Grants to Local Educational Agencies	263,753,000
Title I -- Part D, Neglected and Delinquent	2,713,000
Title I -- Reading First State Grant	17,866,000
Title V -- Innovative Program Strategies	2,859,000
Vocational Education -- Basic Grants, Administration	24,715,000
Vocational Education Technical Preparation	2,263,000
Various Federal Programs and Accruals	1,454,000
Subtotal, Department of Education	$816,279,000
Department of Environmental Protection:	
Air Pollution Maintenance Program	$9,967,000
Artificial Reef Program -- PSE&G/NJPDES Permit Fees	825,000

Asian Longhorned Beetle Project	2,300,000
Assessing New Jersey's Bays	100,000
Assistance to Firefighters - Wildfire and Arson Prevention	200,000
Asthma Outreach and Education Initiative - Camden	15,000
Atlantic Coastal Cooperative Program	200,000
Avian Influenza	100,000
BioWatch Monitoring	500,000
Boat Access (Fish and Wildlife)	1,000,000
Brownfields	2,000,000
Clean Lakes Program	500,000
Clean Vessels	1,000,000
Coastal Estuarine Land Program	6,000,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program	200,000
Consolidated Forest Management	1,070,000
Construction Grants Program	44,035,000
Defensible Space	400,000
Endangered Species	75,000
Endangered and Nongame Species Program State Wildlife	1,500,000
Firewise in the Pines	200,000
Fish and Wildlife Health	150,000
Forest Legacy	10,040,000
Forest Resource Management -- Cooperative Forest Fire Control	1,725,000
Grassland Habitat Project	200,000
Hazardous Waste -- Resource Conservation Recovery Act	4,895,000
Historic Preservation Survey & Planning	950,000
Hunters' and Anglers' License Fund	5,925,000
Investigation and Management of NJ's Nongame Freshwater Fisheries Resources	150,000
Land and Water Conservation Fund	5,000,000
Lower Cohansey Watershed	1,000,000
Marine Fisheries Investigation and Management	1,150,000
Multimedia	750,000
Multimedia Enforcement Grant	1,000,000
NJ Field Office Bog Turtle Cooperative Agreement	50,000
NJ Landowners Incentive	180,000
NJ Landowner Incentive Program - Tier 2 (5 Yr. Projects)	200,000
NJ Landowner Incentive Program - Tier 2 (10 Yr. Projects)	1,200,000
NJ landowner Incentive Program - Tier 2 (2 Yr. Projects)	300,000
National Coastal Wetlands Conservation	2,215,000
National Dam Safety Program (FEMA)	90,000
National Geologic Mapping Program	200,000
National Pollutant Discharge Elimination System Implementation Support Program	600,000
National Recreational Trails	1,500,000
Non-Point Source Implementation (319H)	4,000,000
Northern Bobwhite Evaluation in New Jersey	125,000
Particulate Monitoring Grant	1,500,000
Pesticide Recording Program	20,000
Pesticide Technology	670,000
Pinelands Grant -- Acquisition	6,000,000
Preliminary Assessments/Site Inspections	1,500,000
Radon Program	500,000

Regional Environmental Monitoring and Assessment Program Benthik Indicators	400,000
Safe Drinking Water Act	22,200,000
Shortnose Sturgeon Research	150,000
Southern New Jersey Drinking Water Sampling Project	50,000
Southern Pine Beetle	100,000
State Recreational Trails	11,505,000
State Wetlands Conservation Plan	1,017,000
State Wildlife Grant Projects	1,500,000
State and EPA Data Management Grant	2,300,000
Superfund Grants	30,450,000
US Army Corps of Engineers Beachnesters	80,000
Underground Storage Tanks	2,055,000
Water Monitoring and Planning	547,000
Water Pollution Control Program	4,025,000
Wildland/Urban Interface II	100,000
Wildlife Education	285,000
Wildlife Management Area Planning	300,000
Various Federal Programs and Accruals	2,900,000
Subtotal, Department of Environmental Protection	$209,336,000
Department of Health and Senior Services:	
Abstinence Education -- Family Health Services (FHS)	$1,122,000
Asthma Surveillance and Coalition Building	457,000
Asthma and Hazardous Substances Applied Research	108,000
Bioterrorism Hospital Emergency Preparedness	13,600,000
Birth Defects Surveillance Program	250,000
Breastfeeding Peer Counseling	300,000
Childhood Lead Poisoning	1,422,000
Chronic Disease Prevention and Health Promotion -- Family Health Services	1,011,000
Chronic Disease Prevention and Health Promotion -- Public Health	1,912,000
Clinical Laboratory Improvement Amendments Program	450,000
Comprehensive AIDS Resources Grant	55,000,000
Core Injury Prevention and Control Program	280,000
Demonstration Program to Conduct Health Assessments	600,000
Early Hearing Detection and Intervention (EHDI) Tracking, Research	334,000
Early Intervention for Infants and Toddlers with Disabilities (Part H)	13,000,000
Eliminating Disparities in Perinatal Health	500,000
Emergency Medical Services for Children (EMSC) Partnership Grants	115,000
Enhanced HIV/AIDS Surveillance -- Perinatal	223,000
Exposure -- Tremolite Asbestos -- Vermiculite	115,000
Family Planning Program -- Title X	4,200,000
Federal Lead Abatement Program	498,000
Food Inspection	440,000
Food Safety Taskforce	7,000
Fundamental & Expanded Occupational Health	250,000
HIV/AIDS Events W/O Care in NJ	323,000
HIV/AIDS Prevention and Education Grant	17,999,000
HIV/AIDS Surveillance Grant	4,713,000

Housing Opportunities for Persons with AIDS	2,828,000
Housing Opportunities for Incarcerated Persons with AIDS	1,763,000
Immunization Project	7,727,000
Lead Training and Certification (Enforcement) Program	81,000
Maternal and Child Health (MCH) Early Childhood Comprehensive System	140,000
Maternal and Child Health Block Grant	13,000,000
Medicare/Medicaid Inspections of Nursing Facilities	16,660,000
Minority AIDS Demo	150,000
Morbidity & Mortality Review Program	150,000
Morbidity & Risk Behavior Surveillance	600,000
NJ's Reducing Health Disparities Initiative	160,000
National Cancer Prevention and Control - Public Health	6,574,000
National Family Caregiver Program	5,200,000
New Jersey Ease for Caregivers - Building Support Systems	50,000
Nurse Aide Certification Program	1,000,000
Nursing Facilities Transition Grant	600,000
Older Americans Act -- Title III	34,480,000
Pediatric AIDS Health Care Demonstration Project	2,850,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	4,014,000
Rape Prevention and Education Program	1,234,000
Research on Ecology of Lyme Disease in US	325,000
Senior Farmers Market Nutrition Program	1,000,000
State Pharmacy Assistance Program Payments -- Federally Funded Grant	3,842,000
Supplemental Food Program -- Women, Infants, and Children	100,000,000
Surveillance, Epidemiology and End Results (SEER)	1,201,000
Traumatic Brain Injury Surveillance	105,000
Tuberculosis Control Program	6,000,000
United States Department of Agriculture (USDA) Older Americans Act -- Title III	3,900,000
Universal Newborn Hearing Screening	250,000
Venereal Disease Project	3,882,000
Violence Related Injury Prevention	160,000
Vital Statistics Component	1,100,000
WIC Farmer's Market Nutrition Program	2,369,000
West Nile Virus -- Laboratory	190,000
West Nile Virus -- Public Health	2,060,000
Various Federal Programs and Accruals	5,780,000
Subtotal, Department of Health and Senior Services	$391,104,000
Department of Human Services:	
Access to Recovery	$8,000,000
Block Grant Mental Health Services	12,013,000
Child Care Block Grant	119,250,000
Child Support Enforcement Program	173,548,000
Community Based Residential Program Grant	1,000,000
Developmental Disabilities Council	1,598,000
Federal Independent Living	1,153,000
Food Stamp Program	102,783,000
Foster Grandparents Program	1,127,000
Low Income Energy Assistance Block Grant	112,976,000

Projects for Assistance in Transition from Homelessness (PATH)	1,922,000
Refugee Resettlement Program	5,870,000
Substance Abuse Block Grant	51,882,000
Temporary Assistance to Needy Families Block Grant	463,869,000
Title XIX Community Care Waiver	268,654,000
Title XIX ICF/MR	314,562,000
Title XIX Medical Assistance	3,904,319,000
Title XXI Children's Health Insurance Program	261,435,000
Vocational Rehabilitation Act -- Section 120	10,961,000
Various Federal Programs and Accruals	7,393,000
Subtotal, Department of Human Services	$5,824,315,000
Department of Labor and Workforce Development:	
Adult and Continuing Education -- Workforce Investment Act	$18,121,000
Comprehensive Services for Independent Living	1,012,000
Current Employment Statistics	2,764,000
Disability Determination Services	49,176,000
Disabled Veterans' Outreach Program	2,900,000
Employment Services	25,902,000
Employment Services -- One Stop Shopping	325,000
Employment Services Cost Reimbursable Grants -- Migrant Housing	50,000
Employment Services Grants -- Alien Labor Certification	2,403,000
Employment Services Reemployment Services	1,100,000
Federal Public Employees Occupational Safety and Health Act	1,942,000
Local Veterans' Employment Representatives	1,528,000
National Council on Aging - Senior Community Services Employment Project	3,014,000
Occupational Informational Coordinating Program	175,000
Occupational Safety Health Act, On-Site Consultation	2,103,000
Occupational Safety and Health Administration Data Collection Survey	74,000
Old Age & Survivor Insurance Disability Determination Services	1,000,000
One Stop Labor Market Information	940,000
Redesigned Occupational Safety and Health (ROSH)	233,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	975,000
Technical Assistance Training	1,700,000
Technology Related Assistance Project	350,000
Trade Adjustment Assistance Project	4,121,000
Unemployment Insurance	119,916,000
Vocational Rehabilitation Act of 1973	46,556,000
Work Incentive -- Project Access	700,000
Work Opportunity Tax Credit	750,000
Workforce Investment Act	80,154,000
Workforce Investment Act -- Title IIID Discretionary Funding	4,000,000
Various Federal Programs and Accruals	251,000
Subtotal, Department of Labor and Workforce Development.	$376,235,000
Department of Law and Public Safety:	
Anti Trafficking Task Force	$600,000
Anti-Gang Initiative	700,000

Buffer Zone Protection	2,731,000
Bulletproof Vest Partnership	850,000
Child Passenger Protection Education - Section 2003B	500,000
Child Safety/Child Booster Seats - Section 2011	1,250,000
Combatting Underage Drinking	360,000
Convicted Offender In-House (DNA)	1,500,000
Domestic Marijuana Eradication Suppression Program	89,000
Drunk Driver Prevention - Section 410	3,000,000
Emergency Management Performance Grant -- Non-Terrorism	4,500,000
Equal Employment Opportunity Commission	600,000
FEMA Pre-Disaster Mitigation Grant	500,000
Financial Investigations & Money Laundering Initiative	5,000,000
Flood Mitigation Assistance	946,000
Forensic Science Improvement Program	1,000,000
Hazardous Materials Transportation	451,000
Help America Vote Act	2,210,000
High Intensity Drug Trafficking Area (HIDTA)	50,000
Highway Traffic Safety - Section 402	6,500,000
Housing and Urban Development	115,000
Incident Command	833,000
Innovative Seat Belt Use - Section 157	5,000,000
Internet Crimes Against Children	500,000
Justice Assistance Grant (JAG)	10,500,000
Juvenile Accountability Incentive Block Grant	1,200,000
Juvenile Justice Delinquency Prevention	2,336,000
Medicaid Fraud Unit	3,429,000
Motorcycle Safety - Section 2010	750,000
National Criminal History Program -- Office of the Attorney General	2,000,000
National Forensic Sciences Improvement Act Program	500,000
No Suspect Casework DNA Backlog Reduction Program	1,300,000
Northeast Hazardous Waste Project -- Resource Conservation and Recovery Act	250,000
Occupant Protection Grant - Section 405	1,965,000
Pre-Disaster Mitigation - Competitive	2,500,000
Prevent Operations of Motor Vehicles by Intoxicated Persons - Section 163	1,000,000
Project Safe Neighborhoods	1,060,000
Racial Profiling - Section 1906	500,000
Recreational Boating Safety	2,700,000
Residential Treatment for Substance Abuse	1,600,000
Safety Belts Performance Grants - Section 406	3,500,000
Safety Incentive Grants - Section 157	2,000,000
State Homeland Security Grant Program	17,653,000
State Traffic Safety Information System - Section 408	1,500,000
Title V Funding	1,500,000
Urban Area Security Initiative	34,330,000
Victim Assistance Grants	12,000,000
Victim Compensation Award	7,000,000
Violence Against Women Act	4,000,000
Various Federal Programs and Accruals	100,000
Subtotal, Department of Law and Public Safety	$156,958,000

Department of Military and Veterans' Affairs:	
Armory Renovations and Improvements	$1,900,000
Army Facilities Service Contracts	1,600,000
Army National Guard Statewide Security Agreement	500,000
Army National Guard Sustainable Range Program	200,000
Army National Guard Transportation	125,000
Army Training and Technology Lab	500,000
Atlantic City Air Base -- Service Contracts	2,200,000
Atlantic City Environmental	50,000
Atlantic City Operations and Maintenance	65,000
Brigadier General Doyle Memorial Cemetery Building Project	12,000,000
Combined Logistics Facility	22,200,000
Dining Facility Operations	700,000
Facilities Support Contract	6,433,000
Federal Distance Learning Program	200,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	1,500,000
Hazardous Waste Environmental Protection Program	500,000
McGuire AFB Environmental	50,000
McGuire Air Force Base -- Service Contracts	2,049,000
McGuire Operations and Maintenance	70,000
Medicare Part A Receipts for Resident Care and Operational Costs	6,108,000
National Guard Communications Agreement	880,000
New Jersey National Guard Challenge Youth Program	2,000,000
New Jersey National Guard Counter Drug Program Interservice State - Federal	12,000
Training and Equipment -- Pool Sites	250,000
Transitional Housing	360,000
Veterans' Education Monitoring	583,000
Warren Grove/Coyle Field	80,000
Various Federal Programs and Accruals	55,000
Subtotal, Department of Military and Veterans' Affairs	$63,170,000
Department of State:	
Americorps Grant	$5,102,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,500,000
Leveraging Educational Assistance Partnership	2,097,000
National Endowment for the Arts Partnership	750,000
National Endowment for the Humanities Grant	715,000
National Health Service Corps -- Student Loan Repayment Program	240,000
National Telecommunications Information Agency	625,000
Student Loan Administrative Cost Deduction and Allowance	23,175,000
Subtotal, Department of State	$36,204,000
Department of Transportation:	
Airport Fund	$10,000,000
Commercial Drivers' License Program	3,470,000
Commercial Vehicle Information Systems and Networks	1,862,000
Fuel Tax Evasion - Intergovernmental Enforcement Efforts	250,000
Highway Planning and Research	17,300,000
Homeland Security	16,000,000
Metropolitan Planning Funds	12,039,000

Motor Carrier Safety Assistance Program	11,558,000
New Jersey Maritime Program	1,600,000
New Jersey Transportation Planning Assistance	3,800,000
Odometer Fraud Grant #DTNH-22-05-H-11057	30,000
Performance & Registration Information Systems Management	460,000
Supportive Services Highway Construction Training Program	500,000
Subtotal, Department of Transportation	$78,869,000
Department of the Treasury:	
Diamond Shamrock Oil Overcharge Settlement	$717,000
Division of Gas Expansion	600,000
NJ Partnership for the National Map	900,000
State Energy Conservation Program	2,602,000
Various Federal Programs and Accruals	700,000
Subtotal, Department of the Treasury	$5,519,000
The Judiciary:	
Various Federal Programs and Accruals	$835,000
Subtotal, The Judiciary	$835,000
Special Transportation Fund	
Department of Transportation:	
Federal Transit Administration	$503,604,000
Federal Highway Administration	1,009,881,690
Subtotal, Special Transportation Fund -- Federal	$1,513,485,690
Total -- Federal Revenue	$10,312,592,690
Grand Total Resources, All Funds	$42,441,071,690

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2007. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 2007 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2007 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2007 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 2006 are available for payments applicable to fiscal year 2006 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2006 together with an explanation of their status. On or before December 1, 2006, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending

June 30, 2006, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2006.

01 LEGISLATURE
70 Government Direction, Management and Control
71 Legislative Activities
0001 Senate
DIRECT STATE SERVICES

01-0001 Senate $11,681,000
Total Direct State Services Appropriation, Senate $11,681,000

Direct State Services:
Personal Services:
Senators (40) ..... ($1,990,000)
Salaries and Wages ..... (4,571,000)
Members' Staff Services ..... (4,400,000)
Materials and Supplies ..... (135,000)
Services Other Than Personal ..... (486,000)
Maintenance and Fixed Charges ..... (72,000)
Additions, Improvements and Equipment ..... (27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0002 General Assembly
DIRECT STATE SERVICES

01-0002 General Assembly $18,096,000
Total Direct State Services Appropriation, General Assembly ... $18,096,000

Direct State Services:
Personal Services:
Assemblypersons (80) ..... ($3,937,000)
Salaries and Wages ..... (4,581,000)
Members' Staff Services ..... (8,800,000)
Materials and Supplies ..... (108,000)
Services Other Than Personal ..... (576,000)
Maintenance and Fixed Charges ..... (90,000)
Additions, Improvements and Equipment ..... (4,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0003 Office of Legislative Services
DIRECT STATE SERVICES

01-0003 Legislative Support Services $28,441,000
Total Direct State Services Appropriation, Office of Legislative Services $28,441,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($21,184,000)
Materials and Supplies ..... (1,065,000)
Services Other Than Personal ..... (2,527,000)
Maintenance and Fixed Charges ..... (3,181,000)
Special Purpose:
03 State House Express
Civics Education Program ..... (30,000)

03 Affirmative Action and Equal Employment Opportunity ..... (29,000)
03 Senator Wynona Lipman Chair in Women's Political Leadership at the Eagleton Institute .. (100,000)
03 Henry J. Raimondo New Jersey Legislative Fellows Program ..... (69,000)
Additions, Improvements and Equipment ..... (256,000)

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

Such sums as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Such sums as are required for Master Lease payments, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, are appropriated.

Receipts derived from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

77 Legislative Commissions and Committees

DIRECT STATE SERVICES

09-0010	Intergovernmental Relations Commission	$400,000
09-0014	Joint Committee on Public Schools	335,000
09-0018	State Commission of Investigation	4,922,000
09-0026	Commission on Business Efficiency in the Public Schools	110,000
09-0053	New Jersey Law Revision Commission	321,000
09-0058	State Capitol Joint Management Commission	9,001,000
09-0061	Clean Ocean and Shore Trust Committee	144,000
	Total Direct State Services Appropriation, Legislative Commissions and Committees	$15,233,000

Direct State Services:

Intergovernmental Relations Commission
09 The Council of State Governments ..... ($155,000)
09 National Conference of State Legislatures ..... (184,000)
09 Eastern Trade Council - The Council of State Governments ..... (36,000)
09 Northeast States Association for Agriculture Stewardship-The Council of State Governments ..... (25,000)

Joint Committee on Public Schools
09 Expenses of Commission ..... (335,000)
State Commission of Investigation
09 Expenses of Commission ..... (4,922,000)
Commission on Business Efficiency in the Public Schools
09 Expenses of Commission ..... (110,000)
New Jersey Law Revision Commission
09 Expenses of Commission ..... (321,000)
State Capitol Joint Management Commission
09 Expenses of Commission ..... (9,001,000)
Clean Ocean and Shore Trust Committee
09 Expenses of Commission ..... (144,000)
The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.
Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commission are appropriated to defray custodial, security, maintenance and other related costs of these facilities.
From the unexpended balances at the end of the preceding fiscal year in the appropriation for the Joint Committee on Public Schools there is transferred $325,000, and from the unexpended balance at the end of the preceding fiscal year in the appropriation for the Intergovernmental Relations Commission there is transferred $175,000, to the Office of Legislative Services which amounts are appropriated for enhanced functions of the State Auditor.

Legislature, Total State Appropriation $73,451,000

Summary of Legislature Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $73,451,000
Appropriations by Fund:
General Fund $73,451,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management and Control
76 Management and Administration
DIRECT STATE SERVICES

01-0300 Executive Management $4,924,000
Total Direct State Services Appropriation,
The Office of the Chief Executive $4,924,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($3,996,000)
Materials and Supplies ..... (89,000)
Services Other Than Personal ..... (284,000)
Maintenance and Fixed Charges ..... (85,000)
Special Purpose:
01 National Governors' Association ..... (158,000)
01 Coalition of Northeastern Governors ..... (37,000)
01 Education Commission of the States ..... (108,000)
01 National Conference of Commissioners
On Uniform State Laws ..... (42,000)

01 Brian Stack Intern Program ..... (10,000)
Allowance to the Governor of Funds
Not Otherwise Appropriated, For
Official Reception on Behalf of the
State, Operation of an Official
Residence and Other Expenses ..... (95,000)
Additions, Improvements and Equipment ..... (20,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation $4,924,000

Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $4,924,000
Appropriations by Fund:
General Fund $4,924,0000

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning and Regulation
DIRECT STATE SERVICES

01-3310 Animal Disease Control $1,315,000
02-3320 Plant Pest and Disease Control 2,090,000
03-3330 Agriculture and Natural Resources 792,000
05-3350 Food and Nutrition Services 338,000
06-3360 Marketing and Development Services 2,261,000
08-3380 Farmland Preservation 1,740,000
99-3370 Administration and Support Services 458,000
Total Direct State Services Appropriation, Agricultural
Resources, Planning and Regulation $8,994,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($5,225,000)
Materials and Supplies ..... (167,000)
Services Other Than Personal ..... (211,000)
Maintenance and Fixed Charges ..... (195,000)
Special Purpose:
02 Asian Longhorned Beetle Monitoring ..... (200,000)
05 Temporary Emergency Food
Assistance Program ..... (338,000)
06 Promotion/Market Development ..... (826,000)
08 Agricultural Right-to-Farm Program ..... (90,000)
08 Open Space Administrative Costs ..... (1,650,000)
99 Expenses of State Board of Agriculture ..... (18,000)
99 Affirmative Action and Equal
Employment Opportunity ..... (28,000)
Additions, Improvements and Equipment ..... (46,000)
Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for Nursery Inspection program costs. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for program costs. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for program costs.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for program costs.

Receipts from agriculture chemistry fees not to exceed $75,000 shall be available to support the organic certification program.

Receipts from inspection fees derived from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, and poultry inspections.

An amount equal to receipts generated at the rate of $.47 per gallon of wine, vermouth and sparkling wine sold by plenary winery and farm winery licensees issued pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Notwithstanding any other law to the contrary, the amount hereinabove for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund to the General Fund, together with an amount not to exceed $670,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Promotion/Market Development Account is appropriated for the same purpose.

Notwithstanding any other law to the contrary, an amount not to exceed $200,000 shall be transferred from the appropriate funds established in the Open Space Preservation Bond Act of 1989, P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

Receipts derived from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture.

Receipts from organic program fees are appropriated for program costs.

GRANTS-IN-AID

03-3330	Agriculture and Natural Resources	$950,000
05-3350	Food and Nutrition Services	4,000,000
06-3380	Marketing and Development Services	75,000
	Total Grants-in-Aid Appropriation, Agricultural Resources, Planning and Regulation	$5,025,000

Grants-in-Aid:

03 Conservation Assistance Program ..... ($950,000)
05 Food Assistance Program ..... (3,000,000)
05 Capital Improvements for Storing
Food for Food Banks ..... .(1,000,000)
06 Promotion/Market Development ..... (75,000)

The expenditure of funds for the Conservation Cost Share program shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, $540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning-Constitutional Dedication special purpose account to support the Conservation Cost Share program in the Department of Agriculture on or before September 1, 2006. Further additional sums may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture, from the Department of Environmental Protection's Water Resources Monitoring and Planning-Constitutional Dedication account to support non-point source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, the State Agriculture Development Committee, in determining eligibility for funding for Soil and Water Conservation projects, shall give consideration to applications pursuant to the following priority: a. lands from which a development easement has been permanently conveyed pursuant to section 17 of P.L.1983, c.32 (C.4:1C-24), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 39 of P.L.1999, c.152 (C.13:8C-39), section 40 of P.L.1999, c.152 (C.13:8C-40) or section 1 of P.L.1999, c.180 (C.4:1C-43.1); b. lands certified by the State Agriculture Development Committee to be within a municipally approved program or other farmland preservation program on or before January 1, 2006 pursuant to P.L.1983, c.32; c. lands certified by the State Agriculture Development Committee to be within a municipally approved program or other farmland preservation program subsequent to January 1, 2006 pursuant to P.L.1983, c.32.

Of the amounts hereinabove appropriated for the Conservation Assistance Program, an amount not to exceed $750,000 is allocated for the administrative expenses of the Conservation Assistance Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Conservation Assistance Program are appropriated for the same purpose.

Notwithstanding any law to the contrary, $250,000 shall be transferred from the Department of Environmental Protection's Corporation Business Tax receipts and is appropriated for the Animal Waste Management program of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture.

STATE AID

05-3350 Food and Nutrition Services $11,677,000
08-3380 Farmland Preservation 50,000
Total State Aid Appropriation, Agricultural Resources,
Planning and Regulation $11,727,000

State Aid:

05 School Breakfast Program - State
Aid Grants ..... ($3,854,000)

05 Non-Public Nutrition Aid - State Aid Grants . . . (439,000)
05 School Lunch Aid - State Aid Grants . . . . . (7,384,000)
08 Payments in Lieu of Taxes . . . . . (50,000)

The unexpended balances at the end of the preceding fiscal year in the School Breakfast-State Aid Grants Account are appropriated for the same purpose.

Of the amount hereinabove appropriated for the Department of Agriculture, such sums as the Director of the Division of Budget and Accounting shall determine from the amount listed under School Nutrition in the Department of Agriculture schedule included in the Governor's Budget Recommendation Document dated March 21, 2006, first shall be charged to the State Lottery Fund.

The unexpended balances at the end of the preceding fiscal year in the School Lunch and Non-Public Nutrition Aid-State Aid Grants Accounts are appropriated for the same purpose.

Department of Agriculture, Total State Appropriation $25,746,000

Summary of Department of Agriculture Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $8,994,000
Grants-in-Aid 5,025,000
State Aid 11,727,000
Appropriations by Fund:
General Fund $25,746,000

14 DEPARTMENT OF BANKING AND INSURANCE
50 Economic Planning, Development and Security
52 Economic Regulation
DIRECT STATE SERVICES

01-3110 Consumer Protection Services and Solvency Regulation $18,859,000
02-3120 Actuarial Services 6,344,000
03-3130 Regulation of the Real Estate Industry 3,009,000
04-3110 Public Affairs, Legislative and Regulatory Services 1,971,000
06-3110 Insurance Fraud Prevention 31,747,000
07-3170 Supervision and Examination of Financial Institutions 3,404,000
99-3150 Administration and Support Services 3,610,000
Total Direct State Services Appropriation, Economic Regulation . $68,944,000

Direct State Services:
Personal Services:
Salaries and Wages . . . . . ($31,374,000)
Materials and Supplies . . . . . (332,000)
Services Other Than Personal . . . . . (5,396,000)
Maintenance and Fixed Charges . . . . . (211,000)
Special Purpose:
01 Rate Counsel -- Insurance . . . . . (1,124,000)
02 Actuarial Services . . . . . (600,000)
06 Insurance Fraud Prosecution Services . . . . . (29,877,000)
99 Affirmative Action and Equal Employment Opportunity . . . . . (30,000)

Receipts derived from extraordinary financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed $400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et. seq.) shall be appropriated to the Pinelands Development Credit Bank for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank account is appropriated for the same purpose.

In addition to the amounts appropriated hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pursuant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove for the Division of Insurance accounts is payable from receipts received from the special purpose assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the special purpose assessment cap calculation is less than the amount herein appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57 (C.34:1B-21.1 et seq.).

The amount hereinabove appropriated for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.).

There is appropriated such sums as are necessary to fund the administrative costs of the New Jersey Hospital Care Payment Commission pursuant to P.L.2003, c.112, (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any other law to the contrary, such sums as the Director of the Division of Budget and Accounting determines are necessary for the administrative costs associated with the "New Jersey Medical Care Access and Responsibility and Patients First Act," P.L.2004, c.17 (C.2A:53A-37 et al.), are

appropriated from the Medical Malpractice Liability Insurance Premium Assistance Fund. Such other sums as the Director of the Division of Budget and Accounting shall determine necessary on behalf of State employees are appropriated to the Interdepartmental, Unemployment Insurance Liability account for deposit in the Medical Malpractice Liability Insurance Premium Assistance Fund. If annual receipts deposited in the Medical Malpractice Liability Insurance Premium Assistance Fund are higher or lower than the amounts projected for specific spending categories in the "New Jersey Medical Care Access and Responsibility and Patients First Act," the difference shall be pro-rated among those categories in the same proportion as established in section 27 of P.L.2004, c.17 (C.17:30D-29).

Department of Banking and Insurance, Total State Appropriation . $68,944,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $68,944,000
Appropriations by Fund:
General Fund $68,944,000

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development and Security
55 Social Services Programs
DIRECT STATE SERVICES

01-1610 Child Protective and Permanency Services $391,269,000
(From General Fund ..... $198,504,000)
(From Federal Funds ..... 190,556,000)
(From All Other Funds ..... 2,209,000)
03-1630 Prevention and Community Partnership Services 2,417,000
(From General Fund ..... 1,936,000)
(From Federal Funds ..... 481,000)
04-1600 Education Services 35,216,000
(From General Fund ..... 8,527,000)
(From Federal Funds ..... 2,116,000)
(From All Other Funds ..... 24,573,000)
05-1600 Child Welfare Training Academy Services and Operations 5,449,000
(From General Fund ..... 3,661,000)
(From Federal Funds ..... 1,788,000)
06-1600 Safety and Security Services 2,575,000
99-1600 Administration and Support Services 80,764,000
(From General Fund ..... 57,443,000)
(From Federal Funds ..... 23,321,000)
Total Appropriation, State, Federal and All Other Funds $517,690,000
(From General Fund ..... $272,646,000)
(From Federal Funds ..... 218,262,000)
(From All Other Funds ..... 26,782,000)
Less:
Federal Funds $218,262,000
All Other Funds 26,782,000
Total Deductions $245,044,000
Total Direct State Services Appropriation, Social Services Programs $272,646,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($388,794,000)
Materials and Supplies ..... (5,100,000)
Services Other Than Personal ..... (21,602,000)
Maintenance and Fixed Charges ..... (22,894,000)
Special Purpose:
01 Child Protective and Permanency Services .. (3,437,000)
01 New Jersey Safe Haven Infant Protection Act .. (526,000)
01 Child Welfare Reform ..... (44,267,000)
06 Safety and Security Services ..... (2,575,000)
99 Information Technology ..... (1,524,000)
99 Safety and Permanency in the Courts ..... (8,500,000)
Additions, Improvements and Equipment ..... (18,471,000)
Less:
Federal Funds 218,262,000
All Other Funds 26,782,000
Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed $6,688,000 shall be transferred to the Department of Law and Public Safety in accordance with the approved Child Welfare Reform Plan, subject to the approval of the Director of the Division of Budget and Accounting.
Of the amounts hereinabove appropriated for Safety and Permanency in the Courts, $950,000 shall be allocated to the Court Appointed Special Advocate Program.

GRANTS-IN-AID

01-1610 Child Protective and Permanency Services $402,314,000
(From General Fund ..... $354,246,000)
(From Federal Funds ..... 44,814,000)
(From All Other Funds ..... 3,254,000)
02-1620 Child Behavioral Health Services 419,619,000
(From General Fund ..... 284,576,000)
(From Federal Funds ..... 135,043,000)
03-1630 Prevention and Community Partnership Services 46,450,000
(From General Fund ..... 37,947,000)
(From Federal Funds ..... 8,503,000)
99-1610 Administration and Support Services 1,288,000
(From Federal Funds ..... 1,288,000)
Total Appropriation, State, Federal and All Other Funds $869,671,000
(General Funds ..... $676,769,000)
(From Federal Fund ..... 189,648,000)
(From All Other Funds ..... 3,254,000)
Less:
Federal Funds $189,648,000
All Other Funds 3,254,000
Total Deductions $192,902,000
Total Grants-in-Aid Appropriation,
Social Services Programs $676,769,000
Grants-in-Aid:
01 Rutgers MSW Program ..... ($950,000)
01 Substance Abuse Services ..... (12,000,000)
01 Capital Improvements for Child
Advocacy Centers ..... (2,000,000)
01 Group Homes ..... (11,324,000)

01 Treatment Homes ..... (2,568,000)
01 Public Awareness for Child Abuse Prevention Program ..... (290,000)
01 Independent Living and Shelter Care ..... (22,589,000)
01 Residential Placements ..... (13,554,000)
01 Family Support Services ..... (58,839,000)
01 Child Abuse Prevention ..... (11,847,000)
01 Foster Care ..... (76,158,000)
01 Subsidized Adoption ..... (76,422,000)
01 Amanda Easel Project ..... (125,000)
01 Recruitment of Adoptive Parents ..... (687,000)
01 Domestic Violence Program ..... (7,140,000)
01 Foster Care and Permanency Initiative ..... (8,108,000)
01 County Human Services Advisory Board - Formula Funding ..... (7,945,000)
01 New Jersey Homeless Youth Act ..... (1,560,000)
01 Wynona M. Lipman Child Advocacy Center, Essex County ..... (1,022,000)
01 Purchase of Social Services ..... (55,429,000)
01 Restricted Federal Grants ..... (9,947,000)
01 Child Welfare Reform ..... (21,810,000)
02 Care Management Organizations ..... (42,311,000)
02 Treatment Homes and Emergency Behavioral Health Services ..... (265,686,000)
02 Youth Case Managers ..... (16,180,000)
02 Family Support Organizations ..... (9,134,000)
02 Mobile Response ..... (12,263,000)
02 Intensive In-Home Behavioral Assistance ... (45,588,000)
02 Youth Incentive Program ..... (8,411,000)
02 Outpatient ..... (4,599,000)
02 Partial Care ..... (6,421,000)
02 Contracted Systems Administrator ..... (9,026,000)
03 Area Prevention and Support Services ..... (2,423,000)
03 Collaboratives ..... (2,830,000)
03 Family Support Services ..... (5,044,000)
03 School Based Youth Program ..... (32,928,000)
03 Domestic Violence Prevention Services ..... (3,225,000)
99 Children's Justice Act ..... (487,000)
99 National Center for Child Abuse and Neglect .. (801,000)

Less:

Federal Funds 189,648,000
All Other Funds 3,254,000

The sums hereinabove appropriated for the Residential Placements, Group Homes, Treatment Homes, Other Residential Services, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Children and Families in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster Care and Subsidized Adoption, the Division of Youth and Family Services may expend up to $225,000 for recruitment of foster and adoptive families; provided, however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program, $1,309,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Notwithstanding the provision of any law to the contrary, the appropriation hereinabove in the Residential Placements account is subject to the following condition: amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Child Protective and Permanency Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Purchase of Social Services account, $800,000 is appropriated to the UMDNJ - School of Osteopathic Medicine Academic Center - Stratford, for the Center for Children's Support to support the development of a model comprehensive diagnostic and treatment program to address both the medical and mental health needs of children experiencing abuse. The model program will demonstrate mental health treatment services that utilize measurable evidence-based outcomes with known effectiveness. This comprehensive model will be designed to be replicated Statewide to directly benefit children and families throughout New Jersey.

Of the amount hereinabove appropriated for the Purchase of Social Services account, $1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and the Division of Youth and Family Services shall prioritize the expenditure of this allocation to address transitional living services in the division's region that is experiencing the most severe over-capacity.

Notwithstanding any provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Treatment Homes and Emergency Behavioral Health Services, Youth Case Managers, Care Management Organizations, Youth Incentive Program, and Mobile Response shall be expended for any individual served by the Division of Child Behavioral Health Services, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for Medicaid and/or NJ FamilyCare. Individuals receiving services from appropriations covered by the exceptions above shall apply for Medicaid and/or NJ FamilyCare in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

Of the amounts appropriated for the School Based Youth Program, there shall be available $400,000 for the After School Reading Initiative, $200,000 for the After School Start-Up Fund, $400,000 for School Health Clinics, and $530,000 for Positive Youth Development.

CAPITAL CONSTRUCTION

99-1600 Administration and Support Services	$10,000,000
Total Capital Construction Appropriation, Social Services Program	$10,000,000

Capital Projects:
99 State Automated Child Welfare Information System ..... ($10,000,000)

Department of Children and Families, Total State Appropriation . $959,415,000

To ensure the proper reallocation of funds in connection with the creation of the new Department of Children and Families, of the amounts hereinabove appropriated, the Department of Children and Families may transfer appropriations to the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Children and Families Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $272,646,000
Grants-in-Aid 676,769,000
Capital Construction 10,000,000
Appropriations by Fund:
General Fund $959,415,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010 Housing Code Enforcement $6,119,000
02-8020 Housing Services 4,856,000
06-8015 Uniform Construction Code 7,391,000
13-8027 Codes and Standards 297,000
18-8017 Uniform Fire Code 6,147,000
Total Direct State Services Appropriation, Community Development Management $24,810,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($18,251,000)
Materials and Supplies ..... (86,000)
Services Other Than Personal ..... (859,000)
Maintenance and Fixed Charges ..... (621,000)
Special Purpose:
02 Prevention of Homelessness ..... (243,000)
02 Neighborhood Preservation - Fair Housing (P.L.1985, c.222) ..... (2,168,000)
02 Council on Affordable Housing ..... (2,207,000)
18 Local Fire Fighters' Training ..... (375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, in the several Uniform Construction Code program classification fee accounts, together with any receipts in

excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Planned Real Estate Development Full Disclosure Act fees account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of $0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code Program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes, except that the amounts attributable to $0.00075 per cubic foot of new construction and $0.39 per $1000 of other construction shall be dedicated to the Smart Future Planning Grant-in-Aid program. Notwithstanding the provision of law to the contrary, unexpended balances at the end of the preceding fiscal year in the Uniform Construction Code Revolving Fund are appropriated.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

Notwithstanding the provisions of any law to the contrary, receipts derived from fees associated with the Fire Protection Contractor's Certification program pursuant to P.L.2001, c.289 (C.52:27D-25n et seq.) are appropriated to the Department of Community Affairs Division of Fire Safety, necessary to operate the program subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts shall be payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of the Department of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for

repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner shall have authority to disburse funds from the Boarding House Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

Any receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of $300,000 for the expenses of the Green Homes Office in the Division of Housing, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated.

GRANTS-IN-AID

01-8010	Housing Code Enforcement	$919,000
02-8020	Housing Services	28,160,000
18-8017	Uniform Fire Code	8,666,000
	Total Grants-in-Aid Appropriation, Community Development Management	$37,745,000

Grants-in-Aid:

01	Cooperative Housing Inspection	($919,000)
02	Shelter Assistance	(2,300,000)
02	Prevention of Homelessness	(4,360,000)
02	State Rental Assistance Program	(17,500,000)
02	Capital Improvements for Homeless Shelters	(4,000,000)
18	NJ Fire and EMS Crisis Intervention Services Telephone Hotline	(95,000)
18	Uniform Fire Code - Local Enforcement Agency Rebates	(8,425,000)
18	Uniform Fire Code - Continuing Education	(146,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year, in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Uniform Fire Code program classification together with any receipts in excess of the amount anticipated is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the State Rental Assistance Program (SRAP), an amount not less than $20,000,000 is allocated from the Neighborhood Preservation Nonlapsing Revolving Fund to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

The amount hereinabove appropriated for Shelter Assistance is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49

(C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Shelter Assistance account is appropriated.

Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer tax dedicated to the Neighborhood Preservation Nonlapsing Revolving Fund, any available balance in the Shelter Assistance account may be transferred to the Neighborhood Preservation-Fair Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E- 176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to $110,000 shall be withdrawn from the escrow accounts by the New Jersey Meadowlands Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the New Jersey Meadowlands Commission to cover operational costs of the Hackensack Meadowlands Municipal Committee.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E- 176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to $190,233 shall be withdrawn from the escrow accounts by the commission and paid to the State Treasurer for deposit in the General Fund, and the amount so deposited is appropriated for payment to the New Jersey Meadowlands Tax Sharing Stabilization Fund and paid to the commission in accordance with the certification of the fund's requirements, for distribution by the commission to municipalities entitled to payments from the fund for 2006.

Notwithstanding any law to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding any law to the contrary, an amount equal to 5% of the Homelessness Prevention Program Grants-In-Aid appropriation shall be available for program administrative expenses, subject to the approval of the Director of the division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation - Fair Housing may be used in any municipality for the purposes or rehabilitating special needs housing.

STATE AID

02-8020 Housing Services $16,925,000
Total State Aid Appropriation,
Community Development Management $16,925,000

State Aid:

02 Relocation Assistance ..... ($250,000)
02 Neighborhood Preservation
(P.L.1975, c.248 and c.249) ..... (2,750,000)
02 Neighborhood Preservation -
Fair Housing (P.L.1985, c.222) ..... (13,925,000)

In addition to the sum hereinabove for Relocation Assistance, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding Home Rental Assistance Fund.

Of the sum hereinabove appropriated for Neighborhood Preservation-Fair Housing, a sum not to exceed $300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair Housing account are appropriated.

The amount hereinabove appropriated for Neighborhood Preservation-Fair Housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove appropriated for Neighborhood Preservation-Fair Housing, an amount not to exceed $5,500,000 may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities.

The unexpended balance at the end of the preceding fiscal year in the Neighborhood Preservation- Fair Housing account is appropriated.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

50 Economic Planning, Development and Security
51 Economic Planning and Development
8049 Office of Smart Growth
DIRECT STATE SERVICES

49-8049 Office of Smart Growth $2,485,000
Total Direct State Services Appropriation, Office of Smart Growth . $2,485,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($1,596,000)
Materials and Supplies ..... (51,000)
Services Other Than Personal ..... (229,000)
Maintenance and Fixed Charges ..... (6,000)
Special Purpose:
49 Governor's Smart Growth Policy Council ..... (25,000)
49 Historic Trust/Open Space
Administrative Costs ..... (578,000)

The Office of Smart Growth is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of Smart Growth.

The amount hereinabove for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; and the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, an amount not to exceed $578,000 shall be transferred from the Garden State Historic Preservation Trust Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs.

The unexpended balance at the end of the preceding fiscal year in the Brownfields Redevelopment Task Force account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

49-8049 Office of Smart Growth $2,295,000
Total Grants-in-Aid Appropriation, Office of Smart Growth $2,295,000

Grants-in-Aid:

49 Smart Future Planning Grants ..... ($2,295,000)0

55 Social Services Programs

DIRECT STATE SERVICES

05-8050 Community Resources $502,000
15-8051 Women's Programs 1,184,000
Total Direct State Services Appropriation, Social Services Programs $1,686,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($872,000)
Materials and Supplies ..... (62,000)
Services Other Than Personal ..... (172,000)
Maintenance and Fixed Charges ..... (5,000)
Special Purpose:
05 Center for Hispanic Policy, Research and Development ..... (75,000)
15 Address Confidentiality Program ..... (93,000)
15 Expenses of the New Jersey Commission on Women ..... (7,000)
15 Office on the Prevention of Violence Against Women ..... (400,000)

Notwithstanding the provision of any law to the contrary, receipts derived from the increases in divorce filing fees enacted in the amendment to N.J.S.22A:2-12 by section 41 of P.L.2003, c.117, are appropriated for transfer to the General Fund as general State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund such amount as may be required to provide the State 25% cost share for the Low-Income

Weatherization Assistance Program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-8050 Community Resources	$16,690,000
15-8051 Women's Programs	5,115,000
Total Grants-in-Aid Appropriation, Social Services Programs	$21,805,000

Grants-in-Aid:

05 Center for Hispanic Policy, Research and Development	($3,000,000)
05 Recreation for the Handicapped	(650,000)
05 Special Olympics	(450,000)
05 Boys and Girls Clubs of New Jersey	(1,500,000)
05 Larc School -- Bellmawr	(1,000,000)
05 Community YMCA of Red Bank -- ESL Program	(500,000)
05 Belleville -- Nutley Disabled American Veterans	(75,000)
05 United Jewish Appeal of River Edge -- Capital Improvements	(50,000)
05 Wood-Ridge Brownfields Projects	(350,000)
05 Piscataway Community Center	(500,000)
05 Center for Great Expectations	(125,000)
05 Trenton Catholic Charities	(75,000)
05 Eggerts Crossings Civic League -- After School/Summer Program	(75,000)
05 Lawrence Neighborhood Center -- After School Program	(75,000)
05 Big Brothers/Big Sisters	(650,000)
05 Mentor Power	(75,000)
05 Passaic PRIDE Program	(50,000)
05 Passaic County Domestic Violence Training Program	(250,000)
05 West New York Senior Outreach Transportation Program	(250,000)
05 Paterson Library	(500,000)
05 Latino Institute	(200,000)
05 Barnesboro Fire House (Mantua) -- Roof Repair	(40,000)
05 Sewell Boys and Girls Club Renovation	(150,000)
05 Grant to ASPIRA	(100,000)
05 Lead Hazard Control Assistance Fund Administration	(6,000,000)
15 Grants to Hispanic Women's Resource Centers	(500,000)
15 Women's Referral Central	(25,000)
15 Rape Prevention	(1,000,000)
15 Job Training Center for Urban Women Act	(315,000)
15 Grants to Women's Shelters	(25,000)
15 Grants to Displaced Homemaker Centers	(1,250,000)
15 Capital Improvements for Rape Care Centers	(500,000)
15 Capital Improvements for Women's Shelters	(1,500,000)

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.) or any other law or regulation to the contrary, the amount hereinabove appropriated for the Lead Hazard Control Assistance Fund is payable from receipts of the portion of the sales tax directed to be credited to the Lead Hazard Control Assistance Fund pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed $8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Grants to Women's Shelters account is appropriated.

70 Government Direction, Management and Control
75 State Subsidies and Financial Aid
DIRECT STATE SERVICES

04-8030 Local Government Services	$4,053,000
Total Direct State Services Appropriation, State Subsidies and Financial Aid	$4,053,000

Direct State Services:

Personal Services:	
Local Finance Board Members	($84,000)
Salaries and Wages	(3,095,000)
Materials and Supplies	(67,000)
Services Other Than Personal	(411,000)
Maintenance and Fixed Charges	(58,000)
Special Purpose:	
04 Municipal Rehabilitation/Recovery Act	(338,000)

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services	$1,196,615,000
(From General Fund	***$135,143,000)***
(From Property Tax Relief Fund	***1,061,472,000)***
Total State Aid Appropriation, State Subsidies and Financial Aid	$1,196,615,000
(From General Fund	***$135,143,000)***
(From Property Tax Relief Fund	***1,061,472,000)***

State Aid:

04 Extraordinary Aid (C.52:27D-118.35)	($43,000,000)
04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(835,447,000)
04 County Prosecutors Salary Increase (P.L.1996, c.99)	(821,000)
04 County Prosecutor Funding Initiative Pilot Program	(8,000,000)
04 Municipal Homeland Security Assistance Aid	(32,000,000)
04 Legislative Initiative Municipal Block Grant Program (PTRF)	(34,825,000)
04 Domestic Violence Training Cost Reimbursement - Local Law Enforcement Agencies	(250,000)
04 Trenton Municipal Assistance	(4,000,000)

04 Newark Municipal Assistance ..... (24,000,000)
04 Ewing Municipal Assistance ..... (1,500,000)
04 Irvington Municipal Assistance ..... (1,900,000)
04 East Orange Municipal Assistance ..... (1,900,000)
04 Orange Municipal Assistance ..... (950,000)
04 Gloucester City Municipal Assistance ..... (950,000)
04 Bloomfield Municipal Assistance ..... (665,000)
04 Mercer Shared Services ..... (15,000)
04 Trenton Capitol City Aid (PTRF) ..... (16,500,000)
04 Regional Efficiency Development Incentive Grant Program ..... (4,200,000)
04 Regional Efficiency Aid Program ..... (10,992,000)
04 Supplemental Special Municipal Aid (PTRF) ..... (80,000,000)
04 Special Municipal Aid Act (PTRF) ..... (94,700,000)00

The amount hereinabove appropriated for Extraordinary Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1), credited to the Extraordinary Aid account. Notwithstanding any provisions of that law to the contrary, the amount appropriated for municipal aid from receipts deposited in the Extraordinary Aid account shall not exceed the amount appropriated hereinabove.

Notwithstanding the provisions of any other law to the contrary, the amount hereinabove appropriated for Extraordinary Aid shall be distributed subject to the determination of the Director of the Division of Local Government Services.

In addition to the amount hereinabove for the County Prosecutors Salary Increase, there is appropriated an amount not to exceed $40,000, subject to the approval of the Director of the Division of Budget and Accounting.

Loan repayments received in the Regional Efficiency Development Incentive Grant Program account, established pursuant to P.L.2003, c.122, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Regional Efficiency Development Incentive Grant Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., to the contrary, in administering the appropriation hereinabove for the Special Municipal Aid program, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

Notwithstanding any provision of law to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3).

Notwithstanding any provision of law to the contrary, any qualified municipality as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year shall continue to be a qualified municipality thereunder during the current fiscal year.

Notwithstanding the provisions of P.L.1999, c.61 (C.54:4-8.76 et seq.) to the contrary, the amount appropriated hereinabove for the Regional Efficiency Aid Program (REAP) shall be distributed to the same municipalities and in the same proportion as was distributed in fiscal year 2006.

The amount appropriated hereinabove for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, $1,790,000; Essex County, $3,622,000; Hudson County, $1,605,000; and Mercer County, $983,000.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

Notwithstanding any law to the contrary, from the amount received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67.

Notwithstanding any law to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the previous fiscal year's annual appropriations act, provided further, however, that from the amount hereinabove appropriated there is transferred to the Energy Tax Receipts Property Tax Relief Fund account such sums as were determined for fiscal year 2003, fiscal year 2006, and fiscal year 2007 pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439) as amended by P.L.1999, c.168, and except that the amount received by the city of Newark shall be further reduced by an amount certified by the Division of Taxation and appropriated to the Division of Taxation for any aspect of the revaluation of real property in Newark, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Local Government Services shall further take such actions as may be necessary to ensure that the Consolidated Municipal Property Tax Relief Aid appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31, 2006.

The amount appropriated hereinabove for the Legislative Initiative Municipal Block Grant Program (PTRF) shall be distributed to the same municipalities and in the same proportions as the distributions received therefrom during the previous fiscal year.

Of the amount hereinabove appropriated for the Special Municipal Aid Act program, there is transferred to the Energy Tax Receipts Property Tax Relief Fund an amount not to exceed $2,211,000, subject to the approval of the Director of the Division of Budget and Accounting.

Municipalities that received Municipal Revitalization Program aid in fiscal year 1995 pursuant to the provisions of P.L.1994, c.67 shall continue to be subject to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), and the Director of the Division of Local Government Services may withhold aid payments or portions thereof from any municipality that fails to comply with those provisions, until such time as the director determines the municipality to be in compliance.

Notwithstanding any law to the contrary, whenever funds appropriated as State aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to section 11 of P.L.2003, c.15 (C.40A:2-8.1) and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes,

and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The State Treasurer, in consultation with the Commissioner of the Department of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer appropriations from any State department to any other State department as may be necessary to provide a loan for a term not to exceed 30 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of the term of the loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Of the total amount allocated to the City of Camden from the appropriation for Special Municipal Aid, an amount not to exceed $3,000,000 shall be for rehabilitation of municipal court facilities.

76 Management and Administration
DIRECT STATE SERVICES

99-8070 Administration and Support Services $3,880,000
Total Direct State Services Appropriation,
Management and Administrative Services $3,880,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($2,754,000)
Materials and Supplies ..... (8,000)
Services Other Than Personal ..... (266,000)
Maintenance and Fixed Charges ..... (21,000)
Special Purpose:
99 Government Records Council ..... (771,000)
99 Affirmative Action and Equal
Employment Opportunity ..... (60,000)

Notwithstanding any provision of law to the contrary, from the amount appropriated hereinabove for the Government Records Council, the Council shall expend such amount as is necessary to employ staff legal counsel other than counsel provided by the Office of the Attorney General.

Department of Community Affairs, Total State Appropriation .. $1,312,299,000

Notwithstanding the provisions of any prior law to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

All moneys comprising repayment of loans or advances from the "Mortgage Assistance Fund" established under the "New Jersey Mortgage Assistance Bond Act of 1976, P.L.1976," c.94, received on or before June 30, 2007 are appropriated in accordance with the purposes set forth in section 5 of that act.

Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $36,914,000
Grants-in-Aid 61,845,000
State Aid 1,312,299,000
Appropriations by Fund:
General Fund $250,827,000

Property Tax Relief Fund 1,061,472,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $462,881,000
08-7025 Institutional Care and Treatment 222,951,000
99-7025 Administration and Support Services 84,484,000
Total Direct State Services Appropriation,
System-Wide Program Support $770,316,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($516,926,000)
Food in Lieu of Cash ..... (2,067,000)
Materials and Supplies ..... (75,226,000)
Services Other Than Personal ..... (133,280,000)
Maintenance and Fixed Charges ..... (12,286,000)
Special Purpose:
07 Stabilization and Reintegration Unit
at Albert C. Wagner ..... (3,546,000)
07 Gang Management Unit ..... (757,000)
07 Civilly Committed Sexual Offender Facility . (8,607,000)
07 Civilly Committed Sexual Offender
Facility - Annex ..... (14,127,000)
08 Byrne Grant -Therapeutic Community Program . . (82,000)
08 State Match - Residential Substance
Abuse Treatment Grant ..... (268,000)
08 State Match - Social Services Block Grant ..... (33,000)
Additions, Improvements and Equipment ..... (3,111,000)

In order to permit flexibility and ensure the appropriate levels of services to the civilly committed, appropriated amounts may be transferred between the Civilly Committed Sexual Offender Facility and the Civilly Committed Sexual Offender Facility - Annex accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7025 System-Wide Program Support
DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $32,748,000
13-7025 Institutional Program Support 58,416,000
Total Direct State Services Appropriation,
System-Wide Program Support $91,164,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($46,951,000)
Materials and Supplies ..... (1,145,000)
Services Other Than Personal ..... (7,364,000)

Special Purpose:
13 Integrated Information Systems ..... (7,472,000)
13 State Match - Gang Prevention and Awareness Program ..... (49,000)
13 State Match - Discharge Planning Unit ..... (27,000)
13 Drug Interdiction Unit - State Match ..... (44,000)
13 Prison Rape Elimination Grant - State Match ..... (200,000)
13 Mutual Agreement Program ..... (1,120,000)
13 DOC/DOT Work Details ..... (537,000)
13 Video Teleconferencing ..... (300,000)
13 Additional Mental Health Treatment Services ..... (25,638,000)
Additions, Improvements and Equipment ..... (317,000)

The unexpended balance at the end of the preceding fiscal year in the Integrated Information Systems account is appropriated to provide funding for the cost of replacing the Department of Corrections S/36 Correctional Management Information System, subject to the approval of the Director of the Division of Budget and Accounting, the expenditures of which shall directly improve the department's ability to collect fines, restitutions, penalties, surcharges or other debts owed by inmates.

Of the sums appropriated hereinabove for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

13-7025 Institutional Program Support $96,873,000
Total Grants-in-Aid Appropriation, System-Wide Program Support $96,873,000

Grants-in-Aid:
13 Purchase of Service for Inmates Incarcerated In County Penal Facilities ... ($33,778,000)
13 Purchase of Service for Inmates Incarcerated In Out-of-State Facilities ..... (100,000)
13 Purchase of Community Services ..... (61,495,000)
13 Life Skills Academy ..... (1,500,000)

A portion of the total amount appropriated in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is available for operational costs of additional State facilities for inmate housing, which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Any change by the Department of Corrections in the per diem rates paid for Inmates Incarcerated in County Penal Facilities and for Community Services shall first be approved by the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Community Services account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

10 Public Safety and Criminal Justice
17 Parole

DIRECT STATE SERVICES

03-7010 Parole	$45,146,000
05-7280 State Parole Board	13,428,000
99-7280 Administration and Support Services	3,647,000
Total Direct State Services Appropriation, Parole	$62,221,000

Direct State Services:

Personal Services:	
Salaries and Wages	($37,926,000)
Materials and Supplies	(962,000)
Services Other Than Personal	(2,632,000)
Maintenance and Fixed Charges	(1,094,000)
Special Purpose:	
03 Payments to Inmates Discharged From Facilities	(120,000)
03 Parolee Electronic Monitoring Program	(5,861,000)
03 Intensive Supervision/Surveillance Program	(2,192,000)
03 Parolee Drug Treatment	(2,345,000)
03 Mutual Agreement Program (MAP)	(437,000)
03 Sex Offender Management Unit	(5,624,000)
03 Satellite-based Monitoring of Sex Offenders Pilot Program	(3,000,000)
Additions, Improvements and Equipment	(28,000)

From the appropriations hereinabove, the Executive Director shall make payment to the Interstate Commission for Adult Offender Supervision in the amount required for the New Jersey state assessment in the current fiscal year.

The unexpended balance at the end of the preceding fiscal year in the Satellite Based Monitoring of Sex Offenders Pilot Program account is appropriated.

The unexpended balances at the end of the preceding fiscal year in the Sex Offender Management Unit account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

03-7010 Parole	$36,278,000
Total Grants-in-Aid Appropriation, Parole	$36,278,000

Grants-in-Aid:

03 Re-Entry Substance Abuse Program	($3,997,000)
03 Halfway Back Program	(17,289,000)
03 Mutual Agreement Program (MAP)	(2,690,000)
03 Day Reporting Program	(11,902,000)
03 Re-Entry Case Management Services	(400,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload accounts shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Halfway Back Program and Day Reporting Program to provide services to ex-offenders under juvenile or adult parole supervision who are age 18 or older, subject to the approval of the Director of the Division of Budget and accounting.

The amounts appropriated hereinabove for Re-Entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management
DIRECT STATE SERVICES

99-7000 Administration and Support Services $18,703,000
Total Direct State Services Appropriation,
Central Planning, Direction and Management $18,703,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,557,000)
Materials and Supplies ..... (623,000)
Services Other Than Personal ..... (2,090,000)
Maintenance and Fixed Charges ..... (701,000)
Special Purpose:
99 Affirmative Action and Equal
Employment Opportunity ..... (655,000)
Additions, Improvements and Equipment ..... (77,000)

Receipts derived from the Culinary Arts Vocational Program, and any unexpended balance at the end of the preceding fiscal year, are appropriated for the operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

No employee of the Department of Corrections shall reside in departmental housing without payment of fair market rental rate.

Department of Corrections, Total State Appropriation $1,075,555,000

The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $942,404,000
Grants-in-Aid 133,151,000
Appropriations by Fund:
General Fund $1,075,555,0000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural and Intellectual Development
31 Direct Educational Services and Assistance
DIRECT STATE SERVICES

05-5064 Bilingual Education $226,000
07-5065 Special Education 58,000
Total Direct State Services Appropriation, Direct
Educational Services and Assistance $284,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($225,000)
Materials and Supplies ..... (21,000)
Services Other Than Personal ..... (37,000)

Maintenance and Fixed Charges . . . . . (1,000)

GRANTS-IN-AID

07-5065 Special Education $19,500,000
Total Grants-in-Aid Appropriation, Educational Support Services . $19,500,000
Grants-in-Aid:
07 Autism In-District Program Grants . . . . . ($15,000,000)
07 Special Education In-District Grants . . . . . (4,500,000)0

STATE AID

01-5120 General Formula Aid $5,937,368,000
(From General Fund . . . . . $401,835,000)
(From Property Tax Relief Fund . . . . . 5,535,533,000)
02-5120 Nonpublic School Aid 101,615,000
03-5120 Miscellaneous Grants-In-Aid 96,440,000
(From General Fund . . . . . 9,461,000)
(From Property Tax Relief Fund . . . . . 86,979,000)
05-5120 Bilingual Education 65,578,000
(From Property Tax Relief Fund . . . . . 65,578,000)
06-5064 Programs for Disadvantaged Youths 199,512,000
(From Property Tax Relief Fund . . . . . 199,512,000)
07-5120 Special Education 948,420,000
(From General Fund . . . . . 52,000,000)
(From Property Tax Relief Fund . . . . . 896,420,000)
Total State Aid Appropriation,
Direct Educational Services and Assistance $7,348,933,000
(Total From General Fund . . . . . $564,911,000)
(Total From Property Tax Relief Fund . . . 6,784,022,000)0
Less:
Stabilization Growth Limitations $73,576,000
Growth Savings – Payment Changes 8,450,000
Total Deductions $82,026,000
Total State Appropriation,
Direct Educational Services and Assistance $7,266,907,000
(Total From General Fund . . . . . $564,911,000)
(Total From Property Tax Relief Fund . . . . . 6,701,996,000)
State Aid:
01 Core Curriculum Standards Aid . . . . . ($384,935,000)
01 Core Curriculum Standards Aid (PTRF) (2,695,383,000)
01 Supplemental Core Curriculum
Standards Aid (PTRF) . . . . . (251,768,000)
01 Additional Formula Aid (PTRF) . . . . . (86,772,000)
01 High Expectations for Learning Proficiency (16,900,000)
01 Early Childhood Aid (PTRF) . . . . . (330,630,000)
01 Instructional Supplement (PTRF) . . . . . (15,621,000)
01 Stabilization Aid (PTRF) . . . . . (111,626,000)
01 Large Efficient District Aid (PTRF) . . . . . (5,250,000)
01 Aid for Districts with High Senior
Citizen Populations (PTRF) . . . . . (1,231,000)
01 Stabilization Aid 2 (PTRF) . . . . . (2,491,000)
01 Stabilization Aid 3 (PTRF) . . . . . (11,402,000)
01 Regionalization Incentive Aid (PTRF) . . . . (18,295,000)
01 Consolidated Aid (PTRF) . . . . . (129,684,000)

01 Education Opportunity Aid (PTRF) .... (1,564,940,000)
01 Abbott Preschool Expansion Aid (PTRF) .. (243,200,000)
01 Early Launch to Learning Initiative (PTRF) .. (3,000,000)
01 Abbott-Bordered District Aid (PTRF) ..... (21,903,000)
01 School Choice (PTRF) ..... (8,306,000)
01 Aid for Enrollment Adjustments (PTRF) ... (16,456,000)
01 Above Average Enrollment Growth (PTRF) ..... (17,575,000)
02 Nonpublic Textbook Aid ..... (10,279,000)
02 Nonpublic Handicapped Aid ..... (30,900,000)
02 Nonpublic Auxiliary Services Aid ..... (34,498,000)
02 Nonpublic Auxiliary/Handicapped Transportation Aid ..... (4,694,000)
02 Nonpublic Nursing Services Aid ..... (13,800,000)
02 Nonpublic Technology Initiative ..... (7,444,000)
03 Emergency Fund ..... (200,000)
03 Evening School for the Foreign Born ..... (211,000)
03 Charter School Aid (PTRF) ..... (15,058,000)
03 Charter Schools - Council on Local Mandates (PTRF) ..... (10,500,000)
03 Educational Information and Resource Center . (450,000)
03 Bridge Loan Interest and Approved Borrowing Cost ..... (50,000)
03 Payments for Institutionalized Children - Unknown District of Residence (PTRF) ... (30,200,000)
03 Community Relations Committee of the United Jewish Federation of Metrowest ..... (30,000)
03 Teacher Quality Mentoring (PTRF) ..... (2,500,000)
03 Adult and Postsecondary Education Grants (PTRF) ..... (28,721,000)
03 Montclair Board of Education -- Minority Student Achievement Network ..... (1,000,000)
03 Lawrence Township (Mercer) School District Extraordinary Aid ..... (675,000)
03 Edison School District ..... (1,300,000)
03 East Brunswick School District ..... (1,300,000)
03 South Plainfield School District ..... (195,000)
03 Englewood Implementation Aid ..... (4,000,000)
03 NJSIAA Steroid Testing ..... (50,000)
05 Bilingual Education Aid (PTRF) ..... (65,578,000)
06 Demonstrably Effective Program Aid (PTRF) ..... (199,512,000)
07 Special Education Aid (PTRF) ..... (896,420,000)
07 Extraordinary Special Education Costs Aid . (52,000,000)

Less:

Deductions 82,026,000

The amount herein above appropriated for High Expectations for Learning Proficiency Aid shall be distributed to a school district, other than an "Abbott district" or a district receiving Abbott-Bordered District Aid, that is not a non-operating district as determined by the commissioner, and that is either (a) in district factor group A or B and has an equalized valuation per pupil less than $380,000; (b) in district factor group A, B, CD, or DE, and has a concentration of low-income pupils that is equal to or greater than 14 percent and has an equalized valuation per pupil that is less than

$1,100,000, and either has general fund tax levy per pupil that exceeds $9,000 or a concentration of low-income pupils that exceeds 30 percent; (c) contiguous to an "Abbott district" and has at least one school with a concentration of low-income pupils equal to or greater than 20 percent; (d) a county vocational school district in which 51 percent or more of its resident enrollment is comprised of students who reside in an "Abbott district;" or (e) a district that qualified for High Expectations for Learning Proficiency Aid in FY 2006 but does not qualify for aid in FY 2007 under (a), (b), (c) or (d) above. Each school district that qualifies for High Expectations for Learning Proficiency Aid under (a), (b), (c), or (d) shall receive the same proportion of $15,000,000 as its projected October enrollment bears to the total projected October 2006 enrollment of all such districts ; in addition such school district shall receive such additional amount as may be required to increase the amount of High Expectations for Learning Proficiency Aid that the district receives in the 2006-2007 school year to the amount of High Expectations for Learning Proficiency Aid the district received in the 2005-2006 school year, and in addition, any school district that was eligible for High Expectations for Learning Proficiency Aid pursuant to the State aid report released by the Department of Education on March 23, 2006, shall receive the greater of the amount of such aid as calculated herein or the amount of aid to which the district is entitled pursuant to the State aid report. A district that qualifies for aid under (e) above shall receive that same amount of aid in FY 2007 as it received in FY 2006. As used hereinabove, "district factor group" shall be determined by the commissioner using 2000 federal decennial census data; "equalized valuation per pupil" and "general fund tax levy per pupil" shall be as determined by the commissioner for the school year 2005-06; and "concentration of low-income pupils" shall be as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3), except that ASSA data shall be as of October 2005.

Such sums received in the "School District Deficit Relief Account," established pursuant to P.L.2006, c.15 (C.18A:7A-54 et seq.), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8).

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8) for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts for the 2006-2007 school year shall be: $1,372.20 for an initial evaluation or reevaluation for examination and classification; $380.00 for an annual review for examination and classification; $930.00 for speech correction; and $826.00 for supplementary instruction services, provided however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2006-2007 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal $856.25, provided however, that the commissioner may adjust the per pupil amount based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2005 and the rate per pupil shall be $74.25.

Nonpublic Technology Initiative aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of $40.00 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding any provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited in the Extraordinary Aid account shall not exceed the amount appropriated hereinabove.

Notwithstanding any other law or regulation to the contrary, the amount provided to each district from the amounts hereinabove appropriated for Consolidated Aid and Additional Formula Aid shall be included in the calculation of the spending growth limitation pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5).

Notwithstanding any law to the contrary, the amount hereinabove appropriated for Additional Formula Aid shall be allocated in a manner that provides those districts that have not experienced a continued decline in enrollment with the amount payable for Additional Formula Aid in the 2005-2006 school year. Districts are defined as experiencing a continued decline in two categories: (1) any district in which the resident enrollment has declined or remained the same each year, starting with October 2001 and ending October 2005, or (2) any district in which the resident enrollment has declined or remained the same each year, starting with October 2002 and ending October 2005. A district in category (1) shall have its Additional Formula Aid allocation reduced by the sum of the percentage difference between the October 2005 enrollment and the October 2001 enrollment applied to its 2005-2006 allocation of Additional Formula Aid and the percentage difference between the October 2004 enrollment and October 2001 enrollment applied to its 2004-2005 allocation of Additional Formula Aid. A district in category (1) in which the total special education enrollment has declined or remained the same each year, starting with the October 2001 and ending October 2005, shall have its Additional Formula Aid allocation further reduced by the difference in the special education enrollment in October 2001 and October 2005 within each tier classification multiplied by the corresponding special education cost factor used in 2001-2002. A district in category (2) shall have its Additional Formula Aid allocation reduced by the sum of the percentage difference between the October 2005 enrollment and the October 2002 enrollment applied to its 2005-2006 allocation of Additional Formula Aid and the percentage difference between the October 2004 enrollment and October 2002 enrollment applied to its 2004-2005 allocation of Additional Formula Aid. A district in category (2) in which the total special education enrollment has declined or remained the same each year, starting with the October 2002 and ending October 2005, shall have its Additional Formula Aid allocation further reduced by the difference in the special education enrollment in October 2002 and October 2005 within each tier classification multiplied by the corresponding special education cost factor used in 2001-2002. For the purposes of this provision, the October 2001 resident enrollment refers to the projected resident enrollment. All other resident enrollment figures refer to the actual resident enrollment based on the information reported to the department on the Application for State School Aid for applicable year.

Notwithstanding any law to the contrary, the amount hereinabove appropriated for Consolidated Aid shall be allocated in a manner that provides those districts that have not experienced a continued decline in enrollment with the amount payable for Consolidated Aid in the 2005--2006 school year. Districts are defined as experiencing a continued decline in two categories: (1) any "non-Abbott district" in which the resident enrollment has declined or remained the same each year, starting with October 2001 and ending October 2005, or (2) any "non-Abbott district" in which the resident enrollment has declined or remained the same each year, starting with October 2002 and ending October 2005. A district in category (1) shall have its Consolidated Aid

allocation reduced by the difference between the October 2005 enrollment and the October 2001 enrollment multiplied by $44. A district in category (2) shall have its Consolidated Aid allocation reduced by the difference between the October 2005 enrollment and the October 2002 enrollment multiplied by $44. For the purposes of this provision, the October 2001 resident enrollment refers to the projected resident enrollment. All other resident enrollment figures refer to the actual resident enrollment based on the information reported to the department on the Application for State School Aid for applicable year.

The Commissioner of Education shall not authorize the disbursement of funds to any "Abbott district" until the commissioner is satisfied that all educational expenditures in the district will be spent effectively and efficiently in order to enable those students to achieve the core curriculum content standards. The commissioner shall be authorized to take any affirmative action as is necessary to ensure the effective and efficient expenditure of funds for the implementation of all of the Abbott v. Burke programs, reforms and remedies. In furtherance of this responsibility, the Commissioner shall complete the comprehensive fiscal audits of Newark, Jersey City, Paterson, and Camden by November 2006, and complete all remaining fiscal audits and programmatic evaluations of the Abbott districts to ensure timely decision on the districts' FY2008 budgets, as required by the May 9, 2006 order in Abbott v. Burke. In addition, in fulfilling this responsibility, the Commissioner shall promulgate regulations to govern the receipt and expenditure of State aid by the Abbott districts and the programs, positions and services supported thereby. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.), any such regulations adopted by the commissioner shall be deemed adopted immediately upon filing with the Office of Administrative Law, except that any such regulations related to the submission of district budgets shall be adopted in accordance with the "Administrative Procedure Act,"P.L.1968, c.410 (C.52:14B-1 et seq.), and such regulations shall remain in effect for a minimum of two years, as provided in the May 9, 2006 order in Abbott v. Burke. In order to expeditiously fulfill the responsibilities of the commissioner under Abbott v. Burke, determinations by the commissioner hereunder shall be considered to be final agency action and appeal of that action shall be directly to the Appellate Division of the Superior Court.

Of the amount hereinabove appropriated for Education Opportunity Aid, an amount not to exceed $13,731,000, shall be transferred to the Department of Education's operating budget, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of managing and supervising implementation of Abbott program, reforms and remedies. In addition, the unexpended balance at the end of the preceding fiscal year in the Education Opportunity Aid account is appropriated for the same purpose and may also be transferred to the Department of Education's operating budget, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioner shall, within 90 days prepare a budget to carry out all the department's Abbott responsibilities, and to account for the amount of Abbott funds it receives. The Commissioner shall also, within 90 days, prepare a plan for evaluating the Abbott programs and reforms, for implementation of a student-level database, and for establishment of baseline data and progress benchmarks for each Abbott district linked to State curriculum standards. In formulating the plan, the Commissioner shall solicit the advice of Abbott stakeholders, and once finalized, shall disseminate the plan to the public.

The amount appropriated hereinabove for Education Opportunity Aid shall provide resources to equalize spending between "I" and "J" districts and "Abbott districts," and provide aid to fund additional needs of "Abbott districts." Notwithstanding any other

law to the contrary, Education Opportunity Aid shall be provided to each "Abbott district" whose per pupil regular education expenditure for 2006-2007 under P.L.1996, c.138 is below the estimated per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2006-2007. The minimum amount of aid shall be determined as follows: funds shall be allocated in the amount of the difference between each "Abbott district's" per pupil regular education expenditure for 2006-2007 and the actual per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2005-2006 indexed by the actual percentage increase in the per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2005-2006 over the per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2004-2005. In calculating the per pupil regular education expenditure of each "Abbott district" for 2006-2007, regular education expenditure shall equal the sum of the general fund tax levy for 2005-2006, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, and all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall initially be those resident enrollments for preschool through grade 12 contained on the Application for State School Aid for 2006-2007 indexed by the district's enrollment growth rate used to determine the estimated enrollments of October 2006; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments. State aid shall be adjusted upon receipt of resident enrollment for the "Abbott districts" as of October 13, 2006 as reflected on the Application for State School Aid for 2007-2008. In calculating the actual per pupil regular education expenditure of each "Abbott district" for 2006-2007, regular education expenditure shall equal the sum of the actual general fund tax levy for 2006-2007, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, and all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10). State aid shall also be adjusted based on the actual per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2006-2007. In calculating the actual per pupil average regular education expenditure of districts in district factor groups "I" and "J" for 2006-2007, regular education expenditure shall equal the sum of the general fund tax levy for 2006-2007, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, and all forms of stabilization aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall be the resident enrollment for preschool through grade 12 as of October 13, 2006 as reflected on the Application for State School Aid for 2007-2008; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments in districts receiving Early Childhood Program Aid.

Of the amount hereinabove appropriated for Education Opportunity Aid, each "Abbott district's" allocation shall be the greater of the amount calculated in accordance with the provisions hereinabove for equalized spending or the district's final adjusted 2005-2006 Education Opportunity Aid, including any supplemental award. The district's Education Opportunity Aid allocation shall be reduced by an amount equal to any general fund tax levy increase required by the commissioner. After calculating the "Abbott district's" actual regular education expenditure, State aid shall be reduced by the difference between the required general fund tax levy increase and the total general fund tax levy increase from 2005-2006 to 2006-2007.

The amount hereinabove appropriated for Education Opportunity Aid shall also be used to ensure that every "Abbott district" is at parity and to implement other priorities as established by the commissioner. Any "Abbott district" that fails to submit any required documentation or fails to submit its annual audit by November 15, 2006 may

have its State aid withheld upon the commissioner's request to the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, as a condition of receiving Education Opportunity Aid, an "Abbott district" shall examine all available group options for every insurance policy held by the district, including any self–insurance plan administered by the New Jersey School Boards Association Insurance Group on behalf of districts, and shall participate in the most cost effective plans. As a further condition, all "Abbott districts" shall take steps to maximize the district's participation in the federal Universal Service Program (E–rate) and the ACT telecommunications program offered through the New Jersey Association of School Business Administrators, shall participate in the ACES energy program offered through the New Jersey School Boards Association unless a district can demonstrate that it receives the goods or services at a cost less than or equal to the cost achieved by participants, and shall take appropriate steps to maximize the district's participation in the Special Education Medicaid Initiative (SEMI) program, with maximum participation defined by the Commissioner of Education and shall refinance all outstanding debt for which a three percent net present value savings threshold is achievable. An "Abbott district" that fails to meet any of these requirements may have payment of Education Opportunity Aid withheld until such time as these requirements are met. The commissioner is authorized to establish any additional condition on the disbursement of Education Opportunity Aid that the commissioner deems appropriate to ensure effective and efficient spending in the "Abbott districts."

Notwithstanding any other law to the contrary, as a condition of receiving Education Opportunity Aid, an "Abbott district" shall raise a general fund tax levy which shall be no less than the sum of the general fund tax levy raised in 2005-2006 and the increase in the levy from 2005-2006 to 2006-2007 that may be required by the commissioner. The required levy increase shall be such that an "Abbott district's" total equalized tax rate shall not be below 110 percent of the State average total equalized tax rate unless such increase would result in an increase in the average household's tax liability of more than $125 when using the 2005 tax data as published by the Department of Community Affairs.

Notwithstanding any law to the contrary, the allocation of the amount hereinabove appropriated for Education Opportunity Aid to an "Abbott district" shall be reduced by the amount of proceeds received by the district from the sale of district surplus property, which shall be appropriated by the district for regular education operations. Surplus property means that property which is not being replaced by other property under a grant agreement with the New Jersey Schools Construction Corporation.

The amount appropriated hereinabove as Abbott Preschool Expansion Aid is for the purpose of funding the increase in the approved budgeted costs from 2001-2002 to 2006-2007 for the projected expansion of preschool programs in "Abbott districts" with "Abbott" status in 2001–2002. For any district receiving "Abbott" status after 2001–2002, the increase in approved budgeted costs for the purpose of funding will be based on the year "Abbott" status was obtained. Payments of Abbott Preschool Expansion Aid shall be based on documented expansion of the preschool program. Upon the Commissioner of Education's request, "Abbott districts" will be required to provide such supporting documentation as deemed necessary to verify that the actual expansion in the preschool program has occurred in the 2006-2007 fiscal year. Such documentation may include expenditure, enrollment, and attendance data that may be subject to an audit. Appropriate adjustments to a district's Abbott Preschool Expansion Aid amount may be made by the commissioner based on actual need.

From the amount appropriated hereinabove for the Early Launch to Learning Initiative, an amount not to exceed $325,000 shall be transferred to the Office of Early Childhood

Education in Direct State Services for the support of two staff persons and related operational costs to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, any district that received State aid pursuant to P.L.2005, c.122 (C.18A:7F-10.1 et seq.) in 2005-2006, shall receive that same allocation of Abbott-Bordered District Aid in 2006-2007. Any district that did not receive Abbott-Bordered District Aid pursuant to section 2 of P.L.2005, c.122 (C.18A:7F-10.2), shall receive aid as determined by section 1 of P.L.2005, c.122 (C.18A:7F-10.1) as it would have been calculated in 2005-2006.

Notwithstanding any other law or regulation to the contrary, district allocations from the amount hereinabove appropriated for School Choice aid shall be calculated using the choice district's October 2005 actual choice student enrollment as reported to the department on the Application for State School Aid for 2006-2007.

The amount hereinabove appropriated for Above Average Enrollment Growth Aid shall be distributed to "non-Abbott districts" whose resident enrollment for the 2005-2006 school year was equal to or greater than 100 pupils and whose projected resident enrollment for the 2006-2007 school year exceeds its resident enrollment for the 2005-2006 school year by at least 2.5 percent, as determined by the commissioner. Each such school district shall receive the same proportion of the total appropriation as its projected resident enrollment increase between October 2005 and October 2006 bears to the total resident enrollment increase of all such districts.

Notwithstanding any law to the contrary, amounts appropriated hereinabove for Charter School aid shall be used to distribute aid to any charter school which operates a full-day kindergarten program and which is located in an "Abbott district" in accordance with the formula contained in section 1 of P.L.1999, c.385, except that "KPP" which is defined therein as the amount paid by the district to the charter school for each kindergarten pupil pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12), shall be the sum of the amount paid by the district and the State to the charter school for each kindergarten pupil; when a charter school is located in an "Abbott district," to distribute an amount equal to the difference between the per pupil T&E amount for a given grade level and the program budget of an "Abbott district" when that "Abbott district's" program budget is below the T&E amount; to distribute $40 for each student enrolled in the charter school; and to distribute aid to charter schools pursuant to the provisions of subsection d. of section 12 of P.L.1995, c.426 (C.18A:36A-12).

Notwithstanding the provisions of section 12 of P.L.1995, c.426 (C.18A:36A-12) and any other provision to the contrary, if necessary, the State shall pay on behalf of a resident district an amount not to exceed the difference between the district's 2006-2007 total actual charter school payment and the estimated appropriations used in completing the school district's 2005-2006 budget as stated in the 2005-2006 Potential Charter School Aid notification letter.

Notwithstanding any other law to the contrary, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding any other law to the contrary, Special Education Aid for pupils classified as severe cognitive impairment shall be paid directly to the resident school district; provided however, that for pupils under contract for service in a regional day school operated by or under contract with the Department of Human Services, tuition shall be withheld and paid to the Department of Human Services.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event the board shall file a written request with the Commissioner of Education stating the needs for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

Of the amount hereinabove appropriated for Education Opportunity Aid, an amount not to exceed $1,000,000 shall be allocated to the New Jersey Symphony to provide educational services to students in the "Abbott districts" to meet core curriculum content standards as established by law, as shall be determined by the Director of the Division of Budget and Accounting.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf $13,304,000
(From General Fund ..... $3,264,000)
(From All Other Funds ..... 10,040,000)
13-5011 Positive Learning Understanding Support Program 787,000
(From All Other Funds ..... 787,000)
Total Appropriation, State and All Other Funds $14,091,000
(From General Fund ..... $3,264,000)
(From All Other Funds ..... 10,827,000)
Less:
All Other Funds $10,827,000
Total Deductions $10,827,000
Total Direct State Services Appropriation, Operation and Support of Educational Institutions $3,264,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($11,176,000)
Materials and Supplies ..... (1,439,000)
Services Other Than Personal ..... (335,000)
Maintenance and Fixed Charges ..... (690,000)
Special Purpose:
12 Transportation Expenses for Students ..... (40,000)
Additions, Improvements and Equipment ..... (411,000)
Less:
All Other Funds 10,827,000

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, in addition to the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for the 2006-2007 academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year, in the receipt account of the Positive Learning Understanding Support (PLUS) program is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

CAPITAL CONSTRUCTION

12-5011 Marie H. Katzenbach School for the Deaf $1,950,000
Total Capital Construction Appropriation, Education Administration and Management $1,950,000

Capital Projects:

12 Fire Protection ..... ($1,950,000)

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 General Vocational Education $266,000
Total Direct State Services Appropriation, Supplemental Education and Training Programs $266,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($215,000)
Materials and Supplies ..... (26,000)
Services Other Than Personal ..... (25,000)

STATE AID

20-5062 General Vocational Education $43,808,000
(From General Fund ..... $4,860,000)
(From Property Tax Relief Fund ..... 38,948,000)
Total State Aid Appropriation, Supplemental Education and Training Programs $43,808,000
(From General Fund ..... $4,860,000)
(Total From Property Tax Relief Fund ..... 38,948,000)

State Aid:

20 Vocational Education ..... ($4,860,000)
20 County Vocational Program Aid (PTRF) ... (38,948,000)

34 Educational Support Services

DIRECT STATE SERVICES

30-5063 Educational Programs and Assessment $24,420,000
31-5060 Grants Management 644,000
32-5061 Professional Development and Licensure 2,830,000
33-5067 Service to Local Districts 6,407,000
35-5069 Early Childhood Education 127,000
36-5120 Pupil Transportation 422,000
38-5120 Facilities Planning and School Building Aid 2,770,000
40-5064 Health, Safety and Community Services 1,111,000
Total Direct State Services Appropriation, Educational Support Services $38,731,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($15,082,000)
Materials and Supplies ..... (425,000)

Services Other Than Personal ..... (981,000)
Maintenance and Fixed Charges ..... (52,000)
Special Purpose:
30 Statewide Assessment Program ..... (16,225,000)
30 Professional Development - Recruitment ..... (135,000)
30 Continuing Education ..... (152,000)
30 Governor's Literacy Initiative ..... (3,826,000)
30 General Education Development ..... (1,474,000)
40 New Jersey Commission on Holocaust Education ..... (244,000)
40 Commission on Italian American Heritage Cultural and Educational Programs ..... (135,000)

From the amount appropriated hereinabove for the Governor's Literacy Initiative, the sum of $900,000 may be transferred to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Governor's Literacy Initiative, there is appropriated, $300,000 for a grant for the Learning Through Listening program at the New Jersey Unit of the Recording for the Blind and Dyslexic.

Receipts from the State Board of Examiners' fees in excess of those anticipated, not to exceed $1,000,000, and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

The unexpended balance in the Governor's Literacy Initiative (Direct State Services) account not to exceed $1,148,000 is appropriated and shall be transferred to the Governor's Literacy (Grants-in-Aid) account, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

30-5063 Educational Programs and Assessment $5,213,000
40-5064 Health, Safety, and Community Services 15,000,000
Total Grants-in-Aid Appropriation, Educational Support Services . $20,213,000

Grants-in-Aid:
30 Liberty Science Center - Educational Services ..... ($3,000,000)
30 Governor's Literacy Initiative ..... (2,025,000)
30 Teacher Preparation ..... (188,000)
40 New Jersey After 3 ..... (15,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to students in the "Abbott districts" in the science education component of the core curriculum content standards as established by law.

The sums provided hereinabove for New Jersey After 3 shall be conditioned upon the State Treasurer and the grant recipient entering into a grant agreement; shall be available for grants and reasonable administrative costs of New Jersey After 3, Inc.; and shall be available for funding programs, activities, functions and facilities consistent with recommendations and proposals of the New Jersey After 3 Advisory Committee.

The amount hereinabove appropriated for the Governor's Literacy Program shall be used for the returning coach program and to provide grants to districts to improve instruction in language arts literacy and mathematics. In awarding such grants, the Commissioner of Education shall use criteria including the School Improvement Status based upon the federal No Child Left Behind Act and student performance on the New Jersey Assessment of Skills and Knowledge.

STATE AID

36-5120 Pupil Transportation $313,047,000
(From Property Tax Relief Fund ..... $313,047,000)
38-5120 Facilities Planning and School Building Aid 481,695,000
(From General Fund ..... 481,672,000)
(From Property Tax Relief Fund ..... 23,000)
39-5095 Teachers' Pension and Annuity Assistance 2,202,095,000
(From General Fund ..... 232,422,000)
(From Property Tax Relief Fund ..... 1,969,673,000)
Total State Aid Appropriation, Educational Support Services .. $2,996,837,000
(Total From General Fund ..... $714,094,000)
(Total From Property Tax Relief Fund .... 2,282,743,000)

State Aid:

36 Transportation Aid (PTRF) ..... ($312,947,000)
36 School Bus Crossing Arms (PTRF) ..... (100,000)
38 School Building Aid Debt Service (PTRF) ..... (23,000)
38 School Building Aid ..... (116,826,000)
38 School Construction Debt Service Aid ..... (33,394,000)
38 School Construction & Renovation Fund .. (331,452,000)
39 Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF) ..... (616,540,000)
39 Teachers' Pension and Annuity Fund (PTRF) ..... (661,383,000)
39 Social Security Tax (PTRF) ..... (691,750,000)
39 Teachers' Pension and Annuity Fund - Non-contributory Insurance ..... (32,471,000)
39 Minimum Pension for Pre - 1955 Retirees ..... (1,000)
39 Post Retirement Medical Other Than TPAF (104,853,000)
39 Debt Service on Pension Obligation Bonds .. (95,097,000)

Of the amount appropriated hereinabove for School Building Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2006-2007 school year pursuant to section 10 of P.L.2000, c.72 (C.18A:7G-10), and the adjustments required based on the difference between the amounts calculated using actual 2004-2005 principal and interest amounts and the amounts allocated and paid in 2004-2005.

Notwithstanding the provisions of section 9 of P.L.2000, c.72 (C.18A:7G-9), for the purpose of calculating a district's State debt service aid, "DAP x 1.15" shall not be less than 40 percent. Notwithstanding the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10), for the purposes of calculating aid, CCSAID will be equal to the district's Core Curriculum Standards Aid calculated pursuant to section 15 of P.L.1996, c.138 (C.18A:7F-15) for fiscal 2002 and TEBUD shall be equal to the district's T&E budget calculated pursuant to subsection d. of section 13 of P.L.1996, c.138 (C.18A:7F-13) for fiscal 2002.

Of the amount hereinabove appropriated for the School Construction and Renovation Fund, an amount equal to the total earnings of investments of the School Fund shall first be charged to such fund.

In addition to the sum hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are hereby appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Such additional sums as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount appropriated hereinabove for Pupil Transportation, and notwithstanding the provisions of N.J.S.18A:39-1 to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of section 2 of P.L.1996, c.96 (C.39:3B-1.2) and section 3 of P.L.1996, c.96 (C.39:3B-1.3) or any other law or regulation to the contrary, the amount appropriated hereinabove for School Bus Crossing Arms shall be provided to the owners of newly manufactured vehicles equipped with a crossing control arm with a manufacture date of 2004 or later, as noted on the vehicle registration, upon submission to the Department of Education of a complete application for reimbursement within one year of the vehicle purchase date.

Such additional sums as may be required for Teachers' Pension and Annuity Fund – Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts hereinabove for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

35 Education Administration and Management

DIRECT STATE SERVICES

42-5120 School Finance	$3,353,000
43-5092 Compliance and Auditing	1,918,000
99-5095 Administration and Support Services	9,726,000
Total Direct State Services Appropriation, Education Administration and Management	$14,997,000

Direct State Services:

Personal Services:	
Salaries and Wages	($12,776,000)
Materials and Supplies	(301,000)
Services Other Than Personal	(1,100,000)
Maintenance and Fixed Charges	(67,000)
Special Purpose:	
43 Internal Auditing	(600,000)
99 State Board of Education Expenses	(85,000)
99 Affirmative Action and Equal Employment Opportunity Program	(68,000)

Receipts derived from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of operation.

In addition to the amount appropriated, such sums as may be necessary for the Department of Education to conduct comprehensive compliance investigations are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account are appropriated for the same purpose.

Contract costs attributable to EdSmart and EasyIEP shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) programs and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) programs are insufficient to satisfy contract costs attributable to EdSmart and EasyIEP, there are appropriated to the Student Registration and Record System account such sums as may be required as the Director of the Division of Budget and Accounting shall determine.

CAPITAL CONSTRUCTION

99-5095 Administration and Support Services $500,000

Total Capital Construction Appropriation, Education Administration and Management $500,000

Capital Projects:

99 Fire Sprinkler Systems, Various Regional Day Schools ..... ($500,000)

Department of Education, Total State Appropriation $10,407,257,000

Of the amount appropriated hereinabove from the General Fund for the Department of Education, or otherwise available from federal sources, there are appropriated funds to establish a School Security Planning and Assurance Unit within the Department of Education, staffed to plan, coordinate, and conduct an on-going comprehensive security assessment and vulnerability reduction program for school sites Statewide, in collaboration with schools and law enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document dated March 21, 2006 first shall be charged to the State Lottery Fund.

Notwithstanding any other provision of law or this act to the contrary, monies directed to be paid to the Department of Education as a result of settlement of litigation by the Board of Public Utilities or to be paid to the Department of Education in connection with a stipulation of settlement in a merger approved by the Board of Public Utilities are appropriated for the purposes specified in the settlement agreement or stipulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the State Aid accounts, not to exceed $650,000, are appropriated to the State Aid Supplemental Funding account.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

Notwithstanding any other law or regulation to the contrary, each district shall receive no less of a total State aid amount payable for the 2006-2007 school year than the sum of the district's total State aid amount payable for the 2005-2006 school year for the following aid categories: Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Early Childhood Program Aid, Instructional Supplement Aid, Demonstrably Effective Program Aid, Stabilization Aid, Stabilization Aid 2, Stabilization Aid 3, Large Efficient District Aid, Aid for Districts with High Senior Citizen Populations, Regionalization Incentive Aid, Adult and Postsecondary Education Grants, Bilingual Education Aid, Special Education Aid, County Vocational Program Aid, Transportation Aid, and Aid for Enrollment Adjustments, taking into consideration the June 2006 payment made in July 2006.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), five percent of the total payments to local districts for Education Opportunity Aid, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Special Education, Transportation, Early Childhood programs, Demonstrably Effective programs, Instructional Supplement, Bilingual, County Vocational Educational program, other aid pursuant to P.L.1996, c.138, School Choice, Consolidated Aid and Additional Formula Aid, as provided by the Department of Education to the local school districts for the 2006-2007 school year in the 2006-07 General Fund and Special Revenue Fund State Aid Payments Schedule, shall be paid on the 8th and 22nd of each month from September through June, with the last school aid payment being subject to the approval of the State Treasurer.

From the amounts hereinabove, such sums as are required to satisfy delayed June 2006 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2006.

Notwithstanding any other law to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State aid to be allocated to that district.

Notwithstanding any provision of law to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2006-2007 school year for a district in which an independent audit of the 2005-2006 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual "Total Administrative Costs" pursuant to N.J.A.C.6:23A-2.4.

Notwithstanding any other law to the contrary, the Commissioner of Education may reduce State aid payments to any district by any amounts found to be in violation of restrictions placed on travel expenditures in accordance with regulations adopted by the commissioner.

Notwithstanding any other law to the contrary, the Commissioner of Education may withhold State aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with section 5 of P.L.2006, c.15 (C.18A:7A-58), the Director of the Division of Budget and Accounting is authorized to transfer such sums as required from available balances in the State Aid accounts.

The Director of the Division of Budget and Accounting may transfer from one appropriations account for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department.

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$57,542,000
Grants-in-Aid	39,713,000
State Aid	10,307,552,000
Capital Construction	2,450,000
Appropriations by Fund:	
General Fund	$1,383,570,000
Property Tax Relief Fund	9,023,687,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
DIRECT STATE SERVICES

11-4870	Forest Resource Management	$7,087,000
12-4875	Parks Management	38,491,000
13-4880	Hunters' and Anglers' License Fund	15,185,000
14-4885	Shellfish and Marine Fisheries Management	1,504,000
20-4880	Wildlife Management	661,000
21-4895	Natural Resources Engineering	1,682,000
24-4876	Palisades Interstate Park Commission	2,464,000
	Total Direct State Services Appropriation, Natural Resource Management	$67,074,000

Direct State Services:

Personal Services:	
Salaries and Wages	($45,511,000)
Employee Benefits	(3,285,000)
Materials and Supplies	(4,200,000)
Services Other Than Personal	(2,188,000)
Maintenance and Fixed Charges	(3,254,000)

Special Purpose:
11 Fire Fighting Costs ..... (1,759,000)
12 Green Acres/Open Space Administration ... (4,683,000)
12 Liberty State Park Commission ..... (11,000)
12 Natural Lands Trust ..... (124,000)
12 Natural Areas Council ..... (3,000)
20 Wildlife Monitoring - West Nile Virus ..... (79,000)
20 Matching Grant for Wildlife Habitat Federal Grants ..... (382,000)
20 Endangered Species Tax Check - Off Donations ..... (200,000)
21 Dam Safety ..... (1,355,000)
Additions, Improvements and Equipment ..... (40,000)

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed $500,000 shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account, to support nonpoint source pollution and watershed management programs in the Bureau of Forestry.

Notwithstanding any other law to the contrary, the amount hereinabove for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed $364,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated.

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first $11,000,000 is payable out of that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such sums as may be necessary to offset revenue losses associated with the issuance of free hunting and fishing licenses to active members of the New Jersey State National Guard and disabled veterans. The amount to be appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

An amount not to exceed $2,763,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $469,000 is allocated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $440,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

An amount not to exceed $66,000 is allocated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account in accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, for costs attributable to flood control, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $200,000 is allocated from the 2003 Dam, Lake, and Stream Project Revolving Loan Fund-Dam Safety account in accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, for costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

12-4875	Parks Management	$9,000,000
21-4895	Natural Resources Engineering	30,555,000
	Total Capital Construction Appropriation, Natural Resource Management	$39,555,000

Capital Projects:

Bureau of Parks:

12 Capital Improvements for State Parks, Forests, Historic Sites, Wildlife Areas ..... ($9,000,000)

Natural Resources Engineering:

21 Shore Protection Fund Projects ..... (25,000,000)

21 HR-6 Flood Control ..... (5,555,000)

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), of the amounts appropriated for improvements in State parks, the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed $500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

43 Science and Technical Programs

DIRECT STATE SERVICES

05-4840	Water Supply	$7,976,000
15-4890	Land Use Regulation	13,380,000
18-4810	Science, Research and Technology	3,145,000
29-4850	Environmental Management -- CBT Dedication	16,338,000

Total Direct State Services Appropriation, Science and Technical Programs $40,839,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($9,980,000)
Materials and Supplies ..... (30,000)
Services Other Than Personal ..... (1,596,000)
Maintenance and Fixed Charges ..... (132,000)
Special Purpose:
05 Administrative Costs Water Supply Bond Act of 1981 - Management ..... (2,111,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Watershed and Aquifer ..... (1,545,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Planning and Standards ..... (255,000)
05 Water/Wastewater Operators Licenses ..... (43,000)
05 Office of the Rivermaster ..... (58,000)
05 Safe Drinking Water Fund ..... (2,368,000)
15 Tidelands Resource Council ..... (12,000)
15 Tidelands Peak Demands ..... (2,701,000)
15 Office of Permit Information and Assistance ... (647,000)
15 Highlands Permitting ..... (2,169,000)
18 Environmental Indicators and Monitoring ..... (604,000)
18 Hazardous Waste Research ..... (250,000)
29 Water Resources Monitoring and Planning - Constitutional Dedication ..... (16,338,000)

The amounts hereinabove for the Administrative Costs Water Supply Bond Act of 1981-Water Supply Management, Watershed and Aquifer, and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed $215,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Safe Drinking Water Fund an amount not to exceed $800,000 to administer the Private Well Testing Program.

The amount hereinabove for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.) for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharge of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Environmental Management-CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning-Constitutional Dedication special purpose

account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding any law to the contrary, funds appropriated in the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of $1,536,000 for Water Monitoring and Standards, $1,392,000 for New Jersey Geological Survey, $157,000 for Watershed Management, $500,000 for Forestry Management, and $790,000 transferred to the Department of Agriculture to support the Conservation Cost Share program, at a level of $540,000, and the Conservation Assistance Program, at a level of $250,000, on or before September 1, 2006.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of the Department of Environmental Protection may utilize from the funds appropriated from those sources hereinabove such sums as the Commissioner may determine as necessary to broaden the department's research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove for the Water Supply program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated for Water Allocation Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the individual amounts anticipated for Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, of the amounts appropriated pursuant to P.L.2004, c.71 from the Water Supply Fund established in Section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, is appropriated to the Department of Environmental Protection to be used for water supply demonstration projects consistent with the "Water Supply Bond Act of 1981," P.L.1981, c.261, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4850 Water Monitoring and Standards	$400,000
29-4815 Environmental Management - CBT Dedication	5,000,000
Total Grants-in-Aid Appropriation, Science and Technical Programs	$5,400,000

Grants-in-Aid:

07 Lake Hopatcong Commission	($400,000)
29 Watershed Restoration Projects	(5,000,000)

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated.

Of the amounts appropriated for the Stormwater Management Grants program, such sums as are necessary or required may be transferred to the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Watershed Restoration Projects shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

There is appropriated from the Water Supply Fund established under section 14 of P.L.1981, c.261 the amount of $6,000,000 for Water Resource Interconnection Projects, pursuant to the approval of enabling legislation.

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

23-4910	Solid and Hazardous Waste Management	$6,836,000
27-4815	Remediation Management and Response	41,979,000
29-4815	Environmental Management -- CBT Dedication	7,715,000
	Total Direct State Services Appropriation, Site Remediation and Waste Management	$56,530,000

Direct State Services:

Personal Services:	
Salaries and Wages	($14,725,000)
Materials and Supplies	(205,000)
Services Other Than Personal	(3,597,000)
Maintenance and Fixed Charges	(727,000)
Special Purpose:	
23 Office of Dredging and Sediment Technology	(355,000)
27 Hazardous Discharge Site Cleanup Fund - Responsible Party	(16,322,000)
27 Passaic River Cleanup Litigation	(12,000,000)
27 Underground Storage Tanks	(884,000)
29 Cleanup Projects Administrative Costs - Constitutional Dedication	(7,715,000)

The amount hereinabove for the Office of Dredging and Sediment Technology is appropriated from the 1996 Dredging and Containment Facility Fund, created pursuant to section 18 of P.L.1996, c.70, the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Bond Act of 1996," together with an amount not to exceed $251,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

Notwithstanding any other law to the contrary, there is appropriated $5,000,000 from the Sanitary Landfill Facility Contingency Fund to the General Fund as State revenue.

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund-Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed $6,854,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed

$9,852,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

The amount hereinabove appropriated for the Environmental Management-CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Cleanup Projects Administrative Costs-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

There is appropriated from the Clean Communities Program Fund such sums as may be available to meet the following requirements: 1) 25% of the estimated annual balance up to $4,000,000, as determined by the Director of the Division of Budget and Accounting, to the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96); 2) $300,000 of the estimated annual balance to the Department of Environmental Protection for an organization under contract with the Department which meets the requirements pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218); and 3) the balance, as determined by the Director of the Division of Budget and Accounting, of the Clean Communities Program Fund established pursuant to section 5 of P.L.2002, c.128 (C.13:1E-217) for the purposes set forth in subsections a., b., c. and d. of that section.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), monies appropriated to the Department of Environmental Protection from the Clean Communities Fund shall be provided by the Department to the Clean Communities Council pursuant to a contract between the Department and the Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L. 2002, c.128 (C:13:1E-218).

Of the amount appropriated for the Private Underground Tank Remediation - Constitutional Dedication Capital Construction account an amount not to exceed $1,000,000 shall be allocated for costs associated with the Department's administration of the loan and grant program for the upgrade, replacement or closure of underground storage tanks that store or were used to store hazardous substances pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Private Underground Tank Administrative Costs - Constitutional Dedication account

is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

29-4815 Environmental Management - CBT Dedication $77,212,000
Total Capital Construction Appropriation, Site Remediation and Waste Management. $77,212,000

Capital Projects:

29 Hazardous Substance Discharge Remediation - Constitutional Dedication . ($34,535,000)
29 Private Underground Tank Remediation - Constitutional Dedication ..... (17,071,000)
29 Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication ..... (25,606,000)

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation-Constitutional Dedication, Private Underground Tank Remediation-Constitutional Dedication, and Hazardous Substance Discharge Remediation Loans & Grants-Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation-Constitutional Dedication, such sums as necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

All natural resource damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for the direct and indirect costs of restoration and associated consulting and legal services.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and appropriated hereinabove, shall be allocated to the Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the Treasury's Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

45 Environmental Regulation

DIRECT STATE SERVICES

01-4820 Radiation Protection $6,993,000
02-4892 Air Pollution Control 17,034,000
08-4891 Water Pollution Control 8,193,000
09-4860 Public Wastewater Facilities 3,140,000
Total Direct State Services Appropriation, Environmental Regulation $35,360,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($19,827,000)
Materials and Supplies ..... (301,000)
Services Other Than Personal ..... (4,416,000)
Maintenance and Fixed Charges ..... (529,000)

Special Purpose:

01	Nuclear Emergency Response	(2,306,000)
01	Quality Assurance - Lab Certification Programs	(1,703,000)
02	Pollution Prevention	(1,497,000)
02	Toxic Catastrophe Prevention	(1,144,000)
02	Worker and Community Right to Know Act	(1,071,000)
02	Oil Spill Prevention	(2,566,000)

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.) and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed $1,201,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed $289,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Fund, and the receipts in excess of the amount anticipated, not to exceed $316,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed $1,490,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the Title V Operating Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated from Air Permitting Minor Source Fees are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, of which $1,000,000 shall be made available for County Environmental Health Act agencies to inspect non-major source facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of subsection b. of section 1 of P.L. 2005, c.202 (C58:11B-10.2) or any other law to the contrary, in addition to the amount anticipated to the

General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated $1,200,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Diesel Risk Mitigation Fund -- Constitutional Dedication, $900,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective December 8, 2005, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund Administrative Costs-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-4815 Environmental Management - CBT Dedication $21,765,000
Total Grants-in-Aid Appropriation, Environmental Regulation ... $21,765,000

Grants-in-Aid:

29 Diesel Risk Mitigation Fund - Constitutional Dedication ..... ($21,765,000)

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund-Constitutional Dedication account shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L. 1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs $2,338,000
99-4800 Administration and Support Services 15,659,000
Total Direct State Services Appropriation, Environmental Planning and Administration $17,997,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($15,045,000)
Materials and Supplies ..... (116,000)
Services Other Than Personal ..... (1,079,000)
Maintenance and Fixed Charges ..... (159,000)
Special Purpose:
99 New Jersey Environmental Management System ..... (1,500,000)
99 Affirmative Action and Equal Employment Opportunity ..... (98,000)

STATE AID

99-4800 Administration and Support Services $17,113,000
(From General Fund ..... .$7,613,000)
(From Property Tax Relief Fund ..... .9,500,000)
Total State Aid Appropriation, Environmental Planning and Administration $17,113,000
(From General Fund ..... $7,613,000)
(From Property Tax Relief Fund ..... 9,500,000)

State Aid:
99 Mosquito Control, Research, Administration and Operations ..... ($1,515,000)
99 Payment in Lieu of Taxes (PTRF) ..... (9,500,000)
99 Administration and Operations of the Highlands Council ..... (3,000,000)
99 Administration, Planning and Development Activities of the Pinelands Commission .... (3,098,000)

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

If the amount appropriated herein for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for conservation and recreation purposes, as determined according to the formula for payments in lieu of taxes in the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), such additional sums as are necessary are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any other law to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

47 Compliance and Enforcement
DIRECT STATE SERVICES

02-4855	Air Pollution Control	$4,557,000
04-4835	Pesticide Control	2,419,000
08-4855	Water Pollution Control	5,968,000
15-4855	Land Use Regulation	2,029,000
23-4855	Solid and Hazardous Waste Management	5,444,000
	Total Direct State Services Appropriation, Compliance and Enforcement	$20,417,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($17,258,000)
Materials and Supplies ..... (149,000)
Services Other Than Personal ..... (1,627,000)
Maintenance and Fixed Charges ..... (502,000)
Special Purpose:
15 Tidelands Peak Demands ..... (881,000)

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed $600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed $200,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed $50,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed $150,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices

for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of $1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

STATE AID

08-4855 Water Pollution Control $3,453,000
Total State Aid Appropriation, Compliance and Enforcement $3,453,000

State Aid:

08 County Environmental Health Act ..... ($3,453,000)

Department of Environmental Protection,
Total State Appropriation $402,715,000

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed $2,889,000, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other law, with regard to the fee-related appropriations provided hereinabove, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the Department's purview.

Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provisions in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract.

Receipts in excess of $7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed $1,500,000, are appropriated for the expansion of compliance, enforcement and permitting efforts in the Department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law to the contrary, of the amounts appropriated for water resource evaluation studies and

monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans & Grants-Constitutional Dedication account, an amount not to exceed $2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Appropriations made from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution, may be transferred from and to any appropriations accounts within the department that are or become Constitutional Dedication accounts, subject to the approval of the Director of the Division of Budget and Accounting, with notice thereof to the Joint Budget Oversight Committee, in order that appropriations from such revenue shall be made and expended in a manner that is consistent with the requirements of any constitutional dedication that may become effective during this fiscal year.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	$238,217,000
Grants in Aid	27,165,000
State Aid	20,566,000
Capital Construction	116,767,000

Appropriations by Fund:

General Fund	$393,215,000
Property Tax Relief Fund	9,500,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

01-4215	Vital Statistics	$1,678,000
02-4220	Family Health Services	2,279,000
03-4230	Public Health Protection Services	30,706,000
08-4280	Laboratory Services	8,048,000
12-4245	AIDS Services	1,993,000
	Total Direct State Services Appropriation, Health Services	$44,704,000

Direct State Services:

Personal Services:	
Salaries and Wages	($16,035,000)
Materials and Supplies	(2,229,000)
Services Other Than Personal	(964,000)
Maintenance and Fixed Charges	(153,000)
Special Purpose:	
02 Supplemental Salaries and Wages	(100,000)
02 WIC Farmers Market Program	(87,000)
02 Breast Cancer Public Awareness Campaign	(90,000)

02 Identification System for Children's Health and Disabilities ..... (300,000)
02 Public Awareness Campaign for Black Infant Mortality ..... (500,000)
03 New Jersey Domestic Security Preparedness . (1,450,000)
03 Medical Emergency Disaster Preparedness for Bioterrorism ..... (4,000,000)
03 Cancer Registry ..... (400,000)
03 Cancer Investigation and Education ..... (500,000)
03 Emergency Medical Services for Children ..... (50,000)
03 School Based Programs and Youth Anti-Smoking ..... (7,000,000)
03 Anti-Smoking Programs ..... (4,000,000)
03 New Jersey State Commission on Cancer Research ..... (1,000,000)
03 Medical Waste Management Program ..... (720,000)
03 Animal Welfare ..... (300,000)
03 Worker and Community Right to Know Program ..... (2,186,000)
03 New Jersey Coalition to Promote Cancer Prevention, Early Detection and Treatment ... (200,000)
08 New Jersey Domestic Security Preparedness . (1,800,000)
08 West Nile Virus - Laboratory ..... (640,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

Notwithstanding the provisions of any other law to the contrary, there is appropriated $150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.

Notwithstanding the provisions of any other law to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" $79,000 for Emergency Medical Services and $125,000 for the First Response EMT Cardiac Training Program.

The amount hereinabove appropriated for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance at the end of the preceding fiscal year in the New Jersey State Commission on Cancer Research account is appropriated.

Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Medical Waste Management Program account, together with any receipts received by the Department of Health and Senior Services pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.), is appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the "Worker and Community Right to Know Fund," and the receipts in excess of the amount anticipated, not to exceed $699,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the amounts hereinabove appropriated for the two anti-smoking programs (School Based Programs and Youth Anti-Smoking, and Anti-Smoking Programs) shall be charged to the proceeds of the increase in the cigarette tax, established pursuant to P.L.2002, c.33.

Notwithstanding the provisions of section 4 of P.L.1997, c.264 (C.26:2H-18.58g), $11,000,000 is appropriated for anti-smoking programs (School Based Programs and Youth Anti-Smoking, and Anti-Smoking Programs).

In order to permit flexibility in the handling of the various appropriations for anti-tobacco initiative accounts hereinabove, funds may be transferred to and from the following items of appropriations: School Based Programs and Youth Anti-Smoking, and Anti-Smoking Programs. Such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

02-4220 Family Health Services	$118,869,000
(From General Fund $118,340,000)	
(From Casino Revenue Fund 529,000)	
03-4230 Public Health Protection Services	115,694,000
12-4245 AIDS Services	31,898,000
Total Grants-in-Aid Appropriation, Health Services	$266,461,000
(From General Fund $265,932,000)	
(From Casino Revenue Fund 529,000)	
Grants-in-Aid:	
02 Family Planning Services	($6,888,000)
02 Hemophilia Services	(1,138,000)
02 Special Health Services for Handicapped Children	(2,309,000)
02 Chronic Renal Disease Services	(471,000)
02 Pharmaceutical Services for Adults with Cystic Fibrosis	(348,000)
02 Birth Defects Registry	(32,000)
02 Statewide Birth Defects Registry (CRF)	(529,000)
02 Maternal and Child Health Services	(5,587,000)
02 Lead Poisoning Program	(905,000)
02 Poison Control Center	(538,000)

02 Early Childhood Intervention Program .... (78,487,000)
02 Camden Eye Center ..... (350,000)
02 Lourdes Health System --
Osborn Family Clinic ..... (1,500,000)
02 Area Health Education Centers ..... (160,000)
02 Cleft Palate Programs ..... (668,000)
02 Cancer Screening - Early Detection
and Education Program ..... (5,536,000)
02 SIDS Assistance Act ..... (202,000)
02 Services to Victims of Huntington's Disease ... (305,000)
02 Postpartum Education Campaign ..... (2,500,000)
02 Postpartum Screening ..... (2,000,000)
02 New Jersey Council on Physical
Fitness and Sports ..... (50,000)
02 Federally Qualified Health Centers -
Services to Family Care Clients ..... (5,000,000)
02 Cost of Living Adjustment, Family
Health Services ..... (2,116,000)
02 Tourette Syndrome Association of
New Jersey ..... (1,250,000)
03 Tuberculosis Services ..... (1,583,000)
03 Implementation of Comprehensive
Cancer Control Program ..... (1,500,000)
03 St. Barnabas Neurological Center ..... (350,000)
03 Jersey City Medical Center ..... (25,700,000)
03 Trinitas Hospital -- Debt Defeasance ..... (4,700,000)
03 Solaris Health System ..... (1,800,000)
03 Hemophilia Association of New Jersey ..... .(200,000)
03 Palisades Medical Center ..... (1,000,000)
03 Voices for Patient Protection ..... (32,000)
03 Cancer Institute of New Jersey, South Jersey . (6,900,000)
03 St. Mary Hospital, Hoboken ..... (4,000,000)
03 Tamiflu Prescription Medicine ..... (12,000,000)
03 Immunization Services ..... (855,000)
03 AIDS Communicable Disease Control ..... (457,000)
03 Cancer Institute of New Jersey ..... (22,250,000)
03 Cancer Research ..... (32,000,000)
03 Worker and Community Right to Know ..... (281,000)
03 Cost of Living Adjustment, Public
Health Protection ..... (86,000)
12 Cost of Living Adjustment, AIDS Services .... (504,000)
12 AIDS Grants ..... (18,194,000)
12 Rapid AIDS Testing ..... (4,200,000)
12 AIDS Drug Distribution Program ..... (9,000,000)

Of the amount hereinabove appropriated for Family Planning Services, $2,000,000 shall be appropriated to the Office of Maternal and Child Health in the Department of Health and Senior Services for family planning.

In addition to the amount hereinabove, receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $1,830,000 is appropriated to the Department of Health and Senior Services from the hospital and other health care initiatives account, established

pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62), to fund the Infant Mortality Reduction Program.

Of the amount hereinabove appropriated for Cancer Screening-Early Detection and Education Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

Of the amount hereinabove appropriated for the Implementation of Comprehensive Cancer Control Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program and to the corresponding program in Family Health Services in the Department of Health and Senior Services for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, $250,000 is appropriated to the Ovarian Cancer Research Fund.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the AIDS Drug Distribution Program (ADDP) shall be designated the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such beneficiaries and shall include, but shall not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the ADDP program.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health and Senior Services coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health and Senior Services, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any other law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account, shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the

Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the ADDP account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data that may be necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

From the amount hereinabove appropriated for Cancer Research, $32,000,000 shall be allocated as follows: Cancer Institute of New Jersey, Newark, $7,500,000; Cancer Institute of New Jersey, South Jersey, $7,500,000; Robert Wood Johnson University Hospital, New Brunswick, $7,500,000; St. Barnabas Medical Center, $1,000,000; The Cancer Center at Hackensack University Medical Center, $7,500,000; and Garden State Cancer Center, $1,000,000.

The unexpended balance at the end of the preceding fiscal year in the Lead Testing Kits for Expectant Mothers is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Jersey City Medical Center account is conditioned upon the approval by the Commissioner of the Department of Health and Senior Services of a plan submitted to the Commissioner by Jersey City Medical Center as to how such amounts shall be expended by Jersey City Medical Center.

STATE AID

03-4230 Public Health Protection Services	$2,400,000
Total State Aid Appropriation, Health Services	$2,400,000

State Aid:

03 Public Health Priority Funding	($2,400,000)

The capitation for Public Health Priority Funding is set not to exceed $.40 for the fiscal year ending June 30, 2007 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Notwithstanding any provision of law to the contrary, the amount hereinabove appropriated for the Public Health Priority Funding shall not be allocated to county health departments.

22 Health Planning and Evaluation
DIRECT STATE SERVICES

06-4260 Long Term Care Systems	$3,549,000
07-4270 Health Care Systems Analysis	10,345,000
Total Direct State Services Appropriation, Health Planning and Evaluation	$13,894,000

Direct State Services:

Personal Services:	
Salaries and Wages	($6,026,000)
Materials and Supplies	(96,000)
Services Other Than Personal	(506,000)
Maintenance and Fixed Charges	(200,000)

New Jersey State Library

Special Purpose:
06 Nursing Home Background Checks/
Nursing Aide Certification Program ..... (979,000)
06 Implement Patient Safety Act ..... (600,000)
07 Supplemental Salaries and Wages ..... (5,450,000)
Additions, Improvements and Equipment ..... (37,000)

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Planning and Evaluation, in excess of those anticipated, are appropriated subject to a plan approved by the Director of the Division of Budget and Accounting.

Available funds are appropriated to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Implement Patient Safety Act account is appropriated.

GRANTS IN AID

07-4270 Health Care Systems Analysis $151,162,000
Total Grants-in-Aid Appropriation,
Health Planning and Evaluation $151,162,000

Grants-in-Aid:
07 Health Care Subsidy Fund Payments .... ($115,962,000)
07 Hospital Assistance Grants ..... (35,200,000)

There are appropriated such sums as are necessary to pay prior-year obligations of programs within the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, $6,000,000 of the amount hereinabove for the Health Care Subsidy Fund Payments account is appropriated from the Admission Charge Hospital Assessment revenue item.

Notwithstanding the provisions of any law to the contrary, the amounts hereinabove appropriated for Health Care Subsidy Fund Payments shall be charged to the revenues derived from the $0.35 increase in the cigarette tax rate imposed pursuant to P.L.2004, c.67.

In addition to the amounts hereinabove appropriated, $1,000,000 is appropriated to the Health Care Subsidy Fund Payments account from the hospital and other health care initiatives account, established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62).

Of the amounts hereinabove appropriated for Health Care Subsidy Fund Payments, $5,000,000 shall be appropriated to the NJ FamilyCare program in the Department of Human Services to provide health care for uninsured children.

Notwithstanding any provision of law to the contrary, the appropriation for Health Care Subsidy Fund Payments shall be conditioned upon the following provisions: in fiscal year 2007 Charity Care payments to hospitals shall be in the same amounts as in fiscal year 2006. Furthermore, with respect to charity care subsidies allocated to hospitals that closed prior to June 1, 2006, those subsidies shall be reallocated in the same amounts and to the same hospitals as in SFY 2006, except that the Irvington General Hospital subsidy to be reallocated shall equal the total charity care subsidy allocated

to Irvington General Hospital in SFY 06. Charity care subsidy allocations for hospitals that closed after June 1, 2006 shall be reallocated in accordance with NJAC 10:52-13.7.

Amounts appropriated hereinabove for Hospital Assistance Grants and the matching federal funds shall be allocated as follows: St. Joseph's Hospital, Paterson, $17,100,000; Cooper University Hospital, $9,000,000; Jersey City Medical Center, $7,200,000; Newark Beth Israel, $8,100,000; Bergen Regional Medical Center, $3,600,000; Our Lady of Lourdes Hospital, $900,000; East Orange General Hospital, $4,860,000; University Hospital Newark, $7,200,000; St. Francis Hospital, Trenton, $2,475,000; Cathedral Healthcare System, $900,000; Capital Health System, $720,000; Solaris Hospital System, $1,800,000; Underwood Memorial Hospital, $450,000; Raritan Bay Medical Center, $900,000; Robert Wood Johnson University Hospital Hamilton, $450,000; Shore Memorial Hospital, $360,000; Riverview Medical Center, $630,000; The Memorial Hospital of Salem County, Inc., $360,000; St. Clare's Hospital/Dover, $270,000; AtlantiCare Regional Medical Center City Division, $405,000; Morristown Memorial Hospital, $900,000; and Barnert Hospital, $1,820,000.

Notwithstanding any law to the contrary, all revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

25 Health Administration

DIRECT STATE SERVICES

99-4210 Administration and Support Services	$3,597,000
Total Direct State Services Appropriation, Health Administration	$3,597,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($1,377,000)
Materials and Supplies	(49,000)
Services Other Than Personal	(587,000)
Special Purpose:	
99 Office of Minority and Multicultural Health	(1,500,000)
99 Affirmative Action and Equal Employment Opportunity	(84,000)

26 Senior Services

DIRECT STATE SERVICES

22-4275 Medical Services for the Aged	$6,193,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled	8,606,000
55-4275 Programs for the Aged	1,333,000
(From General Fund $462,000)	
(From Casino Revenue Fund 871,000)	
57-4275 Office of the Public Guardian	850,000
Total Direct State Services Appropriation, Senior Services	$16,982,000
(Total From General Fund 16,111,000)	
(Total From Casino Revenue Fund 871,000)	
Direct State Services:	
Personal Services:	
Salaries and Wages	($9,505,000)
Salaries and Wages (CRF)	(658,000)
Employee Benefits (CRF)	(138,000)
(Total From General Fund 9,505,000)	
(Total From Casino Revenue Fund 796,000)	

Materials and Supplies ..... (163,000)
Materials and Supplies (CRF) ..... (14,000)
Services Other Than Personal ..... (2,139,000)
Services Other Than Personal (CRF) ..... (47,000)
Maintenance and Fixed Charges ..... (437,000)
Maintenance and Fixed Charges (CRF) ..... (2,000)
Special Purpose
22 Fiscal Agent - Medical Services for the Aged .. (737,000)
24 Payments to Fiscal Agent - PAA ..... (2,959,000)
55 Federal Programs for the Aging (State Share) . (143,000)
Additions, Improvements and Equipment ..... (28,000)
Additions, Improvements and Equipment (CRF) ..... (12,000)

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services in the Department of Human Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any other State law to the contrary, any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The unexpended balance at the end of the preceding fiscal year in the Payments to Fiscal Agent-PAA account are appropriated.

Such sums as may be necessary, not to exceed $1,669,000, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated.

GRANTS-IN-AID

22-4275 Medical Services for the Aged $861,597,000
(From General Fund ..... $830,968,000)
(From Casino Revenue Fund ..... 30,629,000)
24-4275 Pharmaceutical Assistance to the Aged and Disabled 434,991,000
(From General Fund ..... 163,916,000)
(From Casino Revenue Fund ..... 271,075,000)
55-4275 Programs for the Aged 28,615,000
(From General Fund ..... 13,938,000)
(From Casino Revenue Fund ..... 14,677,000)
Total Grants-in-Aid Appropriation, Senior Services $1,325,203,000
(Total From General Fund ..... $1,008,822,000)
(Total From Casino Revenue Fund ..... 316,381,000)0

Grants-in-Aid:
22 Assisted Living Program ..... ($23,540,000)
22 Community Care Alternatives (CRF) ..... (30,358,000)
22 Global Budget Long Term Care Initiative ... (15,000,000)

22 Payments for Medical Assistance Recipients--Nursing Homes ..... (672,700,000)
22 Medical Day Care Services ..... (90,851,000)
22 Medicaid High Occupancy - Nursing Homes . (9,000,000)
22 ElderCare Initiatives ..... (19,877,000)
22 Home Care Expansion (CRF) ..... (71,000)
22 Hearing Aid Assistance for the Aged and Disabled (CRF) ..... (200,000)
24 Pharmaceutical Assistance to the Aged - Claims ..... (29,835,000)
24 Pharmaceutical Assistance to the Aged and Disabled - Claims ..... (108,841,000)
24 Pharmaceutical Assistance to the Aged and Disabled - Claims (CRF) ..... (271,075,000)
24 Senior Gold Prescription Assistance Program ..... (25,240,000)
55 Purchase of Social Services ..... (9,296,000)
55 ElderCare Advisory Commission Initiatives . (2,500,000)
55 Alzheimer's Disease Program ..... (831,000)
55 Demonstration Adult Day Care Center Program - Alzheimer's Disease (CRF) ..... (2,724,000)
55 Adult Protective Services ..... (905,000)
55 Adult Protective Services (CRF) ..... (1,842,000)
55 Senior Citizen Housing - Safe Housing and Transportation (CRF) ..... (1,726,000)
55 Respite Care for the Elderly (CRF) ..... (5,359,000)
55 Congregate Housing Support Services (CRF) (2,006,000)
55 Home Delivered Meals Expansion (CRF) ... (1,020,000)
55 Cost of Living Adjustment, Senior Services .... (406,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 2007 are appropriated for payments to providers in the same program class from which the recovery originated.

The Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Notwithstanding the provisions of any other law to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, reimbursement for nursing facility services, which are funded hereinabove in the Payments for Medical Assistance Recipients-Nursing Homes account, shall be 50% of the per diem rate when a Medicaid beneficiary is hospitalized. These payments shall be limited to the first 10 days of the hospitalization. Medicaid reimbursement for nursing facility services shall be discontinued beyond the 10th day of the hospitalization.

The funds hereinabove appropriated for Payments for Medical Assistance Recipients-Medicaid High Occupancy-Nursing Homes shall be distributed for patient services among those nursing homes where the Medicaid patient day occupancy level is at or above 75%. Each such facility shall receive its distribution through a prospective per diem rate adjustment according to the following formula: E = A Medicaid days/T Medicaid days x F; where E is the entitlement for a specific nursing home resulting from this allocation; A Medicaid days is an individual nursing home's reported Medicaid days on June 30, 2006; T Medicaid days is the total reported Medicaid days for all affected nursing homes; and F is the total amount of State and federal funds to be distributed. No nursing home shall receive a total allocation greater than the amount lost, due to adjustments in Medicaid reimbursement methodology, which became effective April 1, 1995. Any balances remaining undistributed, from the abovementioned amount, shall be deposited in a reserve account in the General Fund.

Notwithstanding the provisions of any other law or regulation to the contrary, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program for Maximum Allowable Cost (MAC) drugs, which are appropriated hereinabove in the Pharmaceutical Assistance to the Aged and Disabled-Claims program and Senior Gold Prescription Discount Program, shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.).

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold

Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5.00.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 2003, no State funds are appropriated for a Drug Utilization Review Council in the Department of Health and Senior Services and therefore the functions of the Council shall cease.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the Senior Gold Prescription Discount program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program. Provided further that for fiscal year 2007, the Commissioner of Health and Senior Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the PAAD and Senior Gold Prescription Discount Programs to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price (AWP) less a 12.5% discount. In accordance with the federal Deficit Reduction Act of 2005, effective January 1, 2007, reimbursement for single source innovator drugs shall be calculated using the retail survey price or AWP less a 20% discount, whichever is lower; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 shall remain in effect through the current fiscal year, including the current increments for patient consultation, impact allowances and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.

In addition to the amount hereinabove, there are appropriated from the General Fund and available federal matching funds such additional sums as may be required for the

payment of claims, credits and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD or Senior Gold Prescription Discount Program copayment.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program shall be used to pay for quantities of erectile dysfunction therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of erectile dysfunction is written on the prescription form and the treatment is provided to males over the age of 18 years. Furthermore, no payments for erectile dysfunction therapy will be made on behalf of sex offenders.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Health and Senior Services shall have the authority to establish a voluntary prescription drug mail-order program. The mail-order program may waive, discount or rebate the beneficiary copay and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.

At any point during the year, and notwithstanding the provisions of any other law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State on the same basis as provided for in section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C.s.1396r-8(a)-(c). Provided further that for fiscal year 2007, the Commissioner of Health and Senior Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the PAAD and Senior Gold Prescription Discount Programs to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

From the amount hereinabove appropriated for the Senior Gold Prescription Discount Program, an amount not to exceed $3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary and subject to the notice provisions of 42 CFR 447.205, for rates implemented on or after July 1, 2000, target occupancy as determined pursuant to N.J.A.C.8:85-3.16 shall not apply to those facilities receiving enhanced rates of reimbursement pursuant to N.J.A.C.8:85-2.21. The per diem amounts for all other expenses of the enhanced rates shall be based upon

reasonable base period costs divided by actual base period patient days, but no less than 85% of licensed bed days shall be used.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law to the contrary, effective January 1, 2005, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Health and Senior Services.

From the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes, the Commissioner of Health and Senior Services shall increase the reasonableness limit for total nursing care up to 120% of the median costs in the Medicaid nursing home rate-setting system during the current fiscal year.

Such sums as may be necessary, not to exceed $70,840,000, for payments for the Lifeline Credit and Tenants' Lifeline Assistance programs, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budgeting and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.) and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation hereinabove for Medical Day Care Services is conditioned upon rate increases for the nursing home provider assessment not being included in the calculation of the Adult/Pediatric Day Care payment rates.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove to the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) programs is conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAA/D programs with the prescription drug benefits of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 as the primary payer due to the current federal prohibition against State automatic enrollment of PAA/D recipients in the new federal program. The PAA/D benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAA/D and Senior Gold programs, and for Medicare Part D premium costs for PAA/D beneficiaries.

Notwithstanding the provisions of any other law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAA/D) and Senior Gold

program accounts shall be available as payment as a PAA/D or Senior Gold benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAA/D) recipients, no funds hereinabove appropriated from the PAA/D accounts shall be expended for any individual unless the individual enrolled in a PAA/D program provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove for the Pharmaceutical Assistance to the Aged, Pharmaceutical Assistance to the Aged and Disabled, and Senior Gold programs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the PAAD Program.

Notwithstanding the provisions of any law to the contrary, the appropriation hereinabove for the ElderCare Initiatives program shall be conditioned upon the following provision: State funded home and community care (Jersey Assistance for Community Caregiving (JACC)) benefits paid incorrectly on behalf of JACC beneficiaries may be recovered from individuals found ineligible.

The monies hereinabove appropriated for "global budget" shall only be expended if federal approvals are received for such a program and only if federal Medicaid reimbursement or other federal matching funds are available to support the State appropriation.

Notwithstanding the provisions of any law or regulation to the contrary, $12,000,000 of the Payments for Medical Assistance Recipients -- Nursing Homes account shall be distributed as follows: (a) Nursing Homes entitled to receive funds from the Medicaid High Occupancy -- Nursing Homes account shall receive 75% of the amount such nursing homes would otherwise be entitled to pursuant to N.J.A.C 8:85-3.19; and (b) any remaining funds shall be proportionally distributed among the remaining nursing homes not entitled to receive funds from the Medicaid High Occupancy -- Nursing Home account, as determined by the Commissioner of the Department of Health and Senior Services.

The amounts hereinabove appropriated for Nursing Home, Assisted Living, Community Care Alternatives, Medical Day Care Services, Global Budget Long-Term Care Initiative, and Medicaid High Occupancy are conditioned upon the Commissioner of Health and Senior Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize drug coverage under Medicaid Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare Drug Program, including appeals of coverage determinations. Senior Gold is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold representation shall include, but not to be limited to the following actions: pursuit of appeals, grievances, or coverage determinations.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.) to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Community Care Program for the Elderly and Disabled or alternative programs, and only for so long as those individuals require services covered by the HCEP. Individuals enrolled in the HCEP as of June 30, 1996 and eligible for the Community Care Program for the Elderly and Disabled may apply to be enrolled in that program.

Notwithstanding the provisions of any other law to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975,

c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5.00.

Notwithstanding the provisions of any other law or regulation to the contrary, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program for Maximum Allowable Cost (MAC) drugs, which are hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program and Senior Gold Prescription Discount Program, shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.).

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 2003, no State funds are appropriated for a Drug Utilization Review Council in the Department of Health and Senior Services and therefore the functions of the Council shall cease.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program. Provided further that for fiscal year 2007, the Commissioner of Health and Senior Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the PAAD and Senior Gold Prescription Discount Programs to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program are available to pharmacies that have not submitted an application to enroll as an approved medical supplier in the Medicare program, unless they already are an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD copayment.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and the Disabled program shall be used to pay for quantities of erectile dysfunction therapy medication in excess of four treatments per month. Moreover, payment shall only be provided if the diagnosis of erectile dysfunction is written on the prescription form and the treatment is provided to males over the age of 18 years. Furthermore, no payments for erectile dysfunction therapy shall be made on behalf of sex offenders.

Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be

expended for prescription claims with no Medicare Part D coverage except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price (AWP) less a 12.5% discount. In accordance with the federal Deficit Reduction Act of 2005, effective January 1, 2007, reimbursement for single source innovator drugs shall be calculated using the retail survey price or AWP less a 20% discount, whichever is lower; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 shall remain in effect through fiscal year 2007, including the current increments for patient consultation, impact allowances and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Health and Senior Services shall have the authority to establish a voluntary prescription drug mail-order program. The mail-order program may waive, discount or rebate the beneficiary copay and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.

At any point during the year, and notwithstanding the provisions of any other law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State on the same basis as provided for in section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c). Provided further that for fiscal year 2007, the Commissioner of Health and Senior Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the PAAD and Senior Gold Prescription Discount Programs to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, private for-profit agencies shall be eligible grantees for funding from the Demonstration Adult Day Care Center Program-Alzheimer's Disease account.

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove appropriated for the Respite Care for the Elderly (CRF) account, $600,000 shall be charged to the Casino Simulcasting Fund.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new federal program. The PAAD benefit and

reimbursement shall only be available to cover the beneficiary cost share to in network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any other law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) and Senior Gold program accounts, shall be available as payment as a PAAD or Senior Gold benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any other laws or regulations to the contrary, in order to maximize prescription drug coverage under Medicare Part D , the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or MA-PD plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the PAAD Program.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations hereinabove for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

The amounts hereinabove appropriated for the Community Care Alternatives program are conditioned upon the Commissioner of Health and Senior Services making changes to such program to make it consistent with the federal Deficit Reduction Act of 2005.

STATE AID

55-4275 Programs for the Aged $7,152,000
Total State Aid Appropriation, Senior Services $7,152,000

State Aid:

55 County Offices on Aging ..... ($2,498,000)
55 Older Americans Act - State Share ..... (4,654,000)

Department of Health and Senior Services,
Total State Appropriation $1,831,555,000

Consistent with the provisions of P.L.2005, c.237, the first $35,000,000 from this surcharge is appropriated to fund federally qualified health centers. The remaining balance is

appropriated to fund the Infant Mortality Reduction Program and Physician Loan Redemption Program. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during fiscal year 2006 is appropriated.

Such sums as may be necessary are appropriated or transferred from existing appropriations within the Department of Health and Senior Services for the purpose of promoting awareness to increase participation in programs that are administered by the Department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H–18.57) or any other law to the contrary, the first $1,200,000 in per adjusted admission charge assessment revenues, attributable to $10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, it is recommended that the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health and Senior Services, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Notwithstanding the provisions of any other law to the contrary, the Commissioner of Health and Senior Services shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration, and not client services.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health and Senior Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, fees, fines, penalties and assessments owed to the Department of Health and Senior Services shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the Department of Health and Senior Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in implementing the ElderCare Initiatives within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the

approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Summary of Department of Health and Senior Services Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $79,177,000
Grants-in-Aid 1,742,826,000
State Aid 9,552,000
Appropriations by Fund:
General Fund $1,513,774,000
Casino Revenue Fund 317,781,000

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Mental Health Services
7700 Division of Mental Health Services
DIRECT STATE SERVICES

99-7700 Administration and Support Services $4,178,000
Total Direct State Services Appropriation, Division of Mental Health Services $4,178,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($2,173,000)
Materials and Supplies ..... (51,000)
Services Other Than Personal ..... (572,000)
Maintenance and Fixed Charges ..... (155,000)
Special Purpose:
99 Fraud and Abuse Initiative ..... (300,000)
99 Nursing Incentive Program ..... (200,000)
99 Governor's Council on Mental Health Stigma .. (350,000)
Additions, Improvements and Equipment ..... (377,000)

The amounts hereinabove appropriated for the Governor's Council on Mental Health Stigma shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

Of the amounts hereinabove appropriated for Salaries and Wages, $330,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health as follows: $330,000 for the Office of Disaster Mental Health.

GRANTS-IN-AID

08-7700 Community Services $276,133,000
Total Grants-in-Aid Appropriation, Division of Mental Health Services $276,133,000

Grants-in-Aid:
08 Olmstead Support Services ..... ($10,000,000)
08 Community Care ..... (248,068,000)
08 Community Mental Health Center -- University of Medicine and Dentistry -- Newark ..... (6,205,000)
08 Community Mental Health Center -- University of Medicine and Dentistry -- Piscataway ..... (11,860,000)

The amount appropriated hereinabove for the Community Mental Health Centers and the amount appropriated to the University of Medicine and Dentistry of New Jersey are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

Revenues that may be received from fees derived from the licensing of all community mental health agencies as specified in N.J.A.C.10:37-10.1 et seq. are appropriated to the Division of Mental Health Services to offset the costs of performing the required reviews.

Of the amounts hereinabove appropriated for Community Care, $30,905,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health as follows: $11,500,000 for Mental Health Screening Centers; $2,637,000 for Self-Help Centers; $3,625,000 for psychiatric services; $5,125,000 for support services for permanent supportive housing; $600,000 for jail diversion in Atlantic County; $600,000 for jail diversion in Essex County; $600,000 for jail diversion in Union County; $2,868,000 for bilingual and culturally competent services; $1,000,000 for Short-Term Care Facilities; $850,000 for Community Health Law Project; and $1,500,000 for Special Case Management services.

The Commissioner of Human Services shall provide the Governor's Task Force on Mental Health with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the amounts hereinabove appropriated in Community Care for the Governor's Task Force on Mental Health's final recommendations.

STATE AID

08-7700 Community Services $108,175,000
Total State Aid Appropriation, Division of Mental Health Services $108,175,000

State Aid:

08 Support of Patients in County Psychiatric Hospitals ..... ($108,175,000)

The appropriation for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the costs of maintaining patients in State and county psychiatric hospitals and facilities for the developmentally disabled shall be based on the same percent as costs are shared.

State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the

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amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations first are charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

7710 Greystone Park Psychiatric Hospital
DIRECT STATE SERVICES

10-7710 Patient Care and Health Services	$50,644,000
99-7710 Administration and Support Services	13,267,000
Total Direct State Services Appropriation, Greystone Park Psychiatric Hospital	$63,911,000

Direct State Services:

Personal Services:	
Salaries and Wages	($57,353,000)
Materials and Supplies	(3,306,000)
Services Other Than Personal	(1,772,000)
Maintenance and Fixed Charges	(898,000)
Special Purpose:	
10 Interim Assistance	(50,000)
Additions, Improvements and Equipment	(532,000)

7720 Trenton Psychiatric Hospital
DIRECT STATE SERVICES

10-7720 Patient Care and Health Services	$50,349,000
99-7720 Administration and Support Services	11,336,000
Total Direct State Services Appropriation, Trenton Psychiatric Hospital	$61,685,000

Direct State Services:

Personal Services:	
Salaries and Wages	($55,305,000)
Materials and Supplies	(2,954,000)
Services Other Than Personal	(1,997,000)
Maintenance and Fixed Charges	(799,000)
Special Purpose:	
10 Interim Assistance	(150,000)
Additions, Improvements and Equipment	(480,000)

7725 Ann Klein Forensic Center
DIRECT STATE SERVICES

10-7725 Patient Care and Health Services	$18,676,000
99-7725 Administration and Support Services	2,706,000
Total Direct State Services Appropriation, Ann Klein Forensic Center	$21,382,000

Direct State Services:

Personal Services:	
Salaries and Wages	($19,450,000)
Materials and Supplies	(1,214,000)
Services Other Than Personal	(520,000)
Maintenance and Fixed Charges	(98,000)
Additions, Improvements and Equipment	(100,000)

7740 Ancora Psychiatric Hospital
DIRECT STATE SERVICES

10-7740 Patient Care and Health Services $63,688,000
99-7740 Administration and Support Services 13,901,000
Total Direct State Services Appropriation, Ancora Psychiatric Hospital $77,589,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($69,568,000)
Materials and Supplies ..... (3,610,000)
Services Other Than Personal ..... (2,758,000)
Maintenance and Fixed Charges ..... (917,000)
Special Purpose:
10 Interim Assistance ..... (120,000)
Additions, Improvements and Equipment ..... (616,000)

7760 Senator Garrett W. Hagedorn Gero-Psychiatric Hospital
DIRECT STATE SERVICES

10-7760 Patient Care and Health Services $27,164,000
99-7760 Administration and Support Services 8,106,000
Total Direct State Services Appropriation, Senator Garrett W. Hagedorn Gero-Psychiatric Hospital $35,270,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($31,404,000)
Materials and Supplies ..... (1,941,000)
Services Other Than Personal ..... (1,200,000)
Maintenance and Fixed Charges ..... (426,000)
Special Purpose:
10 Interim Assistance ..... (14,000)
Additions, Improvements and Equipment ..... (285,000)

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations first are charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

24 Special Health Services
7540 Division of Medical Assistance and Health Services
DIRECT STATE SERVICES

21-7540 Health Services Administration and Management $25,641,000
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services $25,641,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,068,000)
Materials and Supplies ..... (180,000)
Services Other Than Personal ..... (3,328,000)
Maintenance and Fixed Charges ..... (308,000)

Special Purpose:
21 Payments to Fiscal Agents ..... (6,588,000)
21 Professional Standards Review Organization--Utilization Review ..... (1,079,000)
21 Drug Utilization Review Board -- Administrative Costs ..... (90,000)

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agent account are appropriated.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1991, c.187 (C.26:2H-18.24 et seq.), and for subsidized children's health insurance in the NJ FamilyCare program established in P.L.2005, c.156 (C.30:4J-8 et al.) to maximize federal Title XXI funding.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, workers' compensation or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the Medicaid, NJ FamilyCare, Charity Care, and Work First New Jersey General Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of any law to the contrary, all past, present and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited in the General Fund and may be expended only upon appropriation by law.

Notwithstanding the provisions of any law to the contrary, all revenues received from health maintenance organizations shall be deposited in the General Fund.

Additional federal Title XIX revenue generated from the claiming of medical service payments on behalf of individuals enrolled in the second year of Medicaid Extension is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

22-7540 General Medical Services $2,427,891,000
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services $2,427,891,000

Grants-in-Aid:
22 Payments for Medical Assistance Recipients -- Personal Care ..... ($23,771,000)
22 Managed Care Initiative ..... (674,659,000)
22 Hospital Relief Offset Payments ..... (70,845,000)
22 Payments for Medical Assistance Recipients - Other Treatment Facilities ..... (6,691,000)
22 Payments for Medical Assistance Recipients - Inpatient Hospital ..... (282,376,000)

22 Payments for Medical Assistance Recipients - Prescription Drugs ..... (554,494,000)
22 Payments for Medical Assistance Recipients - Outpatient Hospital ..... (168,874,000)
22 Payments for Medical Assistance Recipients - Physician Services ..... (33,000,000)
22 Payments for Medical Assistance Recipients - Home Health Care ..... (10,639,000)
22 Payments for Medical Assistance Recipients - Medicare Premiums ..... (127,991,000)
22 Payments for Medical Assistance Recipients - Dental Services ..... (14,159,000)
22 Payments for Medical Assistance Recipients - Psychiatric Hospital ..... (11,054,000)
22 Payments for Medical Assistance Recipients - Medical Supplies ..... (20,489,000)
22 Payments for Medical Assistance Recipients - Clinic Services ..... (74,152,000)
22 Payments for Medical Assistance Recipients - Transportation Services ..... (55,485,000)
22 Payments for Medical Assistance Recipients - Other Services ..... (20,868,000)
22 Unit Dose Contract Services ..... (5,125,000)
22 Consulting Pharmacy Services ..... (3,704,000)
22 Eligibility Determination Services ..... (5,136,000)
22 Health Benefit Coordination Services ..... (4,729,000)
22 General Assistance Medical Services .... (133,270,000)
22 NJ FamilyCare - Affordable and Accessible Health Coverage Benefits .... (120,469,000)
22 Programs for Assertive Community Treatment ..... (5,911,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients-Personal Care and Payments for Medical Assistance Recipients -Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients-Personal Care and the Payments for Medical Assistance Recipients-Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various item of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts appropriated in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

Notwithstanding any law to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional sums as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children and pregnant women in the Medicaid (Title XIX) program and the NJ FamilyCare program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance for the Aged program is eliminated.

Notwithstanding the provisions of any other law to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

The amount appropriated hereinabove for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-in-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients- Personal Care, personal care assistant services shall be limited to no more than 25 hours per week.

The Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources that is not protected for the needs of the community spouse be used solely for the purchase of long- term care services.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.

The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital

services are made available from the Payments for Medical Assistance Recipients-Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are available from the Health Care Subsidy Fund to supplement Payments for Medical Assistance Recipients-Inpatient Hospital, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other laws to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the NJ FamilyCare program benefit service packages, premium contributions, copayment levels, enrollment levels, and any other program features or operations may be modified as the Commissioner of Human Services deems necessary based upon a plan approved by the Director of the Division of Budget and Accounting to ensure that monies expended for the NJ FamilyCare program do not exceed the amount appropriated hereunder.

Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Commissioner of Human Services shall adopt immediately upon filing with the Office of Administrative Law such regulations as the Commissioner deems necessary to ensure that monies expended for the NJ FamilyCare program do not exceed the amount appropriated hereunder. Such regulation may change or adjust the financial and non-financial eligibility requirements for some or all of the applicants or beneficiaries in the program, the benefits provided, cost- sharing amounts, or may suspend in whole or in part the processing of applications for any or all categories of individuals covered by the program.

Notwithstanding any other law to the contrary, those hospitals that are eligible to receive a Hospital Relief Subsidy Fund (HRSF) payment as appropriated hereinabove in the Payments for Medical Assistance Recipients-Inpatient Hospital program shall receive enhanced payments from the Medicaid program for providing services to Medicaid and NJ FamilyCare beneficiaries. The total payments shall not exceed the amount appropriated and shall be allocated among hospitals proportionately based on the amount of HRSF payments (excluding any adjustments to the HRSF for other Medicaid payment increases). Interim payments shall be made from the Hospital Relief Offset Payment account, based on an estimate of the total enhanced amount payable to a qualifying hospital, and subject to cost settlement. The enhanced payment, determined at cost settlement, shall be an amount approved by the Director of the Division of Budget and Accounting per Medicaid patient day, adjusted by a volume variance factor (the ratio of expected Medicaid inpatient days to actual Medicaid inpatient days for the rate year) and an HRSF factor (the ratio of the hospital's HRSF payments to total HRSF payments) and subject to a pro rata adjustment so that the total enhanced per diem amounts are equivalent to the total State and federal funds appropriated not to exceed an amount to be approved by the Director of the Division of Budget and Accounting. The total of these payments shall be reduced by an amount equal to any increase in Medicaid and NJ FamilyCare fee-for-service payments to New Jersey hospitals enacted herein or subsequent to this legislation.

Notwithstanding any other law to the contrary for those hospitals that qualify for a Hospital Relief Subsidy Fund payment, the State Medicaid program shall reimburse those hospitals Graduate Medical Education outpatient payments up to the amount the hospital would have received under Medicare principles of reimbursement for Medicaid and NJ FamilyCare fee-for-service beneficiaries. Payments shall be made from and are appropriated hereinabove in the Hospital Relief Offset Payment account, and shall be based on the qualifying hospitals' first finalized 1996 cost reports. The

amount that the qualifying hospital would otherwise be eligible to receive from the Hospital Relief Subsidy Fund shall be reduced by the amount of this Graduate Medical Education outpatient payment. The total amount of these payments shall not exceed an amount approved by the Director of the Division of Budget and Accounting in combined State and federal funds. In no case shall these payments and all other enhanced payments related to those services primarily used by Medicaid and NJ FamilyCare beneficiaries that the hospital receives exceed the amount the hospital would otherwise have been eligible to receive from the Hospital Relief Subsidy Fund in the State fiscal year.

Of the amounts appropriated in State and federal funds in the Hospital Relief Offset Payment accounts in the Department of Human Services, Division of Medical Assistance and Health Services, such sums as may be necessary shall be transferred to the Hospital Relief Subsidy Fund within the Health Care Subsidy Fund established pursuant to P.L.1992, c.160 (C26:2H- 18.51 et seq.) to maximize federal revenues related to these accounts and maintain an appropriate level of hospital payments, subject to the approval of the Director of the Division of Budget and Accounting.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients-Prescription Drugs account. Provided further that for fiscal year 2007, the Commissioner of Human Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the Payments for Medical Assistance Recipients-Prescription Drugs, NJ FamilyCare, and General Assistance Medical Services prescription drugs programs to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

Notwithstanding the provisions of any other law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated for prescription drugs in the Payments for Medical Assistance Recipients-Prescription Drugs or General Assistance Medical Services account shall be expended except under the following conditions: (a) reimbursement for the cost of legend, and non-legend drugs, and nutritional supplements, shall not exceed the Average Wholesale Price (AWP) less a 12.5% discount. In accordance with the federal Deficit Reduction Act of 2005, effective January 1, 2007, reimbursement for single source innovator drugs shall be calculated using the retail survey price or AWP less a 20% discount, whichever is lower; (b) the current prescription drug dispensing fee structure set as a variable rate of $3.73 to $4.07 shall remain in effect through the current fiscal year, including the current increments for patient consultation, impact allowances, and allowances for 24-hour emergency services; and (c) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Division of Medical Assistance and Health Services or its authorizing agent; however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Board or brand name drugs with lower cost per unit than the generic, may be excluded from prior authorization by the Division of Medical Assistance and Health Services.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, approved nutritional supplements which are funded hereinabove in the Payments for Medical Assistance Recipients-Prescription Drug program shall be reimbursed in accordance with a fee schedule set by the Director of the Division of Medical Assistance and Health Services.

No funding shall be provided from the General Assistance Medical Services or NJ FamilyCare programs for anti-retroviral drugs for the treatment of HIV/AIDS, as specified in the Department of Health and Senior Services' formulary for the AIDS Drugs Distribution Program (ADDP).

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation in the General Assistance Medical Services account hereinabove shall be conditioned upon the following provisions which shall apply to the dispensing of prescription drugs through that account: (a) all Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs; and (b) each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to all requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriations in the Payments for Medical Assistance Recipients-Prescription Drugs, General Assistance Medical Services, and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Outpatient Hospital, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed $500,000 is appropriated to the NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed care program shall accept, as payment in full, the amounts that the non-contracted hospital would receive from Medicaid for the emergency services and/or any related hospitalization if the beneficiary were enrolled in Medicaid fee-for-service.

Notwithstanding the provisions of subsection (b) of N.J.A.C.10:60-5.3 and subsection (a) of N.J.A.C.10:60-5.4 to the contrary, a person receiving the maximum number of Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services, that is, 16 hours in any 24-hour period, may be authorized to receive additional PDN hours if private health insurance is available to cover the cost of the additional hours and appropriate medical documentation is provided that indicates that additional PDN hours are required and that the primary caregiver is not qualified to provide the additional PDN hours.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Clinic Services, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical

laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Additional federal Title XIX revenue generated from the claiming of family planning services payments on behalf of individuals enrolled in the Medicaid managed care program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

The amount appropriated hereinabove for Payments for Medical Assistance Recipients-Other Services, NJ FamilyCare, and NJ KidCare may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by DMAHS (including, but not limited to, the New Jersey Medicaid and NJ FamilyCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or $1,000, whichever is less. Notwithstanding any State law to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

Of the amount hereinabove appropriated for Eligibility Determination, an amount not to exceed $630,000 is allocated for increased eligibility determination costs related to immigrant services.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments.

Of the amount hereinabove appropriated for the NJ FamilyCare program, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed $6,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The Commissioners of Human Services and Health and Senior Services shall establish a system to utilize unopened prescription drugs at nursing facilities issued to patients at such facilities and which have not exceeded their expiration date.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount appropriated hereinabove for the Payments for Medical Assistance Recipients-Inpatient Hospital program, the Commissioner of Human Services shall establish a disease management program to improve the quality of care for beneficiaries of the Division of Medical Assistance and Health Services and reduce costs in the General Medical Services program.

Notwithstanding the provisions of any other law to the contrary, no funds appropriated for the Medicaid program as hereinabove appropriated in the Payments for Medical Assistance Recipients-Prescription Drugs account are available to any pharmacy that does not agree to allow Medicaid to bill on its behalf any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), by participating in a billing agreement executed between the State and the pharmacy.

Notwithstanding the provisions of any other law to the contrary, effective January 1, 2005, inpatient hospital reimbursements for Medical Assistance services for dually eligible individuals shall exclude Medicare Part A crossover payments according to a plan

designed by the Commissioner of Human Services and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.A.C.10:49-7.1 et seq. to the contrary and subject to approval by the federal government, the Division of Medical Assistance and Health Services shall increase reimbursement for ambulance services, including BLS emergency and nonemergency ambulance services and specialty care transport services, provided to Medicaid recipients who are also Medicare eligible to the applicable Medicare rate.

Notwithstanding the provisions of any other law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the appropriation in the Payments for Medical Assistance Recipients-Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for selected high cost physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients-Clinic Services, Payments for Medical Assistance Recipients-Prescription Drugs, Payments for Medical Assistance Recipients-Physician Services, Payments for Medical Assistance Recipients-Medical Supplies and Payments for Medical Assistance Recipients-Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, pharmaceutical services, chiropractic services, medical supples, or podiatry services to any provider who was not a Medicaid/NJ FamilyCare approved provider of partial care services, pharmaceutical services, chiropractic services, medical supples, or podiatry services, respectively, prior to July 1, 2006, with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any other law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or re-locating off-site hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients-Prescription Drugs, such sums as are necessary are available for payment of Medicare Part D copayments and for certain pharmaceuticals not included in the Part D provider formularies for those individuals who are dually eligible for Medicaid and Medicare. These funds shall only be available to cover copayments and non-formulary drugs to pharmacies participating in the federal Medicare Part D program. Payments for pharmaceuticals not included in the Part D formularies may be subject to prior

authorization. The Department of Human Services may require proof of appeal or may appeal the Medicare Part D formulary decision on behalf of a dual-eligible client.

Notwithstanding the provision of any other law to the contrary, no funds appropriated in the Payments for Medical Assistance Recipients-Prescription Drugs line item shall be expended for the payment of claims for pharmaceuticals not included in the Part D provider formularies of Medicare Part D eligibles unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services providing for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a) - (c). All rebates received are appropriated for the Medical Assistance Recipients-Prescription Drugs account. Provided further that for fiscal year 2007, the Commissioner of Human Services, in consultation with the State Treasurer, shall negotiate and implement additional measures to maximize savings and cost recoveries in the Payments for Medical Assistance Recipients-Prescription Drugs program to ensure that the State of New Jersey is an aggressively cost-conscious purchaser of prescription drugs.

Notwithstanding the provision of any other law or regulation to the contrary, effective July 1, 2006, distribution of the Graduate Medical Education (GME) payment to eligible acute care teaching hospitals shall not be in excess of, or cause an individual hospital to exceed its federal disproportionate share hospital upper payment limits.

Notwithstanding the provision of any other law or regulation to the contrary, effective October 1, 2006, payments from the Payments for Medical Assistance Recipients-Outpatient Hospital account for outpatient hospital reimbursement for psychiatric services provided as an outpatient hospital service to eligible individuals age 22 or older, shall be paid at the lower of charges or prospective hourly rates as established by the Commissioner of Human Services. Costs related to such services shall be excluded from outpatient hospital costs settlements.

The amounts hereinabove appropriated for Personal Care, Managed Care, Hospital Relief Offset Payments, Other Treatment Facilities, Inpatient Hospital, Prescription Drugs, Outpatient Hospital, Physician Services, Home Health Care, Medicare Premiums, Dental Services, Psychiatric Hospital, Medical Supplies, Clinic Services, Transportation Services, Other Services, Eligibility Determination Services, and Health Benefit Coordination Services are conditioned upon the Commissioner of Human Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

The unexpended balance as of June 30, 2006 in the NJ FamilyCare-Affordable and Accessible Health Coverage Benefits account is appropriated for the same purpose and may also be transferred to any appropriation in the General Medical Services program classification for payment for services to NJ FamilyCare clients. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

27 Disability Services
7545 Division of Disability Services
DIRECT STATE SERVICES

27-7545 Division of Disability Services	$1,234,000
Total Direct State Services Appropriation, Division of Disability Services	$1,234,000

Direct State Services:

Personal Services:	
Salaries and Wages	($1,061,000)
Materials and Supplies	(4,000)

Services Other Than Personal ..... (160,000)
Maintenance and Fixed Charges ..... (9,000)

GRANTS-IN-AID

27-7545 Division of Disability Services $183,728,000
From General Fund ..... $103,400,000)
(From Casino Revenue Fund ..... 80,328,000)
Total Grants-in-Aid Appropriation, Division of Disability Services $183,728,000
(From General Fund ..... $103,400,000)
(From Casino Revenue Fund ..... 80,328,000)

Grants-in-Aid:
27 Personal Assistance Services Program ..... ($3,601,000)
27 Personal Assistance Services Program (CRF) ..... (3,734,000)
27 Community Supports to Allow Discharge from Nursing Homes ..... (2,000,000)
27 Payments for Medical Assistance Recipients - Personal Care ..... (86,513,000)
27 Payments for Medical Assistance Recipients - Personal Care (CRF) ..... (60,092,000)
27 Payments for Medical Assistance Recipients - Personal Care Salary Increase ..... (4,700,000)
27 Payments for Medical Assistance Recipients - Waiver Initiatives ..... (4,934,000)
27 Payments for Medical Assistance Recipients - Waiver Initiatives (CRF) .... (16,502,000)
27 Payments for Medical Assistance Recipients - Other Services ..... (1,652,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients-Personal Care, Payments for Medical Assistance Recipients and Personal Care Salary Increase and Payments for Medical Assistance Recipients -Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients-Personal Care and the Payments for Medical Assistance Recipients-Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various item of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The funds hereinabove appropriated for Payments for Medical Assistance Recipients-Personal Care Salary Increase shall be used to provide direct care workers who provide personal care services with an increase in their compensation.

Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR 447.205, of the amount appropriated hereinabove for Payments for Medical Assistance Recipients- Personal Care, personal care assistant services shall be authorized prior to

the beginning of services by the Director of the Division of Disability Services. The hourly weekend rate shall not exceed $16.00.

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities
DIRECT STATE SERVICES

99-7600 Administration and Support Services	$10,772,000
(From General Fund	***$3,336,000)***
(From Federal Funds	***7,436,000)***
Total Appropriation, State and Federal Funds	$10,772,000
(From General Fund	***$3,336,000)***
(From Federal Funds	***7,436,000)***
Less:	
Federal Funds	***$7,436,000***
Total Deductions	***$7,436,000***
Total Direct State Services Appropriation, Division of Developmental Disabilities	$3,336,000

Direct State Services:

Personal Services:	
Salaries and Wages	($9,826,000)
Materials and Supplies	(64,000)
Services Other Than Personal	(252,000)
Maintenance and Fixed Charges	(99,000)
Special Purpose:	
99 Developmental Disabilities Council	(306,000)
99 Nursing Incentive Program	(200,000)
Additions, Improvements and Equipment	(25,000)
Less:	
Federal Funds	***7,436,000***

An amount not to exceed $223,000 from receipts from individuals for whom the Division of Developmental Disabilities in the Department of Human Services is the representative payee is appropriated for participation in the Foster Grandparents and Senior Companions programs.

7601 Community Programs
DIRECT STATE SERVICES

01-7601 Purchased Residential Care	$3,638,000
(From General Fund	***$1,137,000)***
(From Federal Funds	***2,501,000)***
02-7601 Social Supervision and Consultation	25,283,000
(From General Fund	***1,486,000)***
(From Federal Funds	***23,797,000)***
03-7601 Adult Activities	2,058,000
(From General Fund	***1,120,000)***
(From Federal Funds	***938,000)***
Total Appropriation, State and Federal Funds	$30,979,000
(From General Fund	***$3,743,000)***
(From Federal Funds	***27,236,000)***
Less:	
Federal Funds	***$27,236,000***
Total Deductions	***$27,236,000***
Total Direct State Services Appropriation, Community Programs	$3,743,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($29,861,000)
Materials and Supplies ..... (76,000)
Services Other Than Personal ..... (319,000)
Maintenance and Fixed Charges ..... (491,000)
Additions, Improvements and Equipment ..... (232,000)
Less:
Federal Funds 27,236,000
Of the amounts hereinabove appropriated for Developmental Center Enhancement, such sums as are necessary may be transferred to Grants-in-Aid for the Developmental Center Enhancement or to the Woodbridge Developmental Center, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-7601 Purchased Residential Care $606,145,000
(From General Fund ..... $358,315,000)
(From Casino Revenue Fund ..... 22,934,000)
(From Federal Funds ..... 186,266,000)
(From All Other Funds ..... 38,630,000)
02-7601 Social Supervision and Consultation 71,861,000
(From General Fund ..... 46,958,000)
(From Casino Revenue Fund ..... 2,208,000)
(From Federal Funds ..... 22,695,000)
03-7601 Adult Activities 137,361,000
(From General Fund ..... 88,053,000)
(From Casino Revenue Fund ..... 7,374,000)
(From Federal Funds ..... 41,934,000)
Total State, Federal and All Other Funds $815,367,000
(From General Fund ..... 493,326,000)
(From Casino Revenue Fund ..... 32,516,000)
(From Federal Funds ..... 250,895,000)
(From All Other Funds ..... 38,630,000)
Less:
Federal Funds $250,895,000
All Other Funds 38,630,000
Total Deductions $289,525,000
Total Grants-in-Aid Appropriation, Community Programs $525,842,000

Grants-in-Aid:
01 Dental Program for Non-Institutionalized Children ..... ($814,000)
01 Private Institutional Care ..... (43,428,000)
01 Private Institutional Care (CRF) ..... (1,311,000)
01 Skill Development Homes ..... (27,646,000)
01 Skill Development Homes (CRF) ..... (1,141,000)
01 Group Homes ..... (431,315,000)
01 Group Homes (CRF) ..... (20,354,000)
01 Capitol Improvements for Olmstead Group Homes ..... (3,000,000)
01 Family Care ..... (5,135,000)
01 Family Care (CRF) ..... (128,000)

01 Cerebral Palsy of New Jersey -- Operating Expenses ..... (500,000)
01 Asperger's Syndrome Pilot Program ..... (300,000)
01 Community Nursing Care Initiative - FY2002 ..... (1,604,000)
01 Community Services Waiting List Reduction Initiative - FY 2002 ..... (28,579,000)
01 CSWL Initiative Development ..... (20,713,000)
01 Developmental Center Enhancement ..... (10,258,000)
01 Community Transition Initiative - FY 2002 .. (9,919,000)
02 Essex ARC - Expanded Respite Care Services for Families with Autistic Children ... (75,000)
02 Autism Respite Care ..... (1,000,000)
02 Developmental Disabilities Council ..... (1,183,000)
02 Home Assistance ..... (42,306,000)
02 Home Assistance (CRF) ..... (1,657,000)
02 Purchase of After School and Camp Services ..... (1,339,000)
02 Purchase of After School and Camp Services (CRF) ..... (551,000)
02 Real Life Choices ..... (19,231,000)
02 Social Services ..... (4,048,000)
02 Case Management ..... (471,000)
03 Purchase of Adult Activity Services ..... (129,987,000)
03 Purchase of Adult Activity Services (CRF) ... (7,374,000)

Less:

Federal Funds 250,895,000
All Other Funds 38,630,000

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from skill development homes during the fiscal year ending June 30, 2007, not to exceed $12,500,000, are appropriated for the continued operation of the Skill Development Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

The total amount appropriated in the Community Services Waiting List Reduction Initiative- FY2002, the Community Transition Initiative-FY2002, and the Community Nursing Care Initiative-FY2002 accounts are available for transfer to community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Director of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds appropriated hereinabove for the implementation of a self-determination pilot program including participants from the Community Services Waiting List Reduction Initiatives-FY1997 through FY2002, subject to the approval of a plan by the Director of the Division of Developmental Disabilities, which will allow an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative-FY2001 and FY2002, and the Community Nursing Care Initiative-FY2002, who choose self-determination.

Cost recoveries from developmentally disabled patients and residents collected during the fiscal year ending June 30, 2007, not to exceed $5,500,000, are appropriated for the continued operation of the Group Homes program, and an additional amount, not to exceed $20,630,000, is appropriated for Community Services Waiting List Reduction Initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding any other law to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

From the amounts hereinabove appropriated for the Community Services Waiting List Reduction Initiative-FY2002 and the Community Transition Initiative-FY2002 accounts, such funds as are necessary may be transferred to various administrative accounts as required, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, expenditures of federal Community Care Waiver funds received for community-based programs in the Division of Developmental Disabilities are limited to $268,712,000. Federal funding received above this level must be approved by the Director of the Division of Budget and Accounting in accordance with a plan submitted by the Department of Human Services.

In order to permit flexibility in the handling of appropriations and assure timely payment of provider services, funds may be transferred within the Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Developmental Center Enhancement account is appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from skill development homes during the fiscal year ending June 30, 2007, not to exceed $12,500,000, are appropriated for the continued operation of the Skill Development Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from developmentally disabled patients and residents, collected during the fiscal year ending June 30, 2007, not to exceed $5,500,000, are appropriated for the continued operation of the Group Homes program, and an additional amount, not to exceed $20,630,000, is appropriated for Community Services Waiting List Reduction

Initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

7610 Green Brook Regional Center
DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services	$9,284,000
(From General Fund	***$549,000)***
(From Federal Funds	***8,735,000)***
99-7610 Administration and Support Services	3,654,000
(From General Fund	***898,000)***
(From Federal Funds	***2,756,000)***
Total Appropriation, State and Federal Funds	$12,938,000
(From General Fund	***$1,447,000)***
(From Federal Funds	***11,491,000)***
Less:	
Federal Funds	***$11,491,000***
Total Deductions	***$11,491,000***
Total Direct State Services Appropriation, Green Brook Regional Center	$1,447,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($11,491,000)
Materials and Supplies	(875,000)
Services Other Than Personal	(262,000)
Maintenance and Fixed Charges	(210,000)
Additions, Improvements and Equipment	(100,000)
Less:	
Federal Funds	***11,491,000***

7620 Vineland Developmental Center
DIRECT STATE SERVICES

05-7620 Residential Care and Habilitation Services	$48,358,000
(From General Fund	***$3,554,000)***
(From Federal Funds	***44,804,000)***
99-7620 Administration and Support Services	14,357,000
(From General Fund	***12,086,000)***
(From Federal Funds	***2,271,000)***
Total Appropriation, State and Federal Funds	***$62,715,000***
(From General Fund	***$15,640,000)***
(From Federal Funds	***47,075,000)***
Less:	
Federal Funds	***$47,075,000***
Total Deductions	***$47,075,000***
Total Direct State Services Appropriation, Vineland Developmental Center	$15,640,000
Direct State Services:	
Personal Services:	
Salaries and Wages	($55,263,000)
Materials and Supplies	(5,050,000)
Services Other Than Personal	(1,467,000)
Maintenance and Fixed Charges	(673,000)
Special Purpose:	
05 Family Care	(6,000)

Additions, Improvements and Equipment .... (256,000)
Less:
Federal Funds 47,075,000

7630 North Jersey Developmental Center
DIRECT STATE SERVICES
05-7630 Residential Care and Habilitation Services $29,529,000
(From General Fund ..... $2,997,000)
(From Federal Funds ..... 26,532,000)
99-7630 Administration and Support Services 9,929,000
(From General Fund ..... 7,894,000)
(From Federal Funds ..... 2,035,000)
Total Appropriation, State and Federal Funds $39,458,000
(From General Fund ..... $10,891,000)
(From Federal Funds ..... 28,567,000)
Less:
Federal Funds $28,567,000
Total Deductions $28,567,000
Total Direct State Services Appropriation,
North Jersey Developmental Center $10,891,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($33,489,000)
Materials and Supplies ..... (3,069,000)
Services Other Than Personal ..... (2,054,000)
Maintenance and Fixed Charges ..... (587,000)
Additions, Improvements and Equipment ..... (259,000)
Less:
Federal Funds 28,567,000

7640 Woodbine Developmental Center
DIRECT STATE SERVICES
05-7640 Residential Care and Habilitation Services $39,929,000
(From General Fund ..... $6,484,000)
(From Federal Funds ..... 33,445,000)
99-7640 Administration and Support Services 13,740,000
(From General Fund ..... 9,639,000)
(From Federal Funds ..... 4,101,000)
Total Appropriation, State and Federal Funds $53,669,000
(From General Fund ..... $16,123,000)
(From Federal Funds ..... 37,546,000)
Less:
Federal Funds $37,546,000
Total Deductions $37,546,000
Total Direct State Services Appropriation,
Woodbine Developmental Center $16,123,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($47,030,000)
Materials and Supplies ..... (4,391,000)
Services Other Than Personal ..... (1,415,000)
Maintenance and Fixed Charges ..... (576,000)
Additions, Improvements and Equipment ..... (257,000)

Less:
Federal Funds 37,546,000

7650 New Lisbon Developmental Center
DIRECT STATE SERVICES

05-7650 Residential Care and Habilitation Services $51,107,000
(From General Fund ..... $10,274,000)
(From Federal Funds ..... 40,833,000)
99-7650 Administration and Support Services 12,944,000
(From General Fund ..... 6,455,000)
(From Federal Funds ..... 6,489,000)
Total Appropriation, State and Federal Funds $64,051,000
(From General Fund ..... $16,729,000)
(From Federal Funds ..... 47,322,000)
Less:
Federal Funds $47,322,000
Total Deductions $47,322,000
Total Direct State Services Appropriation,
New Lisbon Developmental Center $16,729,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($51,030,000)
Materials and Supplies ..... (3,806,000)
Services Other Than Personal ..... (7,450,000)
Maintenance and Fixed Charges ..... (814,000)
Additions, Improvements and Equipment ..... (951,000)
Less:
Federal Funds 47,322,000

7660 Woodbridge Developmental Center
DIRECT STATE SERVICES

05-7660 Residential Care and Habilitation Services $48,820,000
(From General Fund ..... $6,232,000)
(From Federal Funds ..... 42,532,000)
(From All Other Funds ..... 56,000)
99-7660 Administration and Support Services 9,864,000
(From General Fund ..... 7,809,000)
(From Federal Funds ..... 2,055,000)
Total Appropriation, State, Federal and All Other Funds $58,684,000
(From General Fund ..... $14,041,000)
(From Federal Funds ..... 44,587,000)
(From All Other Funds ..... 56,000)
Less:
Federal Funds $44,587,000
All Other Funds 56,000
Total Deductions $44,643,000
Total Direct State Services Appropriation,
Woodbridge Developmental Center $14,041,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($49,032,000)
Materials and Supplies ..... (4,246,000)
Services Other Than Personal ..... (4,113,000)

Maintenance and Fixed Charges ..... (468,000)
Additions, Improvements and Equipment ..... (825,000)
Less:
Federal Funds 44,587,000
All Other Funds 56,000

7670 Hunterdon Developmental Center
DIRECT STATE SERVICES

05-7670 Residential Care and Habilitation Services $37,919,000
(From General Fund ..... $3,348,000)
(From Federal Funds ..... 34,571,000)
99-7670 Administration and Support Services 13,196,000
(From General Fund ..... 9,143,000)
(From Federal Funds ..... 4,053,000)
Total Appropriation, State and Federal Funds $51,115,000
(From General Fund ..... $12,491,000)
(From Federal Funds ..... 38,624,000)
Less:
Federal Funds $38,624,000
Total Deductions $38,624,000
Total Direct State Services Appropriation,
Hunterdon Developmental Center $12,491,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($43,565,000)
Materials and Supplies ..... (5,618,000)
Services Other Than Personal ..... (1,088,000)
Maintenance and Fixed Charges ..... (567,000)
Additions, Improvements and Equipment ..... (277,000)
Less:
Federal Funds 38,624,000

The State appropriation is based on ICF/MR revenues of $314,562,000 provided that if the ICF/MR revenues exceed $314,562,000 there shall be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums provided in Inter-Departmental accounts for Employee Benefits, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired
DIRECT STATE SERVICES

11-7560 Services for the Blind and Visually Impaired $7,660,000
99-7560 Administration and Support Services 1,492,000
Total Direct State Services Appropriation, Commission
for the Blind and Visually Impaired $9,152,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($7,725,000)
Materials and Supplies ..... (123,000)
Services Other Than Personal ..... (439,000)

Maintenance and Fixed Charges ..... (80,000)
Special Purpose:
11 Technology for the Visually Impaired ..... (765,000)
Additions, Improvements and Equipment ..... (20,000)

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors' fees to compensate the recoveries and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of $130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped," provided however, each local board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served, provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, the amount of $900,000 is transferred from the Governor's Literacy Initiative to the Commission for the Blind and Visually Impaired for increased Braille lessons for blind children, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired $4,242,000
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired $4,242,000

Grants-in-Aid:
11 Camp Marcella ..... ($52,000)
11 Psychological Counseling ..... (156,000)
11 Recording for the Blind, Inc. ..... (53,000)
11 Educational Services for Children ..... (2,170,000)
11 Services to Rehabilitation Clients ..... (1,811,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Family Development
DIRECT STATE SERVICES

15-7550 Income Maintenance Management $122,786,000
(From General Fund ..... $27,000,000)
(From Federal Funds ..... 83,284,000)
(From All Other Funds ..... 12,502,000)
Total Appropriation, State, Federal and All Other Funds $122,786,000
(From General Fund ..... $27,000,000)
(From Federal Funds ..... 83,284,000)

(From All Other Funds ..... 12,502,000)
Less:
Federal Funds $83,284,000
All Other Funds 12,502,000
Total Deductions $95,786,000
Total Direct State Services Appropriation, Division of Family Development $27,000,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($29,537,000)
Materials and Supplies ..... (749,000)
Services Other Than Personal ..... (20,187,000)
Maintenance and Fixed Charges ..... (1,490,000)
Special Purpose:
15 Electronic Benefit Transfer/ Distribution System ..... (2,933,000)
15 Child Support Medical Notice ..... (1,664,000)
15 Hospital Paternity Program ..... (1,453,900)
15 Work First New Jersey Child Support Initiatives ..... (10,578,000)
15 Work First New Jersey - Technology Investment ..... (51,351,000)
15 SSI Attorney Fees ..... (2,600,000)
Additions, Improvements and Equipment ..... (244,000)
Less:
Federal Funds 83,284,000
All Other Funds 12,502,000

Receipts derived from counties and local governments for data processing services and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

15-7550 Income Maintenance Management $564,293,000
(From General Fund ..... $267,991,000)
(From Federal Funds ..... 276,302,000)
(From All Other Funds ..... 20,000,000)
Total Appropriation, State and Federal Funds $564,293,000
(From General Fund ..... $267,991,000)
(From Federal Funds ..... 276,302,000)
(From All Other Funds ..... 20,000,000)
Less:
Federal Funds $276,302,000
All Other Funds 20,000,000
Total Deductions $296,302,000

Total Grants-in-Aid Appropriation, Division of Family Development $267,991,000

Grants-in-Aid:

15 DFD Homeless Prevention Initiative ..... ($2,965,000)
15 Restricted Grants ..... (5,431,000)
15 Work First New Jersey - Training Related Expenses ..... (14,130,000)
15 Work First New Jersey - Supported Services (75,664,000)
15 Work First New Jersey - Community Housing for Teens ..... (210,000)
15 Work First New Jersey - Breaking the Cycle .. (7,167,000)
15 Work First New Jersey - Child Care ..... (275,558,000)
15 TANF Abbott Expansion ..... (122,166,000)
15 Kinship Care Initiatives ..... (6,565,000)
15 Housing Diversion/Subsidy Program ..... (43,000)
15 Domestic Violence Prevention Training and Assessment ..... (465,000)
15 Pre-Early Childhood Education ..... (1,873,000)
15 Mental Health Assessments ..... (3,361,000)
15 Wage Supplement Program ..... (1,000,000)
15 Kinship Care Guardianship and Subsidy .... (17,317,000)
15 Minority Male Initiative ..... (202,000)
15 Social Services for the Homeless ..... (11,524,000)
15 Substance Abuse Initiatives ..... (18,652,000)

Less:

Federal Funds 276,302,000
All Other Funds 20,000,000

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

The appropriation hereinabove for the Income Maintenance Management program classification is subject to the following condition: the Commissioner of Human Services shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

Notwithstanding any law to the contrary, in addition to the amounts hereinabove for the Work First New Jersey Support Services, an amount not to exceed $20,000,000 is

appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:5D-9), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

15-7550 Income Maintenance Management $815,289,000
(From General Fund ..... $293,680,000)
(From Federal Funds ..... 521,609,000)
Total Appropriation, State and Federal Funds $815,289,000
(From General Fund ..... $293,680,000)
(From Federal Funds ..... 521,609,000)
Less:
Federal Funds $521,609,000
Total Deductions $521,609,000
Total State Aid Appropriation, Division of Family Development . $293,680,000

State Aid:

15 County Administration Funding	($258,079,000)
15 Work First New Jersey - Client Benefits ..	(130,756,000)
15 Earned Income Tax Credit Program	(18,393,000)
15 Federal Energy Assistance Program	(65,260,000)
15 General Assistance Emergency Assistance Program	(70,010,000)
15 Payments for Cost of General Assistance ...	(66,133,000)
15 Work First New Jersey - Emergency Assistance	(74,798,000)
15 Payments for Supplemental Security Income	(80,056,000)
15 State Supplemental Security Income Administrative Fee to SSA	(17,149,000)
15 General Assistance County Administration .	(26,005,000)
15 Food Stamp Administration - State	(8,600,000)
15 Fair Labor Standards Act-Minimum Wage Requirements (TANF)	(50,000)

Less:
Federal Funds 521,609,000

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-1 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.) and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 2007 are appropriated.

Receipts from State administered municipalities during the preceding fiscal year are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and in the Payments for Cost of General Assistance and General Assistance-Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

Additional funds as may be allocated by the federal government for New Jersey's Low Income Energy Assistance Block Grant Program (LIHEAP) are appropriated subject to the approval of the Director of the Division of Budget and Accounting. A pro-rata share of Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health and Senior Services to enable these departments to implement programs funded by this block grant.

7555 Division of Addiction Services

DIRECT STATE SERVICES

09-7555 Addiction Services	$455,000
Total Direct State Services Appropriation, Division of Addiction Services	$455,000

Direct State Services:

Personal Services:	
Salaries and Wages	($367,000)
Materials and Supplies	(20,000)
Services Other Than Personal	(52,000)
Maintenance and Fixed Charges	(16,000)

The Division of Addiction Services is authorized to bill a patient, a patient's insurance carrier, a patient's estate, the person chargeable for a patient's support or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees, and unexpended balances at the end of the preceding fiscal year from these billings or fees,

are appropriated to the Department of Human Services for the support of the alcohol and drug abuse programs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

There is transferred from the "Drug Enforcement and Demand Reduction Fund" $350,000 to carry out the provisions of P.L.1995, c.318 (C.26:2B-36 et seq.) to establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-7555 Addiction Services	$34,240,000
Total Grants-in-Aid Appropriation, Division of Addiction Services	$34,240,000

Grants-in-Aid:

09 Capitol Improvements for Substance Abuse Treatment and Recovery Centers	($2,000,000)
09 Substance Abuse Treatment for DYFS/ WorkFirst Mothers-Pilot Project	(1,472,000)
09 Community Based Substance Abuse Treatment and Prevention-State Share	(27,174,000)
09 Compulsive Gambling	(735,000)
09 Mutual Agreement Parolee Rehabilitation Project for Substance Abusers	(730,000)
09 In-State Juvenile Residential Treatment Services	(2,129,000)

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, there is transferred $1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services.

Notwithstanding the provisions of any other law to the contrary, there is transferred $500,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

An amount, not to exceed $600,000, collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145).

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount not to exceed $200,000 is appropriated from the annual assessment against permit holders to the Department of Human Services for prevention, education and treatment programs for compulsive gambling pursuant to the provisions of section 34 of P.L.2001, c.199 (C.5:5-159), subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities-Expansion account.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et al.) or any other law to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be

distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

There is appropriated $1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

STATE AID

09-7555 Addiction Services $15,000,000
Total State Aid Appropriation, Division of Addiction Services ... $15,000,000

State Aid:

09 Essex County -- County Jail Substance Abuse Programs ..... ($15,000,000)

50 Economic Planning, Development and Security
55 Social Services Programs
7580 Division of the Deaf and Hard of Hearing
DIRECT STATE SERVICES

23-7580 Services for the Deaf $747,000
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing $747,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($327,000)
Materials and Supplies ..... (35,000)
Services Other Than Personal ..... (39,000)
Maintenance and Fixed Charges ..... (1,000)
Special Purpose:
23 Services to Deaf Clients ..... (290,000)
23 Communication Access Services ..... (55,000)

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget
DIRECT STATE SERVICES

96-7500 Institutional Security Services $7,218,000
99-7500 Administration and Support Services 23,478,000
Total Direct State Services Appropriation, Division of Management and Budget $30,696,000

Direct State Services:

Personal Services:
Salaries and Wages ..... $15,678,000)
Materials and Supplies ..... (210,000)
Services Other Than Personal ..... (8,194,000)
Maintenance and Fixed Charges ..... (872,000)
Special Purpose:
99 Clinical Services Scholarships ..... (150,000)
99 Health Care Billing System ..... (470,000)
99 Affirmative Action and Equal Employment Opportunity ..... (255,000)
99 Transfer to State Police for Fingerprinting/Background Checks of Job Applicants ..... (2,360,000)
99 Institutional Staff Background Checks ..... (407,000)

99 Additions, Improvements and Equipment . . . (2,100,000)

Notwithstanding the provisions of any other law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed $1,375,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Upon promulgation of federal regulations modifying the Medicare inpatient hospital reimbursement system, there are appropriated such additional sums as are required to fund the purchase of a Health Care Billing System, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

99-7500 Administration and Support Services $23,057,000
Total Grants-in-Aid Appropriation, Division of Management and Budget $23,057,000

Grants-in-Aid:

99 Cost of Living Adjustment . . . . . ($22,033,000)
99 United Way 2-1-1 . . . . . (300,000)
99 Office for Prevention of Mental Retardation and Developmental Disabilities . . . . . (724,000)

Of the amounts appropriated hereinabove for Cost of Living Adjustment (Community Care Providers), amounts may be transferred to other divisions within the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

99-7500 Administration and Support Services $7,700,000
Total Capital Construction Appropriation, Division of Management and Budget $7,700,000

Capital Projects:

99 HVAC Improvements at DHS Institutions . . . . . ($4,500,000)
99 Hunterdon Developmental Center-Replace Underground Water Lines . . . . . (3,200,000)

Department of Human Services, Total State Appropriation $4,621,060,000

Of the amount hereinabove appropriated for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document dated March 21, 2006 first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding any other provision of law to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting and accounting of payments from clients receiving services from the department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey-Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

To ensure the proper reallocation of funds in connection with the creation of the new Department of Children and Families, of the amounts hereinabove appropriated, the Department of Human Services may transfer appropriations to the Department of Children and Families, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Developmental Disabilities and are appropriated as follows: $50,000,000 for residential and other support services and infrastructure for individuals transitioning from the developmental centers to the community and from the community services waiting list, and for family support services in accordance with a plan approved by the Director of the Division of Budget and Accounting and an amount for operating costs in the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	$453,381,000
Grants-in-Aid	3,743,124,000
State Aid	416,855,000

Capital Construction 7,700,000
Appropriations by Fund:
General Fund $4,508,216,000
Casino Revenue Fund 112,844,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
50 Economic Planning, Development and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

99-4565 Administration and Support Services $683,000
Total Direct State Services Appropriation, Economic Planning and Development $683,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($350,000)
Materials and Supplies ..... (11,000)
Services Other Than Personal ..... (235,000)
Maintenance and Fixed Charges ..... (25,000)
Special Purpose:
99 Affirmative Action and Equal Employment Opportunity ..... (62,000)

In addition to the amounts appropriated hereinabove for Administration and Support Services, there are appropriated from the New Jersey Redevelopment Investment Fund and the Economic Development Fund an amount of $142,000 to provide for administrative costs incurred by the Department of Labor and Workforce Development for activities related to the New Jersey Redevelopment Authority and the New Jersey Economic Development Authority programs, as determined by the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Administration and Support Services program classification, $288,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove for Administration and Support Services, an amount not to exceed $550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove for Administration and Support Services, $31,000 are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer Administration and Support Services, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), the Department of Labor and Workforce Development, based upon the authorization of the Chief Executive Officer and

Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, shall make employer rebate awards.

53 Economic Assistance and Security
DIRECT STATE SERVICES

03-4520	State Disability Insurance Plan	$21,833,000
04-4520	Private Disability Insurance Plan	4,334,000
05-4525	Workers' Compensation	12,285,000
06-4530	Special Compensation	1,708,000
	Total Direct State Services Appropriation, Economic Assistance and Security	$40,160,000

Direct State Services:

Personal Services:	
Salaries and Wages	($25,303,000)
Materials and Supplies	(257,000)
Services Other Than Personal	(5,340,000)
Maintenance and Fixed Charges	(3,007,000)
Special Purpose:	
03 State Disability Insurance Plan	(300,000)
03 Reimbursement to Unemployment Insurance for Joint Tax Functions	(5,500,000)
04 Private Disability Insurance Plan	(50,000)
05 Workers' Compensation	(363,000)
06 Special Compensation	(40,000)

The amounts hereinabove for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan there is appropriated from the State Disability Benefits Fund an amount not to exceed $8,850,000, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Second Injury Fund are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Special Compensation Fund shall be payable out of the Special Compensation Fund and, notwithstanding the $12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed $1,000,000 to be deposited to the credit of the Uninsured Employers Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employers Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury

Fund without interest and shall be included in net assets of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

The funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Amounts to administer the Uninsured Employers Fund are appropriated from the Uninsured Employers Fund, subject to the approval of the Director of the Division of Budget and Accounting.

From the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the sum of $10,000,000, or so much thereof as may be necessary, is appropriated for the improvement of services to unemployment insurance claimants through the improvement and modernization of the benefit payment system and other technology improvements and to employment service clients through the continued development and maintenance of one-stop offices throughout the State and other investments in technology, processes and services that will enhance job opportunities for clients.

An amount not to exceed $150,000 for the cost of notifying unemployment compensation recipients of the availability of New Jersey Earned Income Tax Credit information, pursuant to P.L.2005, c.210 (C.43:21-4.2), is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535	Vocational Rehabilitation Services	$2,446,000
09-4545	Employment Services	9,226,000
12-4550	Workplace Standards	5,540,000
16-4555	Public Sector Labor Relations	3,320,000
17-4560	Private Sector Labor Relations	474,000
	Total Direct State Services Appropriation, Manpower and Employment Services	$21,006,000

Direct State Services:

Personal Services:	
Salaries and Wages	($15,474,000)
Materials and Supplies	(60,000)
Services Other Than Personal	(335,000)
Maintenance and Fixed Charges	(94,000)
Special Purpose:	
09 Workforce Development Partnership Program	(1,909,000)
09 Workforce Development Partnership - Counselors	(81,000)
09 Workforce Literacy and Basic Skills Program	(2,000,000)
12 Worker and Community Right-to-Know Act	(38,000)
12 Public Employees Occupational Safety	(378,000)
12 Public Works Contractor Registration	(450,000)
12 Mine Safety Program Expansion	(144,000)
12 Safety Commission	(3,000)
Additions, Improvements and Equipment	(40,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amounts hereinabove for the Workforce Development Partnership Program shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional sums as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Workforce Literacy and Basic Skills Program shall be appropriated from receipts received pursuant to P.L.2001, c.152 (C.34:15D-21 et seq.), together with such additional sums as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills" P.L.2001, c.152 (C.34:15D-21 et seq.), or any other law to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Public Works Contractor Registration Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Public Works Contractor Registration Program is appropriated for the Public Works Contractor Registration Program.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right To Know Act account is payable out of the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove, there are appropriated out of the Worker and Community Right To Know Fund such additional sums, not to exceed $8,400, to administer the Right To Know Program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

From the appropriation provided hereinabove in support of office leases, and notwithstanding the provisions of P.L.1992, c.130 (C.52:18A-191.1 et seq.), the State Treasurer in consultation with the Commissioner of Labor and Workforce Development, is hereby authorized to enter into cost-sharing agreements with any authorized non-State partner that offers programs and activities supported primarily by federal funds from the United States Departments of Labor and Education in the State's one-stop centers for the purpose of co-locating such partner in an office with the Department of Labor and Workforce Development, provided that rent costs shall be equitably shared in accordance with a cost allocation plan approved by the Commissioner of Labor and Workforce Development.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services $34,735,000

(From General Fund ..... $32,295,000)
(From Casino Revenue Fund ..... 2,440,000)
Employment and Training Services 22,238,000
Total Grants-in-Aid Appropriation, Manpower and Employment Services $56,973,000
(Total From General Fund ..... $54,533,000)
(Total From Casino Revenue Fund ..... 2,440,000)

Grants-in-Aid:
07 Services to Clients (State Share) ..... ($4,286,000)
07 Sheltered Workshop Transportation ..... (1,960,000)
07 Sheltered Workshop Transportation (CRF) .. (2,440,000)
07 Supported Employment Services ..... (3,550,000)
07 Sheltered Workshop Support ..... (21,059,000)
07 Sheltered Workshop Employment Placement Incentive Program ..... (450,000)
07 Services for Deaf Individuals ..... (170,000)
07 Independent Living Centers ..... (625,000)
07 Training (State Share) ..... (4,000)
07 Cost of Living Adjustment ..... (191,000)
10 New Jersey Youth Corps ..... (3,048,000)
10 Work First New Jersey Work Activities ... (19,190,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed $18,614,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Of the amounts hereinabove appropriated for Supported Employment Services, $1,000,000 shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

Amounts appropriated hereinabove for the Sheltered Workshop Employment Placement Incentive Program shall be available to support expenditures under the Sheltered Workshop Support Program and Supported Employment Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, in addition to the amounts hereinabove for the Work First New Jersey-Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed $25,500,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, of the amounts hereinabove for Work First New Jersey-Work Activities and Work First New Jersey-Training Related Expenses, $8,190,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey-Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding any law to the contrary, of the amount hereinabove for New Jersey Youth Corps, $1,850,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Of the amount hereinabove for the New Jersey Youth Corps program, $475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding any law to the contrary, up to 15% of the amount available from the Workforce Development Partnership Fund for the Supplemental Workforce Development Benefits Program shall be appropriated as necessary to fund additional administrative costs relating to the processing and payment of benefits, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, in addition to the amounts hereinabove for New Jersey Youth Corps, there is appropriated an amount not to exceed $2,200,000 from the "Supplemental Workforce Fund for Basic Skills" P.L.2001, c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

10-4545 Employment and Training Services $1,522,000
Total State Aid Appropriation, Manpower and Employment Services $1,522,000

State Aid:
10 Adult Literacy ..... ($922,000)
10 Vocational Education - Apprenticeship ..... (600,000)

Of the amount hereinabove appropriated in the Adult Literacy account, such sums as are necessary may be transferred to the applicant State department.

Department of Labor and Workforce Development,
Total State Appropriation $120,344,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $61,849,000
Grants-in-Aid 56,973,000
State Aid 1,522,000
Appropriations by Fund:
General Fund 17,904,000
Casino Revenue Fund 2,440,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement
DIRECT STATE SERVICES

06-1200 State Police Operations $254,915,000
09-1020 Criminal Justice 31,126,000
11-1050 State Medical Examiner 600,000
30-1460 Gaming Enforcement 42,599,000
(From Casino Control Fund ..... $42,599,000)
99-1200 Administration and Support Services 51,609,000
Total Direct State Services Appropriation, Law Enforcement $380,849,000
(From General Fund ..... $338,250,0000)
(From Casino Control Fund ..... 42,599,000)

Direct State Services:
Personal Services:
Salaries and Wages ..... ($234,025,000)

Salaries and Wages (CCF) ..... (27,908,000)
Cash in Lieu of Maintenance ..... (24,439,000)
Cash in Lieu of Maintenance (CCF) ..... (888,000)
Employee Benefits (CCF) ..... (7,494,000)
(From General Fund ..... 258,464,000)
(From Casino Control Fund ..... 36,290,000)
Materials and Supplies ..... (5,613,000)
Materials and Supplies (CCF) ..... (389,000)
Services Other Than Personal ..... (11,763,000)
Services Other Than Personal (CCF) ..... (1,864,000)
Maintenance and Fixed Charges ..... (4,425,000)
Maintenance and Fixed Charges (CCF) ..... (2,440,000)
Special Purpose:
06 Purchase and Maintenance of Med Evac and Law Enforcement Helicopter ..... (3,768,000)
06 Nuclear Emergency Response Program ..... (1,591,000)
06 Drunk Driver Fund Program ..... (962,000)
06 Noncriminal Record Checks ..... (1,014,000)
03 Camden Initiative ..... (1,500,000)
06 Office of Emergency Management Service Enhancement ..... (1,100,000)
06 Enhanced DNA Testing ..... (450,000)
06 Megan's Law DNA Testing ..... (200,000)
06 State Police DNA Laboratory Enhancement . (1,800,000)
06 Urban Search and Rescue ..... (1,000,000)
06 Nuclear Facilities Security Detail ..... (1,600,000)
06 Computer Aided Dispatch Maintenance ..... (600,000)
06 State Police Forensic and Communication Equipment/Hamilton Facilities ..... (3,804,000)
06 State Police Operation Dispatch Unit ..... (1,400,000)
06 State Police Federal Monitor ..... (500,000)
09 Criminal Justice - Corruption Prosecution Expansion ..... (1,700,000)
09 Division of Criminal Justice -- State Match .. (1,000,000)
09 Human Relations Council ..... (250,000)
09 Expenses of State Grand Jury ..... (356,000)
09 Medicaid Fraud Investigation -- State Match ... (500,000)
30 Gaming Enforcement (CCF) ..... (1,185,000)
99 Consent Decree Vehicles ..... (8,216,000)
99 Telecommunications - 911 Call Takers ..... (1,950,000)
99 Hamilton Headquarters/ TechPlex Maintenance ..... (3,278,000)
99 Central Monitoring Station ..... (654,000)
99 State Police Recruit Training Class ..... (2,700,000)
99 State Police Radio Upgrade ..... (2,000,000)
99 Affirmative Action and Equal Employment Opportunity ..... (193,000)
99 N.C.I.C. 2000 Project ..... (2,000,000)
99 State Police Information Technology Maintenance ..... (4,000,000)
99 State Police Technology Enhancements ..... (650,000)
99 State Police Enhanced Systems and Procedures ..... (2,800,000)

Additions, Improvements and Equipment ..... (4,449,000)
Additions, Improvements and Equipment (CCF) ..... (431,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, funds in excess of $250,000 obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

The unexpended balance at the end of the preceding fiscal year, in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C. 56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such additional amounts as may be required to carry out the provisions of the "New Jersey Antitrust Act" P.L.1970, c.73 (C.56:9-1 et seq.) are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

In addition to the amount hereinabove for State Police Operations, such amounts as may be required for the purpose of offsetting costs of the provision of State Police services are appropriated from indirect cost recoveries received from the New Jersey Highway Authorities and other agencies, subject to the approval of the director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to paragraph (7) of subsection 1 of N.J.S.2C:39-6, "The Retired Officer Handgun Permit Program," and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, $21,000,000 of the amounts credited to the New Jersey Emergency Medical Service Helicopter Response Program Fund on or after July 1, 2006, is available to the General Fund as State revenue.

The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance at the end of the preceding fiscal year, in the Nuclear Emergency Response Program account is appropriated.

The unexpended balance at the end of the preceding fiscal year, in the Drunk Driver Fund program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk Driver Fund program is payable out of the Drunk Driver Enforcement Fund established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Noncriminal Record Checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by Division of State Police and Division of Criminal Justice personnel are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

Notwithstanding the provisions of section 11 of P.L.1993, c.220 (C.2C:43-3.2), an amount not to exceed $1,100,000 is appropriated from the Safe Neighborhoods Services Fund to provide Criminal Justice Statewide Law Enforcement Federal grant match, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove for the State Police-Enhanced DNA Testing account, there is appropriated an amount not to exceed $450,000 to be offset by actual receipts pursuant to P.L.2000, c.118. Additional funding shall be based upon the review of monthly workload data, collection data, and spending plans, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $13,855,000 for State Police salaries related to Statewide security services, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated, an amount up to $25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the requirements to act as Joint Negotiation Representatives under P.L.2001, c.371 (C.52:17B-196 et seq.) are appropriated to the Division of Criminal Justice to offset operating costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year for the Uniform Crime Report Update are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations $265,000
09-1020 Criminal Justice 2,050,000
Total Grants-in-Aid Appropriation, Law Enforcement $2,315,000

Grants-in-Aid:

06 Nuclear Emergency Response Program ..... ($265,000)
09 Sex Offender Internet Registry Grants ..... (300,000)
09 Operation CeaseFire - Police Institute at Rutgers ..... (750,000)
09 Addressing Violence Against Women ..... (1,000,000)

The unexpended balance at the end of the preceding fiscal year, in the Division of Criminal Justice's Community Justice Program is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

09-1020 Criminal Justice $1,000,000
Total State Aid Appropriation, Law Enforcement $1,000,000

State Aid:

09 Safe and Secure Neighborhoods Program ... ($1,000,000)

13 Special Law Enforcement Activities
DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety $600,000
17-1420 Election Law Enforcement 5,027,000
20-1450 Review and Enforcement of Ethical Standards 1,298,000
21-1400 Regulation of Alcoholic Beverages 776,000
25-1421 Election Management and Coordination 966,000
Total Direct State Services Appropriation, Special Law Enforcement Activities $8,667,000

Personal Services:
Salaries and Wages ..... ($6,231,000)
Materials and Supplies ..... (320,000)

Services Other Than Personal ..... (979,000)
Maintenance and Fixed Charges ..... (142,000)
Special Purpose:
03 Federal Highway Safety Program -- State Match ..... (600,000)
17 Per Diem Payment to Members of Election Law Enforcement Commission ..... (15,000)
25 County Monitoring and Oversight ..... (380,000)

The unexpended balance at the end of the preceding fiscal year, in the Federal Highway Safety Program-State Match account, including the accounts of the several departments is appropriated for such highway safety projects.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of Alcoholic Beverage Control in excess of $3,960,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Investigative Bureau and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from breakage monies and uncashed pari-mutuel winning tickets resulting from off-track and account wagering and any reimbursement assessment against permit holders or successors in interest to permit holders shall be distributed to the New Jersey Racing Commission in accordance with the provisions of the "Off Track and Account Wagering Act" P.L.2001, c.199 (C.5:5-127 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts derived from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balances at the end of the preceding fiscal year, in the Help America Vote Act - State Match account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

25-1421 Election Management and Coordination $7,030,000
Total State Aid Appropriation, Special Law Enforcement Activities $7,030,000

State Aid:

Special Purpose:
25 Extended Polling Place Hours ..... ($7,030,000)

18 Juvenile Services
1500 Division of Juvenile Services
DIRECT STATE SERVICES

34-1500 Juvenile Community Programs $24,410,000
40-1500 Juvenile Parole and Transitional Services 7,083,000
99-1500 Administration and Support Services 7,574,000
Total Direct State Services Appropriation, Division of Juvenile Services $39,067,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($31,858,000)
Materials and Supplies ..... (1,626,000)
Services Other Than Personal ..... (2,571,000)
Maintenance and Fixed Charges ..... (954,000)
Special Purpose:
34 Project Phoenix ..... (250,000)
34 Juvenile Justice Initiatives ..... (770,000)
34 Social Services Block Grant -- State Match ..... (42,000)
34 Female Substance Abuse Program ..... (302,000)
99 Juvenile Justice -- State Matching Funds ..... (406,000)
99 Custody and Civilian Staff Training ..... (185,000)
Additions, Improvements and Equipment ..... (103,000)

GRANTS-IN-AID

34-1500 Juvenile Community Programs $18,854,000
40-1500 Juvenile Parole and Transitional Services 1,300,000
Total Grants-in-Aid Appropriation, Division of Juvenile Services $20,154,000

Grants-in-Aid:

34 Alternatives to Juvenile Incarceration Programs ..... ($2,640,000)
34 Crisis Intervention Program ..... (4,207,000)
34 State/Community Partnership Grants ..... (8,314,000)
34 State Incentive Program ..... (3,204,000)
34 Purchase of Services for Juvenile Offenders ... (299,000)
34 Cost of Living Adjustment, Alternatives to Juvenile Incarceration Programs ..... (26,000)
34 Cost of Living Adjustment, Crisis Intervention/ State Community Partnership ... (125,000)
34 Cost of Living Adjustment, State Incentive Program ..... (36,000)
34 Cost of Living Adjustment, Purchase Services for Juvenile Offenders ..... (3,000)
40 Day Reporting Program ..... (900,000)
40 Re-Entry Case Management Services ..... (400,000)

The amounts appropriated hereinabove for Re--Entry Case Management Services shall be expended consistent with the recommendations in the final report of the Governor's Task Force on Mental Health.

CAPITAL CONSTRUCTION

99-1500 Administration and Support Services $1,500,000
Total Capital Construction Appropriation, Division of Juvenile Services $1,500,000

Capital Projects:

99 Fire, Health and Safety Projects, Various Sites ..... ($500,000)
99 Suicide Prevention Improvements ..... (500,000)
99 Critical Repairs, Juvenile Services Facilities ... (500,000)

1505 New Jersey Training School for Boys

DIRECT STATE SERVICES

35-1505 Institutional Control and Supervision $15,702,000
36-1505 Institutional Care and Treatment 5,704,000
99-1505 Administration and Support Services 4,690,000
Total Direct State Services Appropriation, New Jersey Training School for Boys $26,096,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($21,460,000)
Food in Lieu of Cash ..... (89,000)
Materials and Supplies ..... (1,885,000)
Services Other Than Personal ..... (1,548,000)
Maintenance and Fixed Charges ..... (591,000)
Special Purpose:
36 Secure Care Mental Health Program ..... (503,000)
99 Administration and Support Services ..... (2,000)
Additions, Improvements and Equipment ..... (18,000)

Receipts derived from the Eyeglass Program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

1510 Juvenile Medium Security Center

DIRECT STATE SERVICES

35-1510 Institutional Control and Supervision $24,352,000
36-1510 Institutional Care and Treatment 5,189,000
99-1510 Administration and Support Services 3,803,000
Total Direct State Services Appropriation, Juvenile Medium Security Center $33,344,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($20,074,000)
Food in Lieu of Cash ..... (59,000)
Materials and Supplies ..... (782,000)
Services Other Than Personal ..... (1,173,000)
Maintenance and Fixed Charges ..... (199,000)
Special Purpose:
35 Life Skills and Leadership Academy ..... (3,768,000)
35 Juvenile Reception and Assessment Center .. (6,513,000)

35 Mental Health Unit - State Match ..... (66,000)
99 Johnstone Facility Maintenance ..... (687,000)
Additions, Improvements and Equipment ..... (23,000)

19 Central Planning, Direction and Management
DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness $3,250,000
88-1000 Central Library Services 653,000
99-1000 Administration and Support Services 17,815,000
Total Direct State Services Appropriation, Central Planning, Direction and Management $21,718,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($9,717,000)
Materials and Supplies ..... (162,000)
Services Other Than Personal ..... (166,000)
Maintenance and Fixed Charges ..... (88,000)
Special Purpose:
13 Office of Counter Terrorism ..... (2,650,000)
13 Domestic Security Preparedness Task Force ... (600,000)
99 Emergency Operations Center - Operating ... (3,466,000)
99 Fiscal Integrity Unit/Office of Government Integrity ..... (4,000,000)
99 Smart Growth Enforcement ..... (250,000)
99 Affirmative Action and Equal Employment Opportunity ..... (198,000)
99 Criminal Disposition Commission ..... (300,000)
99 Criminal Sentencing Commission ..... (100,000)
Additions, Improvements and Equipment ..... (21,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General; provided, however, that receipts in excess of $2,255,000 may only be used for non-recurring expenditures.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 2006 and February 1, 2007, of the use and disposition by State law enforcement agencies, including the offices of the county prosecutors, of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106 (C.2C:35-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Unit of Fiscal Integrity in School Construction/Office of Government Integrity, there shall be credited against such amounts such monies as are received by the Unit of Fiscal Integrity/Office of Government Integrity pursuant to a Memorandum of Understanding between the Unit of Fiscal Integrity and the New Jersey Economic Development Authority for oversight services including employee benefit costs in connection with the school construction program.

Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $7,200,000, are appropriated for the Office of Counter-Terrorism and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Criminal Sentencing Commission account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Office of Counter-Terrorism are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

13-1005 Homeland Security and Preparedness $15,000,000

Total State Aid Appropriation, Central Planning, Direction and Management $15,000,000

State Aid:

13 Capital for Homeland Security Critical Infrastructure ..... ($15,000,000)

Of the amounts appropriated hereinabove for Capital for Homeland Security Critical Infrastructure, amounts may be transferred to other departments and State agencies for State and local homeland security purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year to the Department of Law and Public Safety, for the Homeland Security and Preparedness program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant, shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may,

without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

12-1010 Legal Services $74,892,000
Total All Operations $74,892,000
Less:
Legal Services $57,840,000
Total Income Deductions $57,840,000
Total Direct State Services Appropriation,
General Government Services $17,052,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,658,000)
Materials and Supplies ..... (89,000)
Services Other Than Personal ..... (601,000)
Maintenance and Fixed Charges ..... (262,000)
Special Purpose:
12 Legal Services ..... (57,840,000)
12 Child Welfare Unit ..... (1,442,000)
Less:
Income Deductions 57,840,000

In addition to the $57,839,745 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services incurred by the Division of Law related to litigation and acting on behalf of the State and State agencies. Such sums shall first be charged to any revenues derived from recoveries collected by the State but may also be provided from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the A-901 Fee Reimbursement account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

14-1310 Consumer Affairs $13,239,000
15-1320 Operation of State Professional Boards 17,633,000
(From General Fund ..... $17,541,000)
(From Casino Revenue Fund ..... 92,000)
16-1350 Protection of Civil Rights 5,617,000
19-1440 Victims of Crime Compensation Board 5,695,000
Total Direct State Services Appropriation, Protection of Citizens' Rights $42,184,000
(Total From General Fund ..... $42,092,000)
(Total From Casino Revenue Fund ..... 92,000)

Direct State Services:

Personal Services:
Salaries and Wages ..... ($11,119,000)
Salaries and Wages (CRF) ..... (66,000)
Employee Benefits (CRF) ..... (20,000)
(From General Fund ..... 11,119,000)
(From Casino Revenue Fund ..... 86,000)
Materials and Supplies ..... (465,000)
Services Other Than Personal ..... (14,258,000)
Services Other Than Personal (CRF) ..... (6,000)
Maintenance and Fixed Charges ..... (1,744,000)
Special Purpose:
14 Consumer Affairs Legalized Games of Chance ..... (1,390,000)
14 Securities Enforcement Fund ..... (5,493,000)
14 Consumer Affairs Weights and Measures Program ..... (2,612,000)
14 Consumer Affairs Charitable Registrations Program ..... (556,000)
15 Personal Care Attendants -- Background Checks ..... (500,000)
16 Civil Rights Case Tracking System ..... (100,000)
19 Claims -- Victims of Crime ..... (3,630,000)
19 Victims of Crime Outreach Program ..... (150,000)
Additions, Improvements and Equipment ..... (75,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties as well as other receipts received pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated

duties, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from penalties and the unexpended balance at the end of the preceding fiscal year in the Consumer Fraud Education Fund program account pursuant to P.L.1999, c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated derived pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 15 of P.L.1985, c.405 (C.49:3-66.1) to the contrary, receipts in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety and of that amount, $22,000,000 shall be transferred to the Inter-Departmental accounts to offset the cost of Social Security Tax - State, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs Office of Weights and Measures program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigation program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances at the end of the preceding fiscal year are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a) any receipts derived from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for additional

operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance at the end of the preceding fiscal year in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime Compensation Board operational costs up to $1,175,000, and $356,000 for the Boards Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

Receipts derived from licensing fees pursuant to subsection f. of N.J.S.2C:58-5 and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims for victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund.

Department of Law and Public Safety, Total State Appropriation . $615,976,000

Receipts derived from the provision of copies, the processing of credit cards and other materials related to compliance with section 6 of P.L.2001, c.404 (C.47:1A-5), are appropriated for the purpose of offsetting costs related to the public access of government records.

Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$568,977,000
Grants-in-Aid	22,469,000
State Aid	23,030,000
Capital Construction	1,500,000
Appropriations by Fund:	
General Fund	$573,285,000
Casino Control Fund	42,599,000
Casino Revenue Fund	92,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
10 Public Safety and Criminal Justice
14 Military Services
DIRECT STATE SERVICES

40-3620 New Jersey National Guard Support Services $11,476,000

60-3600 Joint Training Center Management and Operations 494,000
99-3600 Administration and Support Services 4,477,000
Total Direct State Services Appropriation, Military Services $16,447,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($7,248,000)
Materials and Supplies ..... (1,257,000)
Services Other Than Personal ..... (602,000)
Maintenance and Fixed Charges ..... (1,053,000)
Special Purpose:
40 Nuclear Facilities Security Detail ..... (2,930,000)
40 Weapons of Mass Destruction Program ..... (371,000)
40 National Guard-State Active Duty ..... (500,000)
40 New Jersey National Guard Challenge Youth Program ..... (920,000)
40 Joint Federal-State Operations and Maintenance Contracts (State Share) ..... (1,302,000)
99 Affirmative Action and Equal Employment Opportunity ..... (5,000)
99 Nursing Initiative ..... (250,000)
Additions, Improvements and Equipment ..... (9,000)

The unexpended balance at the end of the preceding fiscal year in the National Guard-State Active Duty account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Retention of U.S. Military Infrastructure in New Jersey account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Joint Federal-State Operations and Maintenance Contracts (State Share) account is appropriated for the same purpose.

Receipts derived from the rental and use of armories and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, funds received for Distance Learning Program usage are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the proceeding fiscal year in the Jersey City Armory account is appropriated for the same purpose.

GRANTS-IN-AID

40-3620 New Jersey National Guard Support Services $35,000
Total Grants-in-Aid Appropriation, Military Services $35,000

Grants-in-Aid:

40 Civil Air Patrol ..... ($35,000)

CAPITAL CONSTRUCTION

99-3600 Administration and Support Services $590,000
Total Capital Construction Appropriation, Military Services $590,000

Capital Project:

99 Fire and Life Safety, Statewide ..... ($590,000)

80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support

DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance $3,478,000
51-3610 Veterans Haven 590,000
70-3610 Burial Services 2,160,000
Total Direct State Services Appropriation, Veterans' Program Support $6,228,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($4,369,000)
Materials and Supplies ..... (416,000)
Services Other Than Personal ..... (193,000)
Maintenance and Fixed Charges ..... (93,000)
Special Purpose:
50 Vietnam Memorial and Education Center ..... (350,000)
50 Veterans' State Benefits Bureau ..... (156,000)
50 Korean War Memorial Maintenance Program ..... (90,000)
50 Governor's Veterans' Services Council ..... (5,000)
51 Veterans Haven ..... (94,000)
70 Honor Guard Support Services ..... (462,000)

Funds collected by and on behalf of the Korean Veterans Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any other law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the provisions of P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance $1,509,000
Total Grants-in-Aid Appropriation, Veterans' Program Support ... $1,509,000

Grants-in-Aid:

50 Veterans' Tuition Credit Program ..... ($38,000)
50 POW/MIA Tuition Assistance ..... (11,000)
50 Vietnam Veterans' Tuition Aid ..... (7,000)
50 Veterans Homeless Shelter - Burlington County ..... (35,000)
50 Veterans' Transportation ..... (300,000)
50 Veterans' Orphan Fund - Education Grants ..... (5,000)
50 Blind Veterans' Allowances ..... (46,000)
50 Paraplegic and Hemiplegic Veterans' Allowance ..... (267,000)
50 Post Traumatic Stress Disorder ..... (800,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in the Veterans' Tuition Credit Program, POW/MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

CAPITAL CONSTRUCTION

50-3610 Veterans' Outreach and Assistance $2,000,000
Total Capital Construction Appropriation, Military Services $2,000,000

Capital Projects:

70 Capital Improvements for Sheltering Homeless Veterans ..... (2,000,000)

3630 Menlo Park Veterans' Memorial Home
DIRECT STATE SERVICES

20-3630 Domiciliary and Treatment Services $16,432,000
99-3630 Administration and Support Services 5,272,000
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home $21,704,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($17,483,000)
Materials and Supplies ..... (2,253,000)
Services Other Than Personal ..... (1,589,000)
Maintenance and Fixed Charges ..... (265,000)
Additions, Improvements and Equipment ..... (114,000)

In addition to the amount hereinabove, such sums received from the U.S. Department of Veterans Affairs, New Jersey Department of Health and Senior Services, and New Jersey Assistance for Community Care Giving are appropriated for the Menlo Park Adult Day Care program, subject to the approval of the Director of the Division of Budget and Accounting.

3640 Paramus Veterans' Memorial Home
DIRECT STATE SERVICES

20-3640 Domiciliary and Treatment Services $15,698,000
99-3640 Administration and Support Services 4,227,000
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home $19,925,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($16,700,000)
Materials and Supplies ..... (1,625,000)
Services Other Than Personal ..... (1,375,000)
Maintenance and Fixed Charges ..... (184,000)
Additions, Improvements and Equipment ..... (41,000)

3650 Vineland Veterans' Memorial Home
DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services $16,656,000
99-3650 Administration and Support Services 5,451,000
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home $22,107,000

Direct State Services:

Personal Services:

Salaries and Wages ..... ($17,323,000)
Materials and Supplies ..... (1,846,000)
Services Other Than Personal ..... (2,500,000)
Maintenance and Fixed Charges ..... (314,000)
Additions, Improvements and Equipment ..... (124,000)

Department of Military and Veterans' Affairs,
Total State Appropriation $90,545,000

Balances on hand at the end of the preceding fiscal year for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed $50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and federal reimbursements at the end of the preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document dated March 21, 2006 first shall be charged to the State Lottery Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $86,411,000
Grants-in-Aid 1,544,000
Capital Construction 2,590,000
Appropriations by Fund:
General Fund $90,545,000

68 DEPARTMENT OF PERSONNEL
70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

01-2710 Personnel Policy Development and General Administration $3,440,000
02-2720 State and Local Government Operations 14,368,000
04-2740 Merit Services 2,371,000
05-2750 Equal Employment Opportunity and Affirmative Action 528,000

07-2770 Human Resource Development Institute 3,283,000
Total Direct State Services Appropriation, General Government Services $23,990,000

Direct State Services:

Personal Services:
Merit System Board ..... ($56,000)
Salaries and Wages ..... (18,742,000)
Materials and Supplies ..... (497,000)
Services Other Than Personal ..... (3,842,000)
Maintenance and Fixed Charges ..... (237,000)
Special Purpose:
01 Affirmative Action and Equal Employment Opportunity ..... (93,000)
02 Microfilm Service Charges ..... (29,000)
02 Test Validation/Police Testing ..... (434,000)
05 Americans with Disabilities Act ..... (60,000)

Receipts derived from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, not to exceed $1,200,000 collected from firefighter and law enforcement examination receipts, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from training services and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from Employee Advisory Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.11A:6-32, cash awards for suggestions shall be paid from the operating budget of the agency from savings generated by the suggestion, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Personnel, Total State Appropriation $23,990,000

Summary of Department of Personnel Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $23,990,000
Appropriations by Fund:
General Fund $23,990,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE
80 Special Government Services
82 Protection of Citizen's Rights
DIRECT STATE SERVICES

01-8400 Citizen Relations $1,872,000
03-8411 Mental Health Advocacy 3,608,000
04-8440 Elder Advocacy 971,000
05-8413 Public Interest Advocacy 1,446,000
07-8412 Advocacy for the Developmentally Disabled 294,000
08-8450 Rate Counsel 6,024,000
09-8460 Child Advocate 2,500,000
Management and Administrative Services 2,705,000
Total Direct State Services Appropriation, Protection of Citizens' Rights $19,420,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($11,380,000)
Materials and Supplies ..... (219,000)
Services Other Than Personal ..... (3,810,000)
Maintenance and Fixed Charges ..... (571,000)
Special Purpose:
03 Representation of Civilly Committed Sexual Offenders ..... (697,000)
09 Child Advocate ..... (2,500,000)
99 Additions, Improvements and Equipment ..... (243,000)

The unexpended balances at the end of the preceding fiscal year in the Office of the Child Advocate accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of this activity under sections 47 and 55 of P.L.2005, c.155 (C.52:27EE-47 and 52:27EE-55).

The unexpended balances at the end of the preceding fiscal year in the Rate Counsel accounts are appropriated.

To permit flexibility in the handling of appropriations to effectuate the provisions of P.L.2005, c.155, the amounts hereinabove may be transferred to and from the various items of appropriation subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Department of The Public Advocate, Total State Appropriation ... $19,420,000

Summary of Department of the Public Advocate Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $19,420,000
Appropriations by Fund:
General Fund $19,420,000

74 DEPARTMENT OF STATE
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
DIRECT STATE SERVICES

80-2400 Statewide Planning and Coordination for Higher Education ... $1,032,000
81-2400 Educational Opportunity Fund Programs 405,000
Total Direct State Services Appropriation, Commission on Higher Education $1,437,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,283,000)
Materials and Supplies ..... (16,000)
Services Other Than Personal ..... (118,000)
Maintenance and Fixed Charges ..... (20,000)

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education . . . $5,290,000
81-2401 Educational Opportunity Fund Programs 40,597,000
Total Grants-in-Aid Appropriation, Higher Educational Services . $45,887,000

Grants-in-Aid:

80 College Bound . . . . . ($2,900,000)
80 Higher Education for Special Needs Students . (1,100,000)
80 Program for the Education of Language Minority Students . . . . . (450,000)
80 New Jersey Transfer Initiative . . . . . (390,000)
80 Minority Faculty Advancement Program . . . . . (450,000)
81 Opportunity Program Grants . . . . . (26,910,000)
81 Supplementary Education Program Grants . . (12,885,000)
81 Martin Luther King Physician - Dentist Scholarship Act of 1986 . . . . . (602,000)
81 Ferguson Law Scholarships . . . . . (200,000)

An amount not to exceed $60,000 of the College Bound account is available for transfer to Direct State Services for the administrative expenses of this program, as determined by the Director of the Division of Budget and Accounting.

An amount not to exceed 5 percent of the total of Higher Education for Special Needs Students and the Program for the Education of Language Minority Students accounts is available for transfer to Direct State Services for the administrative expenses of these programs, as determined by the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year for the Minority Faculty Advancement Program are appropriated.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

Notwithstanding any provision of law to the contrary, an amount equal to State funds appropriated hereinabove for a public institution of higher education in excess of the amounts recommended in the Governor's Budget Message shall not be used to offset a redirection of institutional funds, or allocated or expended, to provide retroactive or future salary increases, financial incentives, or fringe benefits for any senior managerial employees at that institution, or for the hiring of additional managerial employees in that institution.

2405 Higher Education Student Assistance Authority

DIRECT STATE SERVICES

45-2405 Student Assistance Programs $1,975,000
Total Direct State Services Appropriation, Higher Educational Student Assistance Authority $1,975,000

Direct State Services:

Personal Services:
Salaries and Wages . . . . . ($1,406,000)
Materials and Supplies . . . . . (43,000)
Services Other Than Personal . . . . . (504,000)
Maintenance and Fixed Charges . . . . . (22,000)

At any time prior to the issuance and sale of bonds or other obligations by the Higher Education Student Assistance Authority, the State Treasurer is authorized to transfer from any available moneys in any fund of the Treasury of the State to the credit of any fund of the authority such sums as the State Treasurer deems necessary. Any sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority bonds or other authority obligations.

GRANTS-IN-AID

45-2405 Student Assistance Programs $250,171,000
Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority $250,171,000

Grants-in-Aid:

45 Tuition Aid Grants ..... ($214,729,000)
45 Part-Time Tuition Aid Grants for County Colleges ..... (4,941,000)
45 Survivor Tuition Benefits ..... (50,000)
45 Coordinated Garden State Scholarship Programs ..... (7,562,000)
45 Part-Time Tuition Aid Grants -- EOF Students ..... (620,000)
45 Veterinary Medicine Education Program ..... (687,000)
45 Teaching Fellows Program ..... (132,000)
45 Outstanding Scholars Recruitment Program .. (9,650,000)
45 New Jersey World Trade Center Scholarship Program ..... (250,000)
45 Dana Christmas Scholarship for Heroism ..... (50,000)
45 New Jersey STARS (Student Tuition Assistance Reward Scholarship) ..... (8,000,000)
45 Social Services Student Loan Redemption Program ..... (3,500,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in Student Assistance Programs shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2006, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the Higher Education Student Assistance Authority shall provide to students enrolled in public institutions of higher education who are eligible for maximum awards under the Tuition Aid Grants program hereinabove appropriated an increase above the fiscal year 2006 award amount equal to the difference between the in-State undergraduate 2005-2006 tuition rate for the institution and the institution's in-State undergraduate 2004-2005 tuition rate with comparable increases provided to students eligible for maximum awards enrolled at independent institutions. Of the sums hereinabove appropriated for the Tuition Aid Grants program, $5,000,000 shall provide an additional percentage award increase to partially offset any 2006-2007 tuition increases for those students who are eligible for maximum awards under the Tuition Aid Grants program. All other award amounts provided under the Tuition Aid Grants program shall be based on the same parameters as used by the Higher Education Student Assistance Authority in fiscal year 2006. Reappropriated balances in the Tuition Aid Grants account shall be held as a contingency for unanticipated increases in the number of applicants qualifying for full-time Tuition Aid Grants awards, to fund shifts in the distribution of awards that result in an increase in total program costs, or to offset any shortfalls in the federal Leveraging Educational Assistance Partnership (LEAP) program.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grants awards or fund shifts in the distribution of awards that result in an increase in total program costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for a pilot program of tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be pro-rated against the full-time grant award for the applicable institutional sector established pursuant to N.J.S.18A:71B-21 as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award and an eligible student enrolled with nine to eleven credits shall receive three-quarters of a full-time award. Students shall apply first for all other forms of federal student assistance grants and scholarships; student eligibility for the tuition aid grant awards program for part-time enrollment at a community college shall in other respects be determined by the authority in accordance with the criteria established pursuant to N.J.S.18A:71B-20, other than the criterion for full-time enrollment.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2006, in the Part-Time Tuition Aid Grants for County Colleges account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Reappropriated balances shall be held as a contingency for unanticipated increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

From the amount hereinabove appropriated for the Teaching Fellows Program the authority shall establish a Teaching Fellows Program that shall provide direct loans to finance the undergraduate study of academically talented students who have leadership potential and who are interested in teaching in a public school in the State. The program shall also provide for the redemption of a portion of each eligible student's loan expenses for each year of full-time employment as a teacher in a subject area of critical need or in a high-needs district.

Notwithstanding any law or regulation to the contrary, any institution of higher education which participates in the Student Unit Record Enrollment data system may participate in the Outstanding Scholars Recruitment Program.

Receipts derived from voluntary contributions by taxpayers on New Jersey State gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible dependent children and surviving spouses of New Jersey residents who were killed in the terrorist attacks against the United States on September 11, 2001, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Dana Christmas Scholarship for Heroism shall be awarded in accordance with policies and procedures established by the Higher Education Student Assistance Authority. In general, recipients must have performed the act of heroism for which they are being recognized prior to reaching their twenty-second birthday, awards are for a one-time only scholarship of up to $10,000, and awards must be used for educational expenses related to attendance at a post-secondary institution that participates in the federal student assistance programs authorized under Title IV of the "Higher Education Act of 1965," as amended (20 U.S.C.s.1070 et seq.).

In addition to the amount hereinabove appropriated for the Social Services Student Loan Redemption Program, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for this program, subject to the approval of the Director of the Division of Budget and Accounting.

2410 Rutgers, The State University
GRANTS-IN-AID

82-2410 Institutional Support $1,577,444,000
Subtotal General Operations $1,577,444,000
Less:
Receipts from Tuition Increase $860,000
General Services Income 455,798,000
Auxiliary Funds Income 211,630,000
Special Funds Income 437,081,000
Employee Fringe Benefits 188,380,000
Total Income Deductions $1,293,749,000
Total Appropriation, Rutgers, The State University $283,695,000
Special Purpose:
82 General Institutional Operations ..... ($1,576,527,000)
82 High Enrollment Growth Adjustment ..... (743,000)
82 Teacher Preparation ..... (174,000)
Less:
Income Deductions 1,293,749,000

Of the sums hereinabove appropriated for Rutgers, The State University, $180,000 is appropriated for the Masters in Government Accounting Program, $105,000 is appropriated for the Tomato Technology Transfer Program, $95,000 is appropriated for the Haskin Shellfish Research Laboratory, $200,000 is appropriated for the Camden Law School Clinical Legal Programs for the Poor, $200,000 is appropriated for the Newark Law School Clinical Legal Programs for the Poor, $740,000 is appropriated for the Civic Square Project-Debt Service, $75,000 is appropriated for the Walter Rand Institute for Public Affairs, $700,000 is appropriated for In Lieu of Taxes to New Brunswick, $500,000 is appropriated for capital projects or maintenance for Division of Intercollegiate Athletic facilities at Rutgers, New Brunswick, $135,000 for E3CO, Inc. and $300,000 is appropriated for the New Jersey EcoComplex, Burlington County. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Receipts in excess of the amount hereinabove for the Clinical Legal Programs for the Poor are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers, The State University shall be 6,678.

From the amount hereinabove appropriated for Rutgers, The State University, $90,000 is transferred to the Department of Agriculture for a grant to the New Jersey Museum of Agriculture.

2415 Agricultural Experiment Station
GRANTS-IN-AID

82-2415 Institutional Support $81,225,000
Subtotal General Operations $81,225,000
Less:
Special Funds Income $38,487,000
Federal Research and Extension Funds Income . 6,520,000
Employee Fringe Benefits 10,543,000
Total Income Deductions $55,550,000
Total Appropriation, Agricultural Experiment Station $25,675,000
Special Purpose:
82 General Institutional Operations ..... ($81,225,000)

Less:
Income Deductions *55,550,000*

Of the sums hereinabove appropriated for the New Jersey Agricultural Experiment Station, $900,000 is appropriated for Strategic Initiatives Programs, $250,000 is appropriated for Blueberry and Cranberry Research, $691,000 is appropriated for the Snyder Farm Planning and Operation, and $500,000 is appropriated for Fruit Research. These accounts shall be considered special purpose appropriations for accounting and reporting purposes. Of the remaining sums appropriated hereinabove, an amount not to exceed $2,568,000 may be reallocated to Rutgers, The State University provided that this reallocation does not result in the loss of any federal receipts anticipated by the Agricultural Experiment Station, subject to the approval of the Director of the Division of Budget and Accounting.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the Agricultural Experiment Station shall be 424.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 126 positions, funded by the federal Hatch and Smith/Lever programs, are funded by the State.

2420 University of Medicine and Dentistry of New Jersey
GRANTS-IN-AID

82-2420 Institutional Support		$1,444,979,000
Subtotal General Operations		$1,444,979,000
Less:		
Hospital Services Income	*$493,666,000*	
Core Affiliates Income	*7,325,000*	
General Services Income	*167,302,000*	
Auxiliary Funds Income	*8,702,000*	
Special Funds Income	*350,325,000*	
Employee Fringe Benefits	*196,928,000*	
Total Income Deductions		*$1,224,248,000*
Total Appropriation, University of Medicine and Dentistry .		$220,731,000

Special Purpose:

82 General Institutional Operations	($1,437,779,000)
82 Governor's Council for Medical Research and Treatment of Infantile Autism	(500,000)
82 Cancer Institute of New Jersey and Ancillary Facilities	(5,000,000)
82 Child Health Institute	(1,700,000)

Less:
Income Deductions *1,224,248,000*

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

From the amount hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

Of the sums hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, $100,000 is appropriated for the Inflammatory Bowel Disease Center,

$800,000 is appropriated for Emergency Medical Service-Camden, $975,000 is appropriated for the Regional Health Education Center-Physical Plant, $750,000 is appropriated for the Violence Institute of NJ at UMDNJ, $525,000 is appropriated for the Regional Health Education Center-Educational Units, $160,000 is appropriated for The Autism Center of New Jersey Medical School, $290,000 is appropriated for the New Jersey Area Health Education Program, $7,800,000 is appropriated for Debt Service-Robert Wood Johnson Medical School, Camden, $5,000,000 is appropriated for Debt Service--Neuroscience Institute, Newark, and $2,700,000 is appropriated for Debt Service-School of Osteopathic Medicine Academic Center, Stratford. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the University of Medicine and Dentistry of New Jersey shall be 5,545.

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

Receipts deposited in the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Infantile Autism, subject to the approval of the Director of the Division of Budget and Accounting.

2430 New Jersey Institute of Technology
GRANTS-IN-AID

82-2430 Institutional Support		$230,241,000
Subtotal General Operations		$230,241,000
Less:		
General Services Income	***$82,877,000***	
Auxiliary Funds Income	***11,012,000***	
Special Funds Income	***58,850,000***	
Employee Fringe Benefits	***30,320,000***	
Total Income Deductions		***$183,059,000***
Total Appropriation, New Jersey Institute of Technology		$47,182,000
Special Purpose:		
82 General Institutional Operations	($230,241,000)	
Less:		
Income Deductions	***183,059,000***	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the New Jersey Institute of Technology shall be 805.

2440 Thomas A. Edison State College
GRANTS-IN-AID

82-2440 Institutional Support		$36,560,000
Subtotal General Operations		$36,560,000
Less:		
Fee Increase	***$527,000***	
Self Sustaining Income	***11,203,000***	
General Services Income	***13,164,000***	
Employee Fringe Benefits	***5,457,000***	
Total Income Deductions		***$30,351,000***
Total Appropriation, Thomas A. Edison State College		$6,209,000
Special Purpose:		
82 General Institutional Operations	($36,246,000)	

82 The John S. Watson Institute for
Public Policy ..... (314,000)

Less:

Income Deductions 30,351,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State College shall be 239.

2445 Rowan University

GRANTS-IN-AID

82-2445 Institutional Support $199,970,000
Subtotal General Operations $199,970,000

Less:

General Services Income $81,701,000
Auxiliary Funds Income 28,090,000
Special Funds Income 26,000,000
Employee Fringe Benefits 27,691,000
Total Income Deductions $163,482,000
Total Appropriation, Rowan University $36,488,000

Special Purpose:

82 General Institutional Operations ..... ($199,112,000)
82 High Enrollment Growth Adjustment ..... (327,000)
82 Teacher Preparation ..... (531,000)

Less:

Income Deductions 163,482,000

Of the sums hereinabove appropriated for Rowan University, $500,000 is appropriated for the School of Engineering and $215,000 is appropriated for the Camden Urban Center. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 877.

2450 New Jersey City University

GRANTS-IN-AID

82-2450 Institutional Support $123,056,000
Subtotal General Operations $123,056,000

Less:

General Services Income $36,157,000
A.H. Moore Program Receipts 5,305,000
Auxiliary Funds Income 5,684,000
Special Funds Income 21,978,000
Employee Fringe Benefits 22,949,000
Total Income Deductions $92,073,000
Total Appropriation, New Jersey City University $30,983,000

Special Purpose:

82 General Institutional Operations ..... ($122,105,000)
82 High Enrollment Growth Adjustment ..... (620,000)
82 Teacher Preparation ..... (331,000)

Less:

Income Deductions 92,073,000

Of the sums hereinabove appropriated for New Jersey City University, $1,078,000 is appropriated for the A. Harry Moore Laboratory School and $145,000 is appropriated for Tidelands Athletic Fields. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at New Jersey City University shall be 784.

2455 Kean University
GRANTS-IN-AID

82-2455 Institutional Support		$163,089,000
Subtotal General Operations		$163,089,000
Less:		
General Services Income	***$59,069,000***	
Auxiliary Funds Income	***12,974,000***	
Special Funds Income	***26,700,000***	
Employee Fringe Benefits	***24,703,000***	
Total Income Deductions		***$123,446,000***
Total Appropriation, Kean University		$39,643,000
Special Purpose:		
82 General Institutional Operations	($161,431,000)	
82 High Enrollment Growth Adjustment	(1,078,000)	
82 Teacher Preparation	(580,000)	
Less:		
Income Deductions	***123,446,000***	

Of the sums hereinabove appropriated for Kean University, $180,000 is appropriated for Emerging Needs/Academic Initiatives. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Kean University shall be 888.

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support		$170,879,000
Subtotal General Operations		$170,879,000
Less:		
General Services Income	***$55,584,000***	
Auxiliary Funds Income	***31,250,000***	
Special Funds Income	***16,900,000***	
Employee Fringe Benefits	***28,177,000***	
Total Income Deductions		***$131,911,000***
Total Appropriation, William Paterson University of New Jersey		$38,968,000
Special Purpose:		
82 General Institutional Operations	($169,693,000)	
82 High Enrollment Growth Adjustment	(1,039,000)	
82 Teacher Preparation	(147,000)	
Less:		
Income Deductions	***131,911,000***	

Of the sums hereinabove appropriated for William Paterson University of New Jersey, $100,000 is appropriated for the New Jersey Project and $65,000 is appropriated for Outcomes Assessment. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at William Paterson University of New Jersey shall be 947.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support		$234,580,000
Subtotal General Operations		$234,580,000
Less:		
General Services Income	***$115,767,000***	
Conservation School Receipts	***977,000***	
Auxiliary Funds Income	***30,128,000***	
Special Funds Income	***8,300,000***	
Employee Fringe Benefits	***33,280,000***	
Total Income Deductions		***$188,452,000***
Total Appropriation, Montclair State University		$46,128,000

Special Purpose:
82 General Institutional Operations ..... ($232,391,000)
82 High Enrollment Growth Adjustment ..... (1,854,000)
82 Teacher Preparation ..... (335,000)

Less:
Income Deductions 188,452,000

In addition to the sums hereinabove appropriated for Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated.

Of the sums hereinabove appropriated for Montclair State University, $1,050,000 is appropriated for the New Jersey State School of Conservation. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Montclair State University shall be 1,102.

2470 The College of New Jersey
GRANTS-IN-AID

82-2470 Institutional Support		$167,636,000
Subtotal General Operations		$167,636,000
Less:		
General Services Income	***$54,073,000***	
Auxiliary Funds Income	***34,241,000***	
Special Funds Income	***19,739,000***	
Employee Fringe Benefits	***24,567,000***	
Total Income Deductions		***$132,620,000***
Total Appropriation, The College of New Jersey		$35,016,000

Special Purpose:
82 General Institutional Operations ..... ($167,320,000)
82 High Enrollment Growth Adjustment ..... (166,000)
82 Teacher Preparation ..... (150,000)

Less:
Income Deductions 132,620,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The College of New Jersey shall be 823.

2475 Ramapo College of New Jersey
GRANTS-IN-AID

82-2475 Institutional Support		$109,679,000
Subtotal General Operations		$109,679,000
Less:		
General Services Income	***$40,457,000***	

Auxiliary Funds Income *24,839,000*
Special Funds Income *9,496,000*
Employee Fringe Benefits *15,308,000*
Total Income Deductions *$90,100,000*
Total Appropriation, Ramapo College of New Jersey $19,579,000
Special Purpose:
82 General Institutional Operations ..... ($109,018,000)
82 High Enrollment Growth Adjustment ..... (661,000)
Less:
Income Deductions *90,100,000*

Of the sums hereinabove appropriated for Ramapo College of New Jersey, $200,000 is appropriated for the Governor William T. Cahill Recognition Programs. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Ramapo College of New Jersey shall be 481.

2480 The Richard Stockton College of New Jersey
GRANTS-IN-AID

82-2480 Institutional Support $119,165,000
Subtotal General Operations $119,165,000
Less:
General Services Income *$34,917,000*
Auxiliary Funds Income *24,282,000*
Special Funds Income *19,515,000*
Employee Fringe Benefits *16,748,000*
Total Income Deductions *$95,462,000*
Total Appropriation, The Richard Stockton College of New Jersey $23,703,000
Special Purpose:
82 General Institutional Operations ..... ($118,415,000)
82 High Enrollment Growth Adjustment ..... (512,000)
82 School of Tourism ..... (150,000)
82 Teacher Preparation ..... (88,000)
Less:
Income Deductions *95,462,000*

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The Richard Stockton College of New Jersey shall be 623.

Higher Educational Services

Notwithstanding the provisions of any other law to the contrary, the sums hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any other law to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or

by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document dated March 21, 2006 first shall be charged to the State Lottery Fund.

Notwithstanding any provision of law to the contrary, if any Senior Public College or University adopts an increase in its undergraduate 2006-2007 tuition rate of more than 8% above its undergraduate 2005-2006 tuition rate, including any shifts of costs previously funded from other institutional sources to student fees during the 2006-2007 academic year, as shall be determined by the Director of the Division of Budget and Accounting based upon a report that shall be provided by the New Jersey Commission on Higher Education, the appropriation of State funds to that college or university shall be reduced by 5% for each 1% that the tuition rate increase exceeds 8%.

30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

DIRECT STATE SERVICES

05-2530 Support of the Arts	$500,000
06-2535 Museum Services	2,455,000
07-2540 Development of Historical Resources	510,000
10-2570 Public Broadcasting Services	5,604,000
Total Direct State Services Appropriation, Cultural and Intellectual Development Services	$9,069,000

Direct State Services:

Personal Services:	
Salaries and Wages	($7,381,000)
Materials and Supplies	(243,000)
Services Other Than Personal	(670,000)
Maintenance and Fixed Charges	(205,000)
Special Purpose:	
06 Maintenance of Old Barracks	(300,000)
06 War Memorial Operations	(250,000)
10 Affirmative Action and Equal Employment Opportunity	(20,000)

A sum, not to exceed $225,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering grants for the development of cultural centers, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-2530 Support of the Arts	$23,812,000
06-2535 Museum Services	3,500,000
07-2540 Development of Historical Resources	4,258,000
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services	$31,570,000

Grants-in-Aid:
05 Newark Museum ..... ($4,000,000)
05 Cultural Projects ..... (19,112,000)
05 Montclair Art Museum ..... (200,000)
05 Community Theater of Morristown ..... (50,000)
05 Rutgers Camden Performing Arts Center ..... (450,000)
06 War Memorial Operations ..... (500,000)
06 Battleship New Jersey Museum ..... (3,000,000)
07 Grants in New Jersey History ..... (189,000)
07 Grants in Afro-American History ..... (13,000)
07 Ellis Island New Jersey Foundation ..... (600,000)
07 New Jersey Historical Commission - Agency Grants ..... (3,456,000)

Of the amount appropriated for Cultural Projects, Grants-In-Aid, an amount not to exceed $75,000 may be used for administrative purposes, and an amount not to exceed $125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, the value of project grants awarded within each county shall total not less than $50,000.

Of the amount hereinabove appropriated for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C:18A:73-22.4), from the amount appropriated for New Jersey Historical Commission Research and Agency Grants, an amount not to exceed $200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any other law to the contrary, of the amount appropriated for Cultural Projects, 25 percent shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington). In the calculation of the allocation percentage, the first $1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center shall be disregarded.

2541 Division of State Library
DIRECT STATE SERVICES

51-2541 Library Services $4,570,000
Total Direct State Services Appropriation, Division of State Library $4,570,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($3,432,000)
Materials and Supplies ..... (418,000)
Services Other Than Personal ..... (193,000)
Maintenance and Fixed Charges ..... (27,000)
Special Purpose:
51 Supplies and Extended Services ..... (500,000)

STATE AID

51-2541 Library Services $18,520,000
Total State Aid Appropriation, Division of State Library $18,520,000

State Aid:
51 Per Capita Library Aid ..... ($8,665,000)

51 Library Network ..... (4,777,000)
51 Virtual Library Aid ..... (1,300,000)
51 Public Library Project Fund ..... (3,778,000)

70 Government Direction, Management and Control
74 General Government Services
2505 Office of the Secretary of State

DIRECT STATE SERVICES

01-2505	Office of the Secretary of State	$3,373,000
08-2545	Records Management	2,963,000
	Total Direct State Services Appropriation, Office of the Secretary of State	$6,336,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($4,269,000)
Materials and Supplies ..... (138,000)
Services Other Than Personal ..... (317,000)
Maintenance and Fixed Charges ..... (56,000)
Special Purpose:
01 Affirmative Action and Equal Employment Opportunity ..... (34,000)
01 9-11 Memorial Commission ..... (50,000)
01 Personal Responsibility Programs ..... (500,000)
01 Amistad Commission ..... (150,000)
01 Office of Volunteerism ..... (129,000)
01 Martin Luther King, Jr. Commemorative Commission ..... (168,000)
01 Additions, Improvements and Equipment ..... (525,000)

The unexpended balance at the end of the preceding fiscal year of the Amistad Commission is appropriated for the same purpose.

In addition to the amount hereinabove appropriated for the Records Management program, such sums as are necessary for State match of federal funds, not to exceed $95,000, are appropriated to coordinate and implement an effective record storage system for the State and local governments, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Records Management program classification a sum up to $415,000 for cost recoveries in the Division of Records.

The amount hereinabove appropriated for the Records Management program is payable from receipts deposited in the New Jersey Public Records Preservation account.

Notwithstanding the provision of any other law to the contrary, up to 40 percent of the receipts deposited in the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated and allocated as grants to counties and municipalities for the management, storage, and preservation of public records, based on guidelines promulgated by the Division of Archives and Records Management and approved by the State Treasurer.

Receipts received from New Jersey Public Records Preservation fees, not to exceed $1,100,000, are appropriated for the operations of the microfilm unit in the Division of Archives and Records Management within the Department of State, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-2505	Office of the Secretary of State	$2,220,000

Total Grants-in-Aid Appropriation, Office of the Secretary of State $2,220,000

Grants-in-Aid:

01 Office of Faith Based Initiatives ..... ($1,500,000)
01 Cultural Trust ..... (720,000)

Department of State, Total State Appropriation $1,225,755,000

Pursuant to the provisions of P.L.2003, c.114, the appropriations hereinabove for purposes of promoting cultural and tourism activities in this State are first charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services $23,387,000
Grants-in-Aid 1,183,848,000
State Aid 18,520,000

Appropriations by Fund:

General Fund $1,225,755,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for other Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the Motor Vehicle Commission, the Department of Transportation and the Department of Environmental Protection in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the New Jersey Emergency Medical Service Helicopter Response Program Fund derived under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, $21,000,000 of the amounts credited to the New Jersey Emergency Medical Service Helicopter Response Program Fund on or after July 1, 2006, is available to the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any other law to the contrary, receipts that are derived from the surcharge on luxury and fuel-inefficient vehicles pursuant to the provisions of P.L.2006, c.39 is available to the General Fund as State revenue.

The amount appropriated for fiscal year 2007 to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36).

60 Transportation Programs
61 State and Local Highway Facilities

DIRECT STATE SERVICES

06-6100 Maintenance and Operations	$75,292,000
08-6120 Physical Plant and Support Services	6,846,000
Total Direct State Services Appropriation, State and Local Highway Facilities	$82,138,000

Direct State Services:

Personal Services:	
Salaries and Wages	($51,992,000)
Materials and Supplies	(12,414,000)
Services Other Than Personal	(3,032,000)
Maintenance and Fixed Charges	(14,189,000)
Additions, Improvements and Equipment	(511,000)

The unexpended balances at the end of the preceding fiscal year in excess of $1,000,000 in the accounts hereinabove are appropriated.

In addition to the amount appropriated hereinabove for Maintenance and Operations, such additional sums as may be required are appropriated for snow removal costs, not to exceed $10,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, of the amounts appropriated hereinabove for the Department of Transportation from the General Fund, $40,000,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State as are determined to be eligible for such funding pursuant to such contracts, as shall be determined by the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign program fees, which include the Trailblazer Sign Program, the Variable Message Advertising Program, the Excess Parcel Advertising Program, and the Land Service Road Advertising Program, are appropriated for the purpose of administering the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

The Department is permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Of the amount appropriated hereinabove for Maintenance and Operations $10,000,000 for winter operations is payable from the receipts of the new motor vehicle tire purchaser fee pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

CAPITAL CONSTRUCTION

60-6200 Trust Fund Authority -- Revenues and other funds available for new projects	$895,000,000
Total Capital Construction Appropriation, State and Local Highway Facilities	$895,000,000

Capital Projects:

Transportation Trust Fund Account	($895,000,000)

The sum provided hereinabove for the Transportation Trust Fund account shall first be provided from revenues received from motor fuel taxes, the petroleum products gross receipts tax, and the sales and use tax pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L. 1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended, as may be necessary to satisfy all fiscal year 2007 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Receipts representing the State share from the rental or lease of property, and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Notwithstanding any other provision of law, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal fiscal years 2004, 2005, 2006, and 2007 until such time as federal funds become available for the projects. These transfers shall be subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $925,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

Route	Section	County	Amount
	Advance Acquisition of Right of Way	Various	($2,500,000)
	Airport Safety Fund	Various	(5,400,000)
	Asbestos Surveys and Abatements	Various	(1,000,000)
	Atlantic City Medical Center Heliport	Atlantic	(1,600,000)
	Betterments, Bridge Preservation	Various	(10,000,000)
	Betterments, Roadway Preservation	Various	(9,000,000)
	Betterments, Safety	Various	(6,000,000)
	Boonton Rail Yard	Morris	(300,000)
	Bridge Deck Patching Program	Various	(5,000,000)
	Bridge Safety, Movable Bridge Repair	Various	(5,000,000)
	Bridge, Emergency Repair	Various	(20,000,000)
	Capital Contract Payment Audits	Various	(450,000)
	Clifton Avenue/Nesbitt Street Bridges over Morristown Line	Essex	(12,238,000)
	Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(1,500,000)
	Congestion Relief, Operational Improvements (Fast Move Program)	Various	(10,000,000)
	Construction Inspection	Various	(4,000,000)
	Construction Program IT System (TRNS.PORT)	Various	(2,500,000)
	Culvert Inspection Program, Locally-owned Structures	Various	(2,600,000)

Culvert Inspection Program, State-owned Structures	Various	(650,000)
Dams, Betterments	Various	(200,000)
Design, Emerging Projects	Various	(7,000,000)
Drainage Rehabilitation and Maintenance, State	Various	(2,000,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)
DVRPC Transportation, Land Use and Economic Development Planning	Various	(300,000)
Electrical Facilities	Various	(1,500,000)
Electrical Load Center Replacement, Statewide	Various	(2,000,000)
Environmental Document Development	Various	(500,000)
Environmental Investigations	Various	(3,150,000)
Equipment (Safety-Related Equipment)	Various	(2,000,000)
Equipment (Vehicles & Construction Equipment)	Various	(3,500,000)
Equipment, Overage Reduction Program	Various	(2,000,000)
Freight Program	Various	(9,000,000)
Historic Bridge Preservation Program	Various	(500,000)
Intelligent Transportation Systems	Various	(1,000,000)
Interstate Service Facilities	Various	(250,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid for Centers of Place	Various	(2,000,000)
Local Aid Grant Management System	Various	(1,000,000)
Local Aid, Discretionary	Various	(17,500,000)
Local County Aid, DVRPC	Various	(15,340,000)
Local County Aid, NJTPA	Various	(53,856,000)
Local County Aid, SJTPO	Various	(9,554,000)
Local Municipal Aid, DVRPC	Various	(13,705,000)
Local Municipal Aid, NJTPA	Various	(53,846,000)
Local Municipal Aid, SJTPO	Various	(6,199,000)
Local Aid, Urban Aid	Various	(5,000,000)
Main Street Bypass, Sayreville	Middlesex	(2,000,000)
Maintenance Management System	Various	(1,000,000)
Maritime Transportation System	Various	(3,000,000)
Motor Vehicle Crash Record Processing	Various	(3,000,000)
Newark Circulation Improvements	Essex	(6,000,000)
Newark, NJT Morristown Line Bridges	Essex	(16,163,000)
Orphan Bridge Reconstruction	Various	(1,500,000)
Park and Ride/Transportation Demand Management Program	Various	(1,500,000)
Park Avenue Bridge, Monmouth County, over North Jersey Coast Line	Monmouth	(6,056,000)
Physical Plant	Various	(6,000,000)
Planning and Research, State	Various	(3,000,000)
Program Implementation Costs, NJDOT	Various	(85,000,000)
Project Development, Feasibility Assessment	Various	(8,000,000)
Project Enhancements	Various	(200,000)
Rail-Highway Grade Crossing Program, State	Various	(2,200,000)
Raritan Center Roadway Improvements	Middlesex	(3,400,000)
Regional Action Program	Various	(2,000,000)

	Resurfacing Program	Various	(60,000,000)
	Right of Way Database/Document Management System	Various	(100,000)
	Right of Way Full-Service Consultant Term Agreements	Various	(100,000)
	Sign Structure Inspection Program	Various	(1,200,000)
	Sign Structure Rehabilitation Program	Various	(1,000,000)
	Sign Structure Repair, Contract 1	Various	(2,126,000)
	Sign Structure Repair, Contract 2006-1	Mercer Cumberland	(860,000)
	Signs Program, Statewide	Various	(5,000,000)
	Smart Growth Initiatives	Various	(1,000,000)
CR 512	Springfield Avenue Bridge over Morristown Line	Union	(7,208,000)
	State Police Enforcement and Safety Services	Various	(4,200,000)
	Survey Program, National Highway System	Various	(100,000)
	Traffic Signal Replacement	Various	(5,500,000)
	Transportation Facility Security	Various	(1,000,000)
	Transportation Security Initiatives	Various	(1,000,000)
	Transportation Security Initiatives-Waterside Port Monitoring	Various	(1,000,000)
	Trenton Revitalization Improvements	Mercer	(2,000,000)
	Unanticipated Design, Right of Way and Construction Expenses, State	Various	(31,903,000)
	Underground Exploration for Utility Facilities	Various	(100,000)
	University Transportation Research Technology	Various	(2,000,000)
	Utility Reconnaissance and Relocation	Various	(4,000,000)
1	Loring Avenue, Drainage Improvements	Middlesex	(707,000)
1&9	Haynes Avenue Bridges and Operational Improvements	Essex	(20,000,000)
3	Passaic River Crossing	Bergen Passaic	(10,000,000)
5	Bergen County, Drainage Improvements	Bergen	(400,000)
5	Bridges, Palisades Park	Bergen	(14,170,000)
9	Pohatcong Lake Dam	Ocean	(500,000)
9	Westecunk Creek Bridge (34)	Ocean	(95,000)
10	Powder Mill Road	Morris	(5,570,000)
10 53	Route 10/53 Interchange (2L 3J)	Morris	(979,000)
15	Wilson Drive and White Lake Road, Intersection Improvements	Sussex	(600,000)
22	Liberty Avenue & Conrail Bridge	Union	(2,420,000)
22	Madison Avenue, Drainage Improvements	Union	(850,000)
22	Michigan Avenue, Drainage Improvements	Union	(250,000)
22	Weequahic Park Drainage Improvements	Union Essex	(100,000)
23 94	Linwood Avenue to Walkill Avenue (7D 8C)	Sussex	(4,596,000)
23	Sussex Borough Realignment & Papakating Creek Bridge	Sussex	(6,500,000)

24		I-287 Interchange to West of Route 124 Interchange, Resurfacing	Morris Essex	(12,600,000)
27		Oak Tree Road/Green Street, Intersection Improvements	Middlesex	(1,120,000)
27		Six Mile Run Bridge (3E)	Middlesex Somerset	(300,000)
27		Wood Avenue	Middlesex	(6,000,000)
29		Sullivan Way to West Upper Ferry Road, Safety Improvements	Mercer	(1,000,000)
29		West Amwell Twp., Drainage (Sheet Flow)	Hunterdon	(2,250,000)
30	73	Berlin Improvements	Camden	(12,571,000)
30		Cooper River Drainage Improvements	Camden	(3,454,000)
30		NJ Turnpike, Lawnside Drainage Improvement	Camden	(850,000)
35		Manasquan River Bridge Rehabilitation	Monmouth Ocean	(23,241,000)
35		Restoration, Mantoloking to Point Pleasant (MP 9-12.5)	Ocean	(400,000)
36		Highlands Bridge over Shrewsbury River	Monmouth	(35,550,000)
42 CR 673		Grenloch-Little Gloucester Road (AKA College Road)	Camden	(620,000)
45 CR 538		Swedesboro-Franklinville Road	Gloucester	(70,000)
46		Fifth Street/Jefferson Avenue	Bergen	(500,000)
46		Hollywood Avenue	Essex	(1,543,000)
46		Main Street, Netcong	Morris	(600,000)
49	55	Interchange Improvements at Route 55	Cumberland	(1,000,000)
52		Causeway Replacement, Contract A	Cape May	(7,000,000)
55		Northbound, North of Lamb Road to South of Almonesson Creek, Resurfacing	Gloucester	(5,762,000)
55		South of Leonard Cake Road to South of Black Water Brook, Resurfacing	Gloucester Salem Cumberland	(9,100,000)
55		Southbound, North of Lamb Road to South of Almonesson Creek, Resurfacing	Gloucester	(5,600,000)
57		Corridor Scenic Preservation	Warren	(1,000,000)
70 CR 637		Massachusetts Avenue, Intersection Improvements	Ocean	(6,850,000)
72		East Road	Ocean	(4,040,000)
73		Fox Meadow Road/Fellowship Road	Burlington	(4,100,000)
73	70	Marlton Circle Elimination (5)	Burlington	(3,031,000)
78		Westbound Acceleration Lane from I-287 Southbound	Somerset	(1,100,000)
80		East of Delaware River to West of Knowlton Road, Resurfacing	Warren	(16,500,000)
80	287	I-80/I-287 Safety Improvement	Morris	(50,000)
80		Rockfall Mitigation, Roxbury Township	Morris	(500,000)
80		Squirelwood Road	Passaic	(937,000)
80		Westbound, West of CR 631 to West of Route 202, Resurfacing	Morris	(23,200,000)
87		Absecon Inlet, Bridge Painting	Atlantic	(5,000,000)
93		Leonia Boro, Drainage Improvements	Bergen	(6,030,000)
94		Yard's Creek Bridge	Warren	(2,480,000)

95	Noise Barriers, Lawrence Township	Mercer	(323,000)
95	Vicinity of Route 29 to Route 1, Resurfacing	Mercer	(16,800,000)
130	Cinnaminson Avenue/Church Road/ Branch Pike	Burlington	(4,000,000)
183 46	NJ TRANSIT Bridge/Netcong Circle	Morris	(1,100,000)
195	Route 9 Interchange to Route 34 Interchange, Resurfacing	Monmouth	(9,450,000)
202	Southbound from Jenks Road to Old Harter Road	Morris	(293,000)
206	Southampton Township, Drainage Improvements	Burlington	(1,154,000)
206	Wetland Preservation, Somerset	Somerset	(2,500,000)
287	Northbound, North of Passaic River to South of Morristown/Morris Twp. Line, Resurfacing	Morris	(6,242,000)
295	Gloucester/Camden Rehabilitation, Route 45 to Berlin-Haddonfield Road	Gloucester Camden	(2,500,000)
295	Marne Highway Vicinity to Burlington Township Line	Burlington	(7,198,000)
295	Paulsboro Brownfields Access	Gloucester	(4,000,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $675,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

New Jersey Transit Corporation

Description	County	Amount
Access to Region's Core (ARC)	Various	($64,550,000)
ADA--Platforms/Stations	Various	(8,400,000)
AMTRAK Agreements	Various	(44,500,000)
Bridge and Tunnel Rehabilitation	Various	(21,408,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(20,920,000)
Bus Passenger Facilities/Park and Ride	Various	(2,345,000)
Bus Support Facilities and Equipment	Various	(14,024,000)
Bus Vehicle and Facility Maintenance/ Capital Maintenance	Various	(33,600,000)
Capital Program Implementation	Various	(18,810,000)
Claims support	Various	(2,000,000)
Environmental Compliance	Various	(2,500,000)
Hudson/Bergen LRT System MOS I	Hudson	(12,698,000)
Hudson/Bergen LRT System MOS II	Hudson	(19,400,000)
Immediate Action Program	Various	(18,063,000)
Locomotive Overhaul	Various	(6,679,000)
Major Bridge Program	Various	(35,250,000)
Miscellaneous	Various	(501,000)
Newark City Subway	Essex	(12,111,000)
Newark City Subway Downtown Extension	Essex	(912,000)

Other Rail Station/Terminal Improvements	Various	(18,570,000)
Physical Plant	Various	(1,410,000)
Private Carrier Equipment Program	Various	(2,100,000)
Rail Capital Maintenance	Various	(63,900,000)
Rail Fleet Overhaul	Various	(4,000,000)
Rail Park and Ride	Various	(2,500,000)
Rail Rolling Stock Procurement	Various	(15,604,000)
Rail Support Facilities, Equipment and Capacity Improvements	Various	(12,563,000)
River LINE LRT	Camden Burlington Mercer	(51,191,000)
Section 5310 Program	Various	(780,000)
Security Improvements	Various	(1,590,000)
Signals and Communications/Electric Traction Systems	Various	(6,869,000)
Small/Special Services Program	Various	(1,000,000)
Study and Development	Various	(3,486,000)
Technology Improvements	Various	(26,050,000)
Track Program	Various	(24,016,000)
Transit Rail Initiatives	Various	(95,000,000)

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The Commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different program headings. If the Director of the Division of Budget and Accounting shall consent thereto, the request to transfer funds among projects within different program headings shall be transmitted to the Legislative Budget and Finance Officer for approval or disapproval then returned to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor shall be empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

Notwithstanding any other provision of law to the contrary, there is appropriated to the Department of Transportation an additional amount of $175,000,000, subject to the approval of the Director of the Division of Budget and Accounting, for the Route 52 Causeway Replacement Contract A Construction Fund, from the Transportation Trust Fund Authority's Grant Anticipation Revenue Vehicles (GARVEE) bond proceeds.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

62 Public Transportation

GRANTS-IN-AID

04-6050 Railroad and Bus Operations	$1,531,000,000
Total Appropriation, State, Federal and All Other Funds	$1,531,000,000

Less:
Farebox Revenue *$666,200,000*
Other Resources *564,100,000*
Total Income Deductions *$1,230,300,000*
Total Grants-in-Aid Appropriation, Public Transportation . $300,700,000
Grants-in-Aid:
Personal Services:
Salaries and Wages ..... ($909,400,000)
Materials and Supplies ..... (256,500,000)
Services Other Than Personal ..... (89,700,000)
Special Purpose:
04 Leases and Rentals ..... (2,300,000)
04 Light Rail Operations ..... (75,200,000)
04 Purchased Transportation ..... (100,000,000)
04 Insurance and Claims ..... (26,100,000)
04 Tolls, Taxes and Other Operating Expenses . (71,800,000)
Less:
Income Deductions *1,230,300,000*

STATE AID

04-6050 Railroad and Bus Operations $34,930,000
(From Casino Revenue Fund ..... $34,930,000)
Total State Aid Appropriation, Public Transportation $34,930,000
(Total From Casino Revenue Fund ..... $34,930,000)
State Aid:
04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF) .. ($34,930,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

CAPITAL CONSTRUCTION

Notwithstanding any other provision of law, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer funds made available from the New Jersey Transportation Trust Fund Authority for public transportation projects under the program headings "New Jersey Transit Corporation" to the line–item under that same program heading entitled "Federal Transit Administration Projects" for any federally funded public transportation project shown in this act or any previous appropriation acts until such time as federal funds become available for the projects. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item "Federal Transit Administration Projects" to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for fiscal year 2007 transportation capital program, the Commissioner of Transportation shall allocate $4,000,000 of the amount listed for the Private Carrier Equipment Program to NJ Transit's Private Carrier Capital Improvement Program (PCCIP). The amount provided herein shall be allocated to the private motorbus carriers consistent with the formula used to administer the PCCIP and shall be restricted to those carriers that currently qualify for participation in the PCCIP. These funds may be used for the procurement of any goods or services currently

approved under NJ Transit's PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B–3). Such maintenance and equipment procurement shall apply to vehicles owned by the private motorbus carriers and used in public transportation service, as well as to NJ Transit owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to NJ Transit a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

64 Regulation and General Management
DIRECT STATE SERVICES

05-6070 Intermodal Services	$1,490,000
99-6000 Administration and Support Services	2,820,000
Total Direct State Services Appropriation, Regulation and General Management	$4,310,000

Direct State Services:

Personal Services:	
Salaries and Wages	($202,000)
Materials and Supplies	(288,000)
Services Other Than Personal	(1,974,000)
Maintenance and Fixed Charges	(70,000)
Special Purpose:	
05 Airport Safety Fund Administration	(965,000)
05 Office of Maritime Resources	(350,000)
99 Affirmative Action and Equal Employment Opportunity	(461,000)

The unexpended balance at the end of the preceding fiscal year and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Receipts in excess of the amount anticipated derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

Notwithstanding any other provision of law, the amount appropriated hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92) and is available for salary and operational costs incurred by the Bureau of Aeronautics in the administration of loans or grants; the acquisition of airports lands or rights in lands; the operation or provision of any program or activity which promotes aviation safety, promotes aviation education, or provides for the promotion of aeronautics; and for those aviation purposes which the department is empowered to undertake pursuant to the "New Jersey Airport Safety Act of 1983," P.L.1983, c.264 (C.6:1-89 et seq.) or under Title 6 and Title 27 of the Revised Statutes. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

Department of Transportation, Total State Appropriation $1,317,078,000

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $86,448,000
Grants-in-Aid 300,700,000
State Aid 34,930,000
Capital Construction 895,000,000
Appropriations by Fund:
General Fund $1,282,148,000
Casino Revenue Fund 34,930,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions $21,878,000
49-2155 Miscellaneous Higher Education Programs 93,868,000
Total Grants-in-Aid Appropriation, Higher Educational Services $115,746,000

Grants-in-Aid:
47 Aid to Independent Colleges and Universities ..... ($19,481,000)
47 Clinical Legal Programs for the Poor -- Seton Hall University (P.L.1996, c.52) ..... (200,000)
47 Institute for Advanced Study -- Discrete Mathematics and Computer Science Center .. (80,000)
47 Institute for Advanced Study -- Park City Mathematics Institute ..... (80,000)
47 Research Under Contract with the Institute of Medical Research, Camden ... (1,037,000)
47 Bloomfield College -- Academic Center ... (1,000,000)
49 Garden State Savings Bonds Incentive ..... (100,000)
49 Higher Education Capital Improvement Program -- Debt Service ... (32,146,000)
49 Equipment Leasing Fund -- Debt Service . (18,503,000)
49 Higher Education Facilities Trust Fund -- Debt Service ..... (20,911,000)
49 Higher Education Technology Bond -- Debt Service ..... (6,457,000)
49 Marine Sciences Consortium ..... (576,000)
49 Dormitory Safety Trust Fund -- Debt Service ..... (8,475,000)
49 Statewide Systemic Initiative to Reform Mathematics and Science Education ..... (1,200,000)
49 New Jersey Stem Cell Research Institute ... (5,500,000)

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State Colleges is 57,445 for fiscal year 2006.

Receipts in excess of the amount hereinabove for Clinical Legal Programs for the Poor-Seton Hall University (P.L.1996, c.52) are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

In addition to the amounts hereinabove appropriated for the Higher Education Capital Improvement Program-Debt Service account, the unexpended balances at the end of the preceding fiscal year are appropriated for the same purpose.

The amount hereinabove appropriated for the New Jersey Stem Cell Research Institute shall be expended subject to the approval of the State Treasurer in consultation with the New Jersey Commission on Science and Technology.

The unexpended balance at the end of the preceding fiscal year in the New Jersey Stem Cell Research Institute account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Independent Colleges and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), institutions with endowments in excess of $1,000,000,000 shall not receive aid.

STATE AID

48-2155 Aid to County Colleges	$217,493,000
(From General Fund	***$189,993,000)***
(From Property Tax Relief Fund	***27,500,000)***
Total State Aid Appropriation, Higher Educational Services	$217,493,000
(From General Fund	***$189,993,000)***
(From Property Tax Relief Fund	***27,500,000)***
Less:	
Supplemental Workforce Fund-Basic Skills	***$14,000,000***
Total Income Deductions	***$14,000,000***
Total State Appropriation, Higher Educational Services	$203,493,000
(From General Fund	***$175,993,000)***
(From Property Tax Relief Fund	***27,500,000)***
State Aid:	
48 Operational Costs	($155,806,000)
48 Debt Service for Chapter 12 N.J.S.18A:64A-22.1 (PTRF)	(27,500,000)
48 Alternate Benefit Program - Employer Contributions	(15,626,000)
48 Alternate Benefit Program - Non-contributory Insurance	(3,086,000)
48 Teachers' Pension and Annuity Fund - Non-contributory Insurance	(18,000)
48 Employer Contributions - Teachers' Pension and Annuity Fund	(343,000)
48 Teachers' Pension and Annuity Fund - Post Retirement Medical	(1,155,000)
48 Post Retirement Medical Other Than TPAF	(13,516,000)

48 Employer Contributions -- FICA for
County College Members of
Teachers' Pension and Annuity Fund ..... (350,000)
48 Debt Service on Pension
Obligation Bonds P.L.1997,
c.114 (C.34:1B-7.50 et seq.) ..... (93,000)

Less:

Income Deductions 14,000,000

In addition to the amount hereinabove appropriated for operational costs, there is appropriated $14,000,000 from the Supplemental Workforce Fund for Basic Skills for the same purpose.

Such additional sums as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Employer Contributions - Teacher's Pension and Annuity Fund, Teacher's Pension and Annuity Fund - Post Retirement Medical, and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds P.L.1997, c.114 (C.34:1B-7.50 et seq.) to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any other law to the contrary, from the sums hereinabove appropriated for county college Operational Costs, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 1 of P.L.2001, c.427 (C.18A:62-24).

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Higher Educational Services

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Fiscal Year 2007 Governor's Budget Recommendation Document dated March 21, 2006, first shall be charged to the State Lottery Fund.

50 Economic Planning, Development and Security
51 Economic Planning and Development

DIRECT STATE SERVICES

38-2049 Economic Development $517,000
Total Direct State Services Appropriation, Economic
Planning and Development $517,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($434,000)
Materials and Supplies ..... (15,000)
Services Other Than Personal ..... (43,000)
Maintenance and Fixed Charges ..... (15,000)
Additions, Improvements and Equipment ..... (10,000)

GRANTS-IN-AID

38-2049 Economic Development $152,000,000

Total Grants-in-Aid Appropriation, Economic Planning and Development $152,000,000

Grants-in-Aid:

38 Business Employment Incentive Program, EDA ..... (152,000,000)

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003 to Article VIII, Section II, paragraph 6 of the State Constitution, shall be allocated to the Brownfields Site Reimbursement Fund, established pursuant to P.L.1997, c.278, in an amount to be determined by the Director of the Division of Taxation, and subject to the approval of the Director of the Division of Budget and Accounting. If such sums for the remediation of discharges of hazardous substances are insufficient, there are appropriated such sums as necessary for the Brownfields Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $1,000,000 is appropriated to Fort Monmouth Economic Revitalization Planning Authority, subject to the approval of the Director of the Division of Budget and Accounting, contingent upon receipt of $9,000,000 of matching federal funds.

2041 New Jersey Commerce, Economic Growth and Tourism Commission

GRANTS-IN-AID

38-2041 Economic Development $17,249,000

Total Grants-in-Aid Appropriation, New Jersey Commerce, Economic Growth and Tourism Commission $17,249,000

Grants-in-Aid:

38 New Jersey Commerce, Economic Growth and Tourism Commission ..... ($17,249,000)

Of the sum hereinabove appropriated for the New Jersey Commerce, Economic Growth and Tourism Commission, not less than $10,260,000 shall be used for Advertising and Promotion, from which $15,000 shall be allocated to each of the six regional tourism councils for regional tourism promotion; $2,853,000 shall be used for Business Retention, Expansion and Attraction, of which $800,000 is for New Jersey Small Business Development Centers; $130,000 shall be used for the New Jersey Israel Commission; and $1,850,000 shall be used for the Travel and Tourism Cooperative Marketing Program; except that any amount for the Cooperative Marketing Program is available for expenditure only to the extent that an amount equal to 25% of the State funds are expended from funds raised by the Commerce Commission, pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities as determined by the Director of the Division of Budget and Accounting. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Pursuant to the provisions of P.L.2003, c.114 (C.54:32-1 et seq.), the appropriations hereinabove for purposes of promoting tourism activities in this State are first charged to revenues derived from the hotel and motel occupancy fee.

There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the New Jersey Commerce, Economic Growth and Tourism Commission in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.

The Chief Executive Officer and Secretary of the Commission shall report semi-annually on the expenditure of State funds and private contributions during the preceding six months for the Advertising and Promotion Program and the Travel and Tourism, Advertising and Promotion-Cooperative Marketing Program. The first semi-annual

report covering the first six months of fiscal year 2007 shall be completed not later than January 31, 2007, the second semi-annual report covering the second six months of fiscal year 2007 shall be completed not later than July 31, 2007 and both reports shall be submitted to the Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

2042 New Jersey Commission on Science and Technology

DIRECT STATE SERVICES

39-2042 New Jersey Commission on Science and Technology $581,000
Total Direct State Services Appropriation, New Jersey Commission on Science and Technology $581,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($476,000)
Materials and Supplies ..... (51,000)
Services Other Than Personal ..... (48,000)
Maintenance and Fixed Charges ..... (6,000)

GRANTS-IN-AID

39-2042 New Jersey Commission on Science and Technology $16,950,000
Total Grants-in-Aid Appropriation, New Jersey Commission on Science and Technology $16,950,000

Grants-in-Aid:

39 Science and Technology Grants ..... ($16,350,000)
39 Manufacturing Extension Program ..... (600,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Commission on Science and Technology Grants-In-Aid account is appropriated for the same purpose.

An amount not to exceed 5% of the Science and Technology Grants account is available for transfer to Direct State Services for the administrative expenses of this program, as determined by the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for Science and Technology Grants, there is allocated $600,000 for the Manufacturing Extension Program.

52 Economic Regulation

DIRECT STATE SERVICES

54-2008 Utility Regulation $7,893,000
55-2004 Regulation of Cable Television 2,024,000
88-2058 Energy Assistance Programs 1,669,000
97-2016 Regulatory Support Services 3,337,000
99-2003 Administration and Support Services 10,951,000
Total Direct State Services Appropriation, Economic Regulation . $25,874,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($22,577,000)
Materials and Supplies ..... (515,000)
Services Other Than Personal ..... (914,000)
Maintenance and Fixed Charges ..... (403,000)
Special Purpose:
Energy Master Plan Development ..... (436,000)
Database Projects ..... (502,000)
Additions, Improvements and Equipment ..... (527,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

In addition to the amount hereinabove for administration of the Board of Public Utilities, there are appropriated such sums as may be required for operation of the board and assessed to the public utilities or the cable television industry, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees are appropriated.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

The unexpended balances at the end of the preceding fiscal year are appropriated.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds, and the monies required to be deposited in that fund from projects which have been completed or are no longer viable, are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated, not to exceed $1,669,000, for the Energy Assistance Programs account may be transferred to the Department of Health and Senior Services, Lifeline account to fund the costs associated with administering the Lifeline Credits and Tenants' Assistance Rebates Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, the investment earnings derived from the funds deposited in the Clean Energy Fund and Retail Margin Fund shall accrue to the funds and are available to pay the costs of the various programs of the New Jersey Board of Public Utilities Clean Energy Program and Retail Margin Program.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the New Jersey Clean Energy Trust Fund are appropriated for the actual administrative salary and operating costs, not to exceed $820,000, for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

88-2058 Energy Assistance Programs $70,840,000
Total Grants-in-Aid Appropriation, Economic Regulation $70,840,000

Grants-in-Aid:

88 Payments for Lifeline Credits ..... ($34,669,000)
88 Tenants' Assistance Rebate Program ..... (36,171,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), the provisions of P.L.1981, c.210 (C.48:2-29.30 et seq.) or any other law to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebates Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season; therefore, applications for Lifeline benefits and

benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

The amounts hereinabove appropriated for Payments for Lifeline Credits Program and Tenants' Assistance Rebates Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, such sums as may be required for the payment of claims, credits, and rebates, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebates Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

The amounts hereinabove appropriated, not to exceed $70,840,000, for Payments for Lifeline Credits and the Tenants' Assistance Rebates Program are available to the Department of Health and Senior Services to fund the payments associated with the Lifeline Credits and Tenants' Assistance programs and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for the Business Employment Incentive Program, EDA, there is appropriated from the General Fund to the Department of the Treasury for transfer to the New Jersey Economic Development Authority such sums as may be necessary to fund the Business Employment Incentive Program, the amount of which, when combined with the amount appropriated hereinabove, shall not exceed the total amount of revenues received as withholdings, as defined in section 2 of P.L.1996, c.26 (C.34:1B-125), during the 2005 calendar year from all businesses receiving grants pursuant to the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), as certified by the Director of the Division of Taxation, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

70 Government Direction, Management and Control
72 Governmental Review and Oversight
DIRECT STATE SERVICES

03-2015	Employee Relations and Collective Negotiations	$678,000
07-2040	Office of Management and Budget	18,587,000
	Total Direct State Services Appropriation, Governmental Review and Oversight	$19,265,000

Direct State Services:

Personal Services:	
Salaries and Wages	($12,595,000)
Materials and Supplies	(280,000)
Services Other Than Personal	(5,282,000)
Maintenance and Fixed Charges	(9,000)

Special Purpose:
07 Independent Audits ..... (1,099,000)
Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.
In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, management, performance and operational audits, and the single audit.
There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for interest costs, bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

70 Government Direction, Management and Control
72 Governmental Review and Oversight
2068 Office of the Inspector General
DIRECT STATE SERVICES

14-2068 Office of the Inspector General $2,302,000
Total Direct State Services Appropriation, Office of the Inspector General $2,302,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,561,000)
Materials and Supplies ..... (100,000)
Services Other Than Personal ..... (482,000)
Maintenance and Fixed Charges ..... (134,000)
Additions, Improvements and Equipment ..... (25,000)
In addition to the amounts hereinabove appropriated, such sums as may be necessary are appropriated to fund the operations of the Office of the Inspector General, subject to the approval of the Director of the Division of Budget and Accounting.

73 Financial Administration
DIRECT STATE SERVICES

15-2080 Taxation Services and Administration $120,055,000
16-2090 Administration of State Lottery 21,900,000
17-2105 Administration of State Revenues 28,104,000
19-2120 Management of State Investments 8,719,000
25-2095 Administration of Casino Gambling 29,440,000
(From Casino Control Fund ..... $29,440,000)
50-2027 Business Services Bureau 4,703,000
Total Direct State Services Appropriation, Financial Administration $212,921,000
(From General Fund ..... $183,481,000)
(From Casino Control Fund ..... 29,440,000)
Direct State Services:
Personal Services:
Chairman and Commissioners (CCF) ..... ($591,000)
Salaries and Wages ..... (111,115,000)
Salaries and Wages (CCF) ..... (19,562,000)
Employee Benefits (CCF) ..... (6,676,000)
(From General Fund ..... $111,115,000)
(From Casino Control Fund ..... 26,829,000)
Materials and Supplies ..... (4,988,000)

Materials and Supplies (CCF) ..... (142,000)
Services Other Than Personal ..... (64,186,000)
Services Other Than Personal (CCF) ..... (1,043,000)
Maintenance and Fixed Charges ..... (1,533,000)
Maintenance and Fixed Charges (CCF) ..... (1,213,000)
Special Purpose:
17 Wage Reporting/Temporary
Disability Insurance ..... (1,599,000)
25 Administration of Casino Gambling (CCF) .... (60,000)
Additions, Improvements and Equipment ..... (60,000)
Additions, Improvements and Equipment (CCF) ..... (153,000)

Receipts derived from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal, and other related expenses thereof, are appropriated.

Notwithstanding the provision of any law to the contrary, there shall be no retroactive payment for refunds due under section 9 of P.L.1976, c.141 (C.58:10-23.11h) as amended pursuant to section 1 of P.L.1997, c.134 for the period from January 1, 1996 through June 26, 1997, appropriated from the Spill Compensation Fund.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Notwithstanding any other law to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12), there are appropriated such sums as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).

Notwithstanding any provision of any other law to the contrary, there are available out of fees derived from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such sums as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

In addition to the amounts hereinabove appropriated, such additional sums as may be necessary are appropriated to fund costs of the collecting and processing of debts, taxes, and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of sums appropriated pursuant to this provision.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such sums as are necessary are appropriated from the Lead Hazard Control Assistance Fund for the Department of the Treasury's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Property Assessment Management System (PAMS) account is appropriated for the same purpose.

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

Pursuant to the provisions of section 54 of P.L.2002, c.34 (C.App.A:9-78) deposits made to the "New Jersey Domestic Security Account" are appropriated for transfer to the Department of Health and Senior Services to support medical emergency disaster preparedness for bioterrorism, to the Department of Law and Public Safety for State Police salaries related to statewide security services and counter-terrorism programs, and to the Department of Agriculture for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, $5,000,000 of the amounts credited to the New Jersey Domestic Security account on or after July 1, 2006, is available to the General Fund as State revenue.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from the sale of advertising and/or promotional products by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such sums as are necessary to fund the hospitals' share of monies collected pursuant to the hospital care payment act, P.L.2003, c.112 (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amounts hereinabove for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Revenue's commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provisions of law, regulation or Executive Order to the contrary, any receipts received from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a memorandum of understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury. Such sums shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of P.L.2003, c.117 (C.22A:4-4.2) deposits made to the "New Jersey Public Records Preservation Account" are appropriated for transfer to the Department of State for grants to counties and municipalities for the management, storage, and preservation of public records, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, $27,000,000 of the amounts credited to the county portion of the New Jersey Public Records Preservation account on or after July 1, 2006, is available to the General Fund as State revenue.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982-Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the Management of State Investments program.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required

for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

74 General Government Services
DIRECT STATE SERVICES

02-2069 Garden State Preservation Trust	$478,000
09-2050 Purchasing and Inventory Management	9,789,000
26-2067 Property Management and Construction --	
Property Management Services	14,285,000
37-2051 Risk Management	2,657,000
Total Direct State Services Appropriation, General Government Services	$27,209,000

Direct State Services:

Personal Services:	
Salaries and Wages	($20,959,000)
Materials and Supplies	(406,000)
Services Other Than Personal	(3,306,000)
Maintenance and Fixed Charges	(1,925,000)
Special Purpose:	
02 Garden State Preservation Trust	(478,000)
Additions, Improvements and Equipment	(135,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the Purchase Bureau program.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the Risk Management program.

Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of the receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of the Risk Management program.

Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of the anticipation derived from the sale of surplus state vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of receipts derived from service fees billed to the various State departments for the purpose of travel services, such sums as may be necessary for the administrative expenses of the State Central Motor Pool program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.

The unexpended balances at the end of the preceding fiscal year in the State cafeteria accounts and receipts obtained from cafeteria operations are appropriated for the

improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

From the receipts derived from the sale of real property, such sums are appropriated for the costs incurred in order to preserve and maintain the property's value and condition and for costs incurred in the selling of the real property, including appraisal, survey, advertising, maintenance, security and other costs related to the preservation and disposal, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, there are appropriated out of receipts derived from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

The unexpended balances at the end of the preceding fiscal year in excess of $300,000 in the Management of the Department of Environmental Protection Properties account are appropriated for the same purpose.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed $100,000 shall be available for the administrative expenses of the program.

There are appropriated such additional sums as may be necessary for the purchase of expert witness services related to the State's defense against inverse condemnation claims related to the Department of Environmental Protection's Land Use Regulation program.

Receipts from employee maintenance charges in excess of $300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that a sum not to exceed $25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest or principal or both due from the issuance of bonds for this facility.

Notwithstanding any other law to the contrary, an amount not to exceed $478,000 is transferred from the Garden State Farmland Preservation Trust Fund, the Garden State Green Acres Preservation Trust Fund and the Garden State Historic Preservation Trust Fund to the General Fund in an allocation to be determined by the Garden State Preservation Trust and approved by the Director of the Division of Budget and Accounting and such amount is appropriated to the Garden State Preservation Trust.

Notwithstanding any other law to the contrary, the Departments of the Treasury, Community Affairs, Environmental Protection, and Agriculture will provide such administrative services as are necessary to operate the Garden State Preservation Trust.

Notwithstanding the provisions of any law to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval

of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefits programs, as the Director of the Division of Budget and Accounting shall determine.

There is appropriated from the pension and health benefits funds established by law an amount, not to exceed $12,000,000, for the re-engineering of the pension and health benefits computer systems as referenced in the Division of Pensions and Benefits organizational study.

The unexpended balance at the end of the preceding fiscal year in the Re-engineering of Pension and Health Benefits Computer Systems account is appropriated for the same purpose.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for expenses, programs, and strategies which will enhance the vitality of the capitol district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

2026 Office of Administrative Law
DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals $9,481,000
(From General Fund ..... $4,734,000)
(From All Other Funds ..... 4,747,000)
Total Direct State Services Appropriation,
Office of Administrative Law $9,481,000
(From General Fund ..... $4,734,000)
(From All Other Funds ..... 4,747,000)0
Less:
All Other Funds 4,747,000
Total State Appropriation, Office of
Administrative Law $4,734,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($8,478,000)
Employee Benefits ..... (221,000)
Materials and Supplies ..... (95,000)
Services Other Than Personal ..... (606,000)
Maintenance and Fixed Charges ..... (75,000)
Special Purpose:
45 Affirmative Action and Equal
Employment Opportunity ..... (6,000)
Less:
All Other Funds 4,747,000

In addition to the amount hereinabove, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs or rule-making costs by the Office of Administrative Law and the unexpended balance at the end of the preceding fiscal year of such sums are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Receipts derived from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated.

Receipts derived from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated.

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2078 Homestead Exemptions $1,176,188,000
(From Property Tax Relief Fund ..... $1,176,188,000)
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid $1,176,188,000
(From Property Tax Relief Fund ..... $1,176,188,000)

Grants-in-Aid:

33 Homestead Property Tax Rebates for Homeowners (PTRF) ..... ($931,288,000)
33 Homestead Property Tax Rebates for Tenants (PTRF) ..... (126,000,000)
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF) ..... (118,900,000)

From the amount hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners and the Homestead Property Tax Rebates for Tenants programs, there are appropriated such sums as may be necessary for the administration of those programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program shall be available to pay homestead rebates pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) and section 4 of P.L.1990, c.61 (C.54:4-8.60), respectively, as amended by P.L.2004, c.40, for residents who are 65 years of age or older at the close of the tax year, or who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, except that there shall be no cost-of-living adjustment pursuant to subsection h. of section 3 and subsection g. of section 4. Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.59 et seq.) as amended by P.L.2004, c.40, to the contrary, the amounts hereinabove appropriated for the Homestead Property Tax Rebates for Homeowners program and the Homestead Property Tax Rebates for Tenants program shall only be available to pay homestead rebates pursuant to the provisions of that law but not in excess of the following maximum amounts for tax year 2005: (a) $350 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income of $70,000 or less for the taxable year for property taxes paid; (b) $250 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income in excess of $70,000 but not in excess of $125,000 for the taxable year for property taxes paid; (c) $200 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income in excess of $125,000 but not in excess of $200,000 for the taxable year for property taxes paid; (d) $75 for residents who are not 65 years of age or older at the close of the tax year, and who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to

subsection b. of N.J.S.54A:3-1 for rent constituting property taxes paid for the tax year 2005. If the amounts hereinabove appropriated are not sufficient, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payment of such rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove for the Homestead Property Tax Reimbursement (Senior and Disabled Citizens' Property Tax Freeze), and any additional sum which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

STATE AID

28-2078	County Boards of Taxation	$2,289,000
29-2078	Locally Provided Assistance	62,656,000
34-2078	Reimbursement of Senior/Disabled Citizens' and Veterans' Tax Deductions	99,100,000
	(From Property Tax Relief Fund ..... 99,100,000)	
35-2078	Consolidated Police and Firemen's Pension Fund	93,330,000
	(From General Fund ..... 61,796,000)	
	(From Property Tax Relief Fund ..... 31,534,000)	
	Total State Aid Appropriation, State Subsidies and Financial Aid	$257,375,000
	(From General Fund ..... $126,741,000)	
	(From Property Tax Relief Fund ..... 130,634,000)	

State Aid:

28	County Boards of Taxation	($2,289,000)
29	South Jersey Port Corporation Debt Service Reserve Fund	(7,256,000)
29	South Jersey Port Corporation Property Tax Reserve Fund	(2,540,000)
29	Highlands Protection Fund - Incentive Planning Aid	(2,650,000)
29	Highlands Protection Fund - Regional Master Plan Compliance Aid	(1,750,000)
29	Highlands Protection Fund - Watershed Moratorium Offset Aid	(2,200,000)
29	Highlands Protection Fund - Highlands Property Tax Stabilization Aid	(3,600,000)
29	Highlands Protection Fund - Pinelands Property Tax Stabilization Aid	(1,800,000)
29	West Deptford Township -- Diesel Fired Electric Generator	(200,000)
29	Paulsboro Borough -- Property Acquisition and Demolition Costs	(50,000)
29	Logan Township Sidewalk Improvements	(110,000)
29	Cherry Hill Township -- Library Debt Service	(500,000)
29	Solid Waste Management - County Environmental Investment Debt Service Aid	(40,000,000)

34 Reimbursement to Municipalities -- Senior and Disabled Citizens' Tax Deductions (PTRF) ..... (22,700,000)
34 State Reimbursement for Veterans' Property Tax Deductions (PTRF) ..... (76,400,000)
35 State Contribution to Consolidated Police and Firemen's Pension Fund ..... (1,784,000)
35 Debt Service on Pension Obligation Bonds (PTRF) ..... (9,379,000)
35 Police and Firemen's Retirement System - Post Retirement Medical (PTRF) ..... (22,155,000)
35 Police and Firemen's Retirement System .. (39,001,000)
35 Police and Firemen's Retirement System (P.L.1979, c.109) ..... (21,011,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Debt Service Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for Highlands Protection Fund appropriations are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account, the Highlands Protection Fund - Regional Master Plan Compliance Aid account, and the Highlands Protection Fund - Watershed Moratorium Offset Aid account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Solid Waste Management - County Environmental Investment Debt Service Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service. Such additional sums as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the sum of $788,492,000 and an amount not to exceed $81,542,000 which is transferred from the Consolidated Municipal Property Tax Relief Aid (PTRF) account and an amount not to exceed $2,211,000 from the Special Municipal Aid Act account to the fund and shall be allocated to municipalities in accordance with the provisions of subsection b. of

section 2 of P.L.1997, c.167 (C.52:27D-439) except that any sums transferred from the Special Municipal Aid Act account shall be allocated to the city of Camden. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount. Of the amount herein appropriated from the Energy Tax Receipts Property Tax Relief Fund, an amount equal to $25,000,000 shall be allocated to municipalities proportionately based on population, except that Newark and Jersey City shall each receive $390,000 of the $25,000,000 and Paterson shall receive $375,000 of the $25,000,000.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional sums as may be required for Police and Firemen's Retirement System - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

76 Management and Administration
DIRECT STATE SERVICES

98-2006 Contract Compliance and Equal Employment Opportunity in Public Contracts	$1,702,000
99-2000 Administration and Support Services	11,913,000
Total Direct State Services Appropriation, Management and Administration	$13,615,000

Direct State Services:

Personal Services:	
Salaries and Wages	($11,586,000)
Materials and Supplies	(65,000)
Services Other Than Personal	(1,876,000)
Maintenance and Fixed Charges	(65,000)
Special Purpose:	
99 Federal Liaison Office, Washington, D.C.	(23,000)

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

There is appropriated from revenue estimated to be received as a fee in connection with the issuance of debt an amount not to exceed $700,000 to provide funds for public finance activities.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such sums as may be required for public finance activities.

Pursuant to the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) deposits made to the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury and for transfer to the Department of Education such sums as are necessary for Project DARE (Drug Abuse Resistance Education), subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of Executive Order #72 (Acting Governor Codey), deposits made to the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury and for transfer to the Departments of Education and Health and Senior Services such sums as are necessary for the Steroid Use and Prevention program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Fees collected on behalf of the Contract Compliance and Equal Employment Opportunity in Public Contracts program and the unexpended balance at the end of the preceding fiscal year of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay for the operating expenses of the Casino Revenue Fund Advisory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such sums as may be required for public finance activities. The unexpended balance at the end of the preceding fiscal year from such investment earning and service fees as appropriated to the Office of Public Finance.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	$9,689,000
57-2021	Trial Services to Indigents and Special Programs	89,628,000
99-2025	Administration and Support Services	2,441,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$101,758,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($56,986,000)
Materials and Supplies ..... (726,000)
Services Other Than Personal ..... (22,780,000)
Maintenance and Fixed Charges ..... (548,000)
Special Purpose:
57 Continuous Representation -- Title 9 to Title 30 ..... (4,836,000)
57 Public Defender Pilot Program ..... (199,000)
57 Law Guardian - Kinship Guardianship ..... (1,877,000)
57 Law Guardian -- Child Welfare Reform .... (8,900,000)
57 Parental Representation Unit - Child Welfare Reform ..... (4,618,000)
99 Affirmative Action and Equal Employment Opportunity ..... (64,000)
Additions, Improvements and Equipment ..... (224,000)
Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.
In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.
Notwithstanding any other provision of law, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.
Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.
The funds appropriated to the Office of the Public Defender are available for expenses associated with the defense of pool attorneys hired by the Public Defender for the representation of indigent clients.
The unexpended balances at the end of the preceding fiscal year are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

57-2021 Trial Services to Indigents and Special Programs $16,400,000
Total Grants-in-Aid Appropriation, Protection of Citizens' Rights $16,400,000
Grants-in-Aid:
57 State Legal Services Office ..... ($8,400,000)
57 Legal Services of New Jersey -- Legal Assistance in Civil Matters (P.L.1996, c.52) ..... (8,000,000)
Receipts in excess of the amount hereinabove for Legal Services of New Jersey - Legal Assistance in Civil Matters, P.L.1996, c.52, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Department of the Treasury, Total State Appropriation $2,435,017,000

Summary of Department of The Treasury Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $408,776,000
Grants-in-Aid 1,565,373,000
State Aid 460,868,000
Appropriations by Fund:
General Fund $1,071,255,000
Property Tax Relief Fund 1,334,322,000
Casino Control Fund 29,440,000

90 MISCELLANEOUS COMMISSIONS
40 Community Development and Environmental Management
43 Science and Technical Programs
9130 Interstate Environmental Commission
DIRECT STATE SERVICES

03-9130 Interstate Environmental Commission $383,000
Total Direct State Services Appropriation, Interstate Environmental Commission $383,000
Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($383,000)

9140 Delaware River Basin Commission
DIRECT STATE SERVICES

03-9140 Delaware River Basin Commission $857,000
Total Direct State Services Appropriation, Delaware River Basin Commission $857,000
Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($857,000)

70 Government Direction, Management and Control
72 Governmental Review and Oversight
9148 Council on Local Mandates
DIRECT STATE SERVICES

03-9148 Council on Local Mandates $167,000
Total Direct State Services Appropriation, Council on Local Mandates $167,000
Direct State Services:
Special Purpose:
03 Council on Local Mandates ..... ($167,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation $1,407,000

Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $1,407,000
Appropriations by Fund:
General Fund $1,407,000

94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400	Property Rentals	$233,843,000
02-9400	Insurance and Other Services	109,211,000
06-9400	Utilities and Other Services	65,916,000
	Subtotal Direct State Services, General Government Services	$408,970,000
Less:		
	Direct Charges and Charges to Non-State Fund Sources	***83,353,000***
	Total Income Deductions	***$83,353,000***
	Total Direct State Services Appropriation, General Government Services	$325,617,000

Direct State Services:

Property Rentals:	
Existing and Anticipated Leases	($196,495,000)
Economic Development Authority	(17,051,000)
Other Debt Service Leases and Tax Payments	(19,015,000)
Less:	
Direct Charges and Charges to Non-State Fund Sources	***83,353,000***
Additions, Improvements and Equipment	(1,282,000)
Insurance and Other Services:	
Tort Claims Liability Fund	(17,500,000)
Workers' Compensation Self-Insurance Fund	(64,700,000)
Property Insurance Premium Payments	(3,636,000)
Casualty Insurance Premium Payments	(2,030,000)
Special Insurance Policy Premium Payment	(220,000)
UMDNJ Self-Insurance Reserve Fund	(18,000,000)
Vehicle Claims Liability Fund	(1,500,000)
Self-Insurance Deductible Fund	(1,500,000)
Self-Insurance Fund-Foster Parents	(125,000)
Utilities and Other Services:	
Fuel and Utilities	(57,677,000)
Household and Security	(8,239,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include, but not be limited to, the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except for leases negotiated by the Division of Property Management and Construction and subject to the approval or disapproval of the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et seq.), and except as hereinafter provided, no lease

for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that sums appropriated for property rental payments are insufficient, there are appropriated such additional sums, not to exceed $3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the Marlboro Psychiatric Hospital and North Princeton Developmental Center closure initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay debt service costs for the Greystone Park Psychiatric Hospital Project, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Master Lease Program Fund is appropriated for the same purpose.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Insurance and Other Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the payment of claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the payment of direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, and claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of designated pathologists engaged by the State Medical Examiner.

Notwithstanding any other law to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay claims not payable from the Tort Claims Liability Fund or payable under the New Jersey Contractual Liability Act, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. The funds appropriated are available for the payment of direct costs of legal, administrative and medical services

related to the investigation, mitigation and litigation of claims not payable from the Tort Claims Liability Fund or payable under the New Jersey Contractual Liability Act, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. Notwithstanding any other law to the contrary, claims or costs paid from the monies appropriated under this paragraph on behalf of entities funded, in whole or in part from non-State funds, may be reimbursed from such non-State funds sources as determined by the Director of the Division of Budget and Accounting. Appropriations under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State.

To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey Program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Bureau of Risk Management by the Work First New Jersey Program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Providing that expenditures during the current fiscal year on workers' compensation claims attributable to the Departments of Human Services, Transportation, Corrections, and Law and Public Safety are less than the respective amounts expended by those departments for claims attributable to the preceding fiscal year, all or a portion of that savings is appropriated to those departments or the Bureau of Risk Management within the Department of the Treasury for the purpose of improving worker safety and reducing workers' compensation costs, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance at the end of the preceding fiscal year in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount hereinabove appropriated for the Self-Insurance Fund - Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The sums hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such sums as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums

that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages, to reflect savings associated with electrical deregulation, fuel switch and other energy-conservation initiatives.

Of the amount appropriated hereinabove for fuel and utility costs, $30,182,000 may be transferred to State departments and, in addition to the sums hereinabove appropriated for fuel and utility costs, there are appropriated such additional sums as may be required for transfer to State departments to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the unexpended balances in the Petroleum Overcharge Reimbursement Fund available for "Green Power," such sums shall be transferred to the various departments and agencies participating in the State electricity contract, as applicable, to reimburse additional costs associated with "Green Power" sources, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Global Energy Statewide Account is appropriated for the same purpose.

Notwithstanding any law to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee.

GRANTS-IN-AID

09-9400 Aid to Independent Authorities $130,196,000
Total Grants-in-Aid Appropriation, General Government Services $130,196,000

Grants-in-Aid:

09 New Jersey Performing Arts Center, EDA . .($5,557,000)
09 Business Employment Incentive Program, EDA -- Debt Service ..... (48,443,000)
09 Liberty Science Center -- EDA ..... (1,213,000)
09 Municipal Rehabilitation and Economic Recovery, EDA ..... (14,129,000)
09 Camden Children's Garden ..... (625,000)
09 Designated Industries Economic Growth and Development -- EDA ..... (7,665,000)
09 Battleship New Jersey Utilities ..... (390,000)

Sports and Exposition Authority Operations - Debt Service:

09 Sports Complex ..... (29,121,000)
09 Atlantic City Projects ..... (15,440,000)
09 Higher Education and Other Projects ..... (2,818,000)
09 Wildwood Convention Center ..... (4,795,000)

In addition to the amounts hereinabove appropriated for the Sports and Exposition Authority Operations - Debt Service there are appropriated such additional sums as may be necessary, subject to the approval of the Director of the Division of Budget and Accounting.

The amount for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the Performing Arts Center structure constructed thereon purchased by the authority for the State in the city of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be

constructed by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional sums as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amount hereinabove appropriated for the Camden Children's Garden shall be subject to the execution of an agreement between the State Treasurer and the operator of the Camden Children's Garden.

The amounts hereinabove appropriated for fiscal year 2007 debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional sums as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Battleship New Jersey Utilities shall be used for the utility expenses of the Battleship New Jersey as shall be substantiated by the Home Port Alliance in a submission to the Director of the Division of Budget and Accounting, and shall not be expended without the approval of the Director and the State Treasurer.

CAPITAL CONSTRUCTION

08-9400 Capital Projects -- Statewide	$202,772,000
Total Capital Construction Appropriation, General Government Services	$202,772,000

Capital Projects:

Statewide Capital Projects:

08 HVAC and Roof Repairs - Document Control Center	($2,400,000)
08 Americans with Disabilities Act Compliance Projects -- Statewide	(1,000,000)
08 Hazardous Materials Removal Projects -- Statewide	(500,000)
08 Fire Code Compliance	(225,000)
08 Statewide Security Projects	(1,500,000)
08 Energy Efficiency Projects	(200,000)

NJ Building Authority Debt Service:

General State Projects:

08 Southwoods State Prison	(30,248,000)
08 State House Renovations	(19,731,000)
08 Hughes Justice Complex	(11,046,000)
08 Other State Projects	(22,008,000)

Counter-Terrorism Projects:
08 State Police Multipurpose Building/
Troop "C" Headquarters ..... (7,584,000)
08 State Police Emergency Operations Center . (1,414,000)
Enterprise Initiatives:
08 Network Infrastructure ..... (416,000)
08 Office of Information Technology-
Availability and Recovery Site (OARS) ... (6,500,000)
Open Space Preservation Program:
08 Garden State Preservation
Trust Fund Account ..... (98,000,000)

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated under P.L.2004, c.71, donations for the 9/11 Memorial Design Costs from public and private sources, including those collected from the Port Authority of New York and New Jersey, for the purposes of planning, designing, maintaining and constructing a memorial to the victims of the terrorist attacks of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Washington, D.C., and United Airlines Flight 93 in Somerset County, Pennsylvania, shall be deposited by the State Treasurer in a dedicated account established for this purpose and are appropriated for the purposes set forth under P.L.2004, c.71.

Notwithstanding the provisions of any other law to the contrary, in order to provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovation Projects, such sums as may be necessary may be transferred to individual project line items within various departments, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year of appropriations from the "1996 Economic Development Site Fund," established pursuant to section 20 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, are appropriated.

Of the amount hereinabove appropriated for Office of Information Technology - Availability and Recovery Site (OARS), an amount may be transferred to the Office of Information Technology Office of Information Technology - Availability and Recovery Site (OARS) account to cover the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Network Infrastructure, an amount may be transferred to the Office of Information Technology Network Infrastructure account to cover the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.

9410 Employee Benefits
DIRECT STATE SERVICES

03-9410 Employee Benefits $1,580,724,000
Total Direct State Services Appropriation,
Employee Benefits $1,580,724,000

Direct State Services:
Special Purpose:

03 Public Employees' Retirement System .. ($176,011,000)
03 Public Employees' Retirement System - Post Retirement Medical ..... (194,274,000)
03 Public Employees' Retirement System - Non-contributory Insurance ..... (17,697,000)
03 Police and Firemen's Retirement System ..... (54,827,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance ..... (4,806,000)
03 Police and Firemen's Retirement System (P.L.1979, c.109) ..... (3,338,000)
03 Alternate Benefit Program -- Employer Contributions ..... (1,018,000)
03 Alternate Benefit Program - Non-contributory Insurance ..... (264,000)
03 State Police Retirement System ..... (28,834,000)
03 State Police Retirement System - Non-contributory Insurance ..... (1,256,000)
03 Judicial Retirement System ..... (12,662,000)
03 Judicial Retirement System - Non-contributory Insurance ..... (722,000)
03 Teachers' Pension and Annuity Fund ..... (2,165,000)
03 Teachers' Pension and Annuity Fund Post Retirement Medical - State ..... (4,040,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance ..... (91,000)
03 Pension Adjustment Program ..... (1,600,000)
03 Veterans Act Pensions ..... (70,000)
03 Heath Act Pensions ..... (5,000)
03 Debt Service on Pension Obligation Bonds . (70,716,000)
03 Volunteer Emergency Survivor Benefit ..... (135,000)
03 State Employees' Health Benefits ..... (480,300,000)
03 Other Pension Systems--Post Retirement Medical ..... (65,631,000)
03 State Employees' Prescription Drug Program ..... (107,391,000)
03 State Employees' Dental Program -- Shared Cost ..... (26,534,000)
03 State Employees' Vision Care Program ..... (1,000,000)
03 Social Security Tax -- State ..... (325,046,000)
03 Temporary Disability Insurance Liability .. (12,968,000)
03 Unemployment Insurance Liability ..... (2,323,000)

Less:

Savings from Procurement Efficiencies 15,000,000

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of $4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State; provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor; and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Grants-In-Aid accounts for the same purposes.

Such additional sums as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefits Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No monies appropriated herein shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

Notwithstanding the provisions of the Pension Adjustment Act, P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional sums as may be required for State Employees' Health Benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding any provisions of any other law to the contrary, amounts hereinabove appropriated for the State Health Benefits Program are subject to the condition that: (i) increases in co-payments for the prescription drug plan, the co-payment for office visits in the managed care plans, and the deductible for the Traditional Plan agreed to by bargaining units representing State employees and employees of State authorities, State commissions, State colleges and State universities for fiscal year 2006 shall continue at the same levels for this fiscal year; and (ii) the following increases implemented by the State Health Benefits Commission for fiscal year 2006 shall continue in this fiscal year for (a) employees paid through the State centralized payroll for whom there is no majority representative for collective negotiations purposes; and (b) employees of State authorities, State commissions, State colleges and State universities for whom there is no majority representative for collective negotiations purposes who receive health benefits through the State Health Benefits Program and such health benefits are funded in whole or in part by State appropriations: a $10 co-payment for NJ PLUS and HMO primary care physician and specialist office visits; co-payments for the Employee Prescription Drug: Retail Pharmacy - $3 generic and $10 brand name for up to a 30-day supply, and Mail Order Pharmacy - $5 generic and $15 brand name for up to a 90-day supply; and a Traditional Plan deductible of $250.

Notwithstanding the provisions of any other law to the contrary, amounts hereinabove appropriated for State Employees' Prescription Drug Program are subject to the condition that a mandatory generic and mandatory mail order requirement for the prescription drug plan shall be implemented by the State Health Benefits Commission as expeditiously as is administratively feasible for: (1) State employees and employees of State authorities, State commissions, State colleges and State universities represented by bargaining units, to the extent permitted by contract; (2) employees paid through the State centralized payroll for whom there is no majority representative for collective negotiations purposes; and (3) employees of State authorities, State commissions, State colleges and State universities for whom there is no majority representative for collective negotiations purposes who receive health benefits through the State Health Benefits Program and such health benefits are funded in whole or in part by State appropriations.

Such additional sums as may be required for Social Security Tax - State may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

GRANTS-IN-AID

03-9410 Employee Benefits $758,004,000
Total Grants-in-Aid Appropriation, Employee Benefits $758,004,000

Grants-in-Aid:

Special Purpose:

03 Public Employees' Retirement System ... ($16,935,000)
03 Public Employees' Retirement System - Post Retirement Medical ..... (32,561,000)
03 Public Employees' Retirement System - Non-contributory Insurance ..... (1,734,000)
03 Police and Firemen's Retirement System .... (4,248,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance ..... (173,000)
03 Alternate Benefit Program - Employer Contributions ..... (113,929,000)
03 Alternate Benefit Program - Non-contributory Insurance ..... (17,221,000)
03 Teachers' Pension and Annuity Fund ..... (650,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State ..... (7,413,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance ..... (22,000)
03 Debt Service on Pension Obligation Bonds . (4,080,000)
03 State Employees' Health Benefits ..... (268,625,000)
03 Other Pension Systems - Post Retirement Medical ..... (20,233,000)
03 State Employees' Prescription Drug Program ..... (82,379,000)
03 State Employees' Dental Program - Shared Cost ..... (11,406,000)
03 Social Security Tax - State ..... (170,258,000)
03 Temporary Disability Insurance Liability ... (4,314,000)
03 Unemployment Insurance Liability ..... (1,823,000)

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Direct State Services accounts for the same purposes.

Such additional sums as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefits Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No monies appropriated herein shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

In addition to the sum hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any other law to the contrary, amounts hereinabove appropriated for the State Health Benefits Program are subject to the condition that: (i) increases in co-payments for the prescription drug plan, the co-payment for office visits in the managed care plans, and the deductible for the Traditional Plan agreed to by bargaining units representing State employees and employees of State authorities, State commissions, State colleges and State universities for fiscal year 2006 shall continue at the same levels for this fiscal year; and (ii) the following increases implemented by the State Health Benefits Commission for fiscal year 2006 shall continue in this fiscal year for (a) employees paid through the State centralized payroll for whom there is no majority representative for collective negotiations purposes; and (b) employees of State authorities, State commissions, State colleges and State universities for whom there is no majority representative for collective negotiations purposes who receive health benefits through the State Health Benefits Program and such health benefits are funded in whole or in part by State appropriations: a $10 co-payment for NJ PLUS and HMO primary care physician and specialist office visits; co-payments for the Employee Prescription Drug: Retail Pharmacy - $3 generic and $10 brand name for up to a 30-day supply, and Mail Order Pharmacy - $5 generic and $15 brand name for up to a 90-day supply; and a Traditional Plan deductible of $250.

Notwithstanding the provisions of any other law to the contrary, amounts hereinabove appropriated for State Employees' Prescription Drug Program are subject to the condition that a mandatory generic and mandatory mail order requirement for the prescription drug plan shall be implemented by the State Health Benefits Commission as expeditiously as is administratively feasible for: (1) State employees and employees of State authorities, State commissions, State colleges and State universities represented by bargaining units, to the extent permitted by contract; (2) employees paid through the State centralized payroll for whom there is no majority representative for collective negotiations purposes; and (3) employees of State authorities, State commissions, State colleges and State universities for whom there is no majority representative for collective negotiations purposes who receive health benefits through the State Health Benefits Program and such health benefits are funded in whole or in part by State appropriations.

9420 Other Inter-Departmental Accounts
DIRECT STATE SERVICES

04-9420 Other Inter-Departmental Accounts $63,142,000
Total Direct State Services Appropriation, Other Inter-Departmental Accounts $63,142,000

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of $5,000 shall be available for expenses of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State. ..... ($875,000)
04 Contingency Funds ..... (625,000)
04 Interest on Short Term Notes ..... (32,000,000)
04 Debt Issuance - Special Purpose ..... (1,100,000)
04 Catastrophic Illness in Children Relief Fund -- Employer Contributions ..... (125,000)
04 Payment of Military Leave Benefits ..... (350,000)
04 Statewide 911 Emergency Telephone System ..... (17,567,000)
04 Network Infrastructure ..... (6,968,000)
04 Garden State Network Infrastructure ..... (282,000)
04 Automated Document Factory ..... (450,000)
04 Automated Cartridge System Upgrade ..... (300,000)
04 Information Technology On-Line State Portal ..... .(1,000,000)
04 Office of Emergency Telecommunication Services ..... (1,500,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Of the amount hereinabove appropriated for the Statewide 911 Emergency Telephone System, an amount may be transferred to the Office of Information Technology 911 Contract Fees account and the Office of Information Technology Geographic Information Systems account to cover the cost of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to $50,000, from the Special Purpose amount hereinabove appropriated to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

Of the amount hereinabove appropriated for Information Technology On Line State Portal, an amount may be transferred to the Office of Information Technology New Jersey State Portal account to cover the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Office of Emergency Telecommunication Services, an amount may be transferred to the Office of Information Technology Office

of Emergency Telecommunication Services account to cover the cost of this program, subject to the approval of a spending plan to be submitted by the Office of Emergency Telecommunication Services to the Director of the Division of Budget and Accounting.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Emergency Services Council and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting. In the event that the Emergency Services Council is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Services Fund such sums as are required to meet the costs of any such emergency described above, and payments from the fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

There are appropriated such sums for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

The unexpended balance at the end of the preceding fiscal year in Payment of Military Leave Benefits is appropriated for the same purpose.

Of the amount hereinabove appropriated for Network Infrastructure, an amount may be transferred to the Office of Information Technology operating account to cover the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

04-9420 Other Inter-Departmental Accounts $14,925,000

Total Grants-in-Aid Appropriation, Other Inter-Departmental Accounts $14,925,000

Grants-in-Aid:

04 Enhanced 911 Grants ..... ($14,925,000)

Grant awards and expenditures supported by the appropriation for Enhanced 911 Grants shall be determined in accordance with the recommendations of an efficiency study prepared by the Rutgers University - Heldrich School as well as grant criteria to be jointly developed by the 911 Commission and the Department of the Treasury, the purpose of which will be to create incentives for the regional consolidation of 911 call services and public safety answering points. Of the amount hereinabove appropriated for the Enhanced 911 Grants, an amount may be transferred to the Office of Information Technology Enhanced 911 Grants account to cover the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Enhanced 911 Grants account is appropriated for the same purpose.

The unexpended balances from the preceding fiscal year for the Property Tax Assistance and Community Development Grants accounts, are appropriated. From this amount, $5,289,986 is allocated for the following projects, pursuant to previously executed grant agreements: Greater Egg Harbor Regional Board of Education, $650,000; Egg Harbor Township Board of Education, $393,000; Camden Redevelopment Agency, $1,650,000; Lawnside Borough, $50,000; Morris County Head Start, $196,986; Bayonne Community Mental Health Center, $50,000; Centenary College, $250,000; Seton Hall University, $250,000; Spectrum for Living, $62,500; Lawnside Borough,

$125,000; Caldwell College, $150,000; Home Front, Inc., $10,000; NJ Black Issues, $25,000; Walt Whitman Association, $1,000,000; Home Front, Inc., $25,000; Irvington Counseling Center, $25,000; North Ward Center, Inc., $200,000; YMCA of Eastern Union County, $10,000; Gloucester City, $75,000; Gloucester City $67,500; and Children's Aid and Family Services, Inc, $25,000. In addition, the following sums are allocated from this amount:

Companion Animal Rescue and Education (CARE) - Animal Rescue $5,000
Fair Haven Education Foundation $2,000
Hudson County Animal League (HCAL) - Animal Protection $5,000
Minding Our Business Program - Training and Mentoring Program $5,000
Newfield Borough - Restoration of War Memorial $5,000
First Presbyterian Church at Caldwell Music Series $5,000
Salvation Army Senior Center of Newark $5,000
Martin Luther King, Jr. Senior Center - Day Activities for Elderly $5,000
Sharsharet - Breast Cancer Programs $5,000
The RETROMEN - James Caldwell Higher School Choral Group - Operating Aid $5,000
Winfield Township - Firehouse Improvements $5,000
Cape May Point Borough - Historic Preservation Projects $10,000
Verona Rescue Squad $10,000
Edison SOS (Senior Outreach Services) - Community Programs $10,000
Glendora Fire Company - Handicapped Access $10,000
H.I.G.H.W.A.Y.S - Food Pantry and Clothing Relief for Needy Families .. $10,000
United Cerebral Palsy of Hudson County - Infant Stimulation Program $7,500
Catholic Charities (Camden) - Community Programs $10,000
Center for Food Action in New Jersey - Food Bank and Utility Assistance . $10,000
Cherry Hill - Community Center Renovations $10,000
Glassboro Borough - Senior Citizen Center Improvements $8,000
North Plainfield Lions Club - Community Programs $6,000
Gary Klausner Chesed Fund $15,000
The Source (Glen Rock) - Community and Counseling Programs $25,000
Bayonne Community Mental Health Center - Expand Adolescent Counsel $20,000
Newark Fire Dept Historical Association - State Caisson Unit $15,000
Carlstadt Borough Fire Department $25,000
Fort Lee - Capital Improvements $20,000
Hispanic Multi-Purpose Transportation Resources - Transportation for Children $25,000
Newark Beth Israel Medical Center - Colon Cancer Screening and Education $25,000
Newark Emergency Services for Families, Inc - Operating Assistance $25,000
Paramus - Rehabilitation of Michael Petruska Park $20,000
Puertorriquenos Asociados for Community Organization - Administrative Costs of Capital Enhancements $20,000
Carlstadt Fire Department - Equipment $25,000
Freehold Borough - Development of Plan for Downtown $25,000
Lyndhurst Parks and Recreation Department - Program for Disabled Children, and Equipment $25,000
Lyndhurst Public Safety Department - Equipment $25,000
North Jersey Youth Club - NANBPW - Youth Leadership Program $25,000
Oceanport - Recodification of Ordinances and Website Availability of Documents $25,000
Tinton Falls - Assist with Construction of New Library $25,000

Edison - Edison Senior Outreach program	$20,000
South Plainfield Board of Education - Cognitive Math Tutor Program/ Purchase of Computers	$25,000
South River - Office on Aging	$25,000
Spotswood - Capital Road Improvements	$25,000
Urban League of Hudson County - Community Programs	$25,000
George Street Playhouse - Education and Outreach Programs	$25,000
Bayonne Economic Opportunity Foundation - Housing Assistance Program	$50,000
Haledon - Bus for Senior Citizens	$50,000
Clayton - Recreation Center Building Expansion	$44,700
Bloomfield - Americans with Disabilities Act Compliance	$50,000
Hispanic Information Center (Passaic) - Facility Improvements	$26,000
Mill Hill Child & Family Development - Expansion of Programs	$30,000
Paramus - Petrusk Park Improvements	$30,000
The Apostles House - Food Pantry	$50,000
Wood-Ridge - Sidewalk Replacement Program	$50,000
L N Forbes Foundation Inc. - Mentoring and Counseling	$50,000
St Claire's HIV/AIDS Foundation - Services to Children Impacted by HIV/AIDS	$30,000
Marlboro - Upgrade Police Department Communications Systems	$50,000
East Brunswick Board of Education - Capital Improvements	$50,000
Belleville - Municipal Stadium	$400,000
Barrington - Deerfield Mews Park Renovations	$200,000
Camden Center for Youth Development - Capital Improvements	$200,000
Heritage and Agricultural Association	$75,000
Hoboken 9-11 Memorial - Construction Assistance	$110,000
Rutgers University Law School (Camden) - Juvenile Justice Clinical Program	$100,000
Donna Zangari Women's Pavilion at Hackensack University Medical Center	$250,000
West Caldwell - Crane Park	$85,000
Essex County Sheriff's Office	$180,000
North Bergen - Municipal Projects	$60,000
Robert Wood Johnson	$800,000
Nutley Township - Father Glotzbach Park Improvements	$200,000
Union City - Purchase of Vans for Senior Citizens	$125,000
Jewish Family Services (Teaneck) -- Aspergers program	$20,000
Saddle Brook -- New Police Station	$75,000
Cherry Hill - Recreation Improvements	$150,000
Plainfield - Network and Cabling Enhancements	$250,000
Barrington - Economic Revitalization Project	$150,000
Union City - Ambulance	$75,000
Muhlenberg Regional Center - New School of Nursing	$100,000
YMCA of Camden County - Visitors Center Project and Development of Training Programs	$100,000
Monroe Township Senior Center Construction Project	$100,000
Mount Ephraim - Sewer	$96,000
Deptford - Church Street Neighborhood Park and Allen Park	$80,000
Voorhees - 10 Mobile Data Transmitters	$70,000
Hamilton Township - Update and Expand Animal Shelter	$60,000
Magnolia - Replace Sewage Lines	$50,000
Manalapan - Recreation Center Expansion	$50,000

NJ Vietnam Veterans Memorial Foundation -
Services and Program at Memorial $50,000
Fanwood - Improvements to Fanwood Carriage House $50,000
Marlboro - Upgrade Police Department Communications Systems $50,000
Washington Township Park and Recreation -
Improvements to Athletic Center $45,000
Hamilton Township Restoration of Kuser Mansion $40,000
Millhill Child and Family Development $30,000
Manavi, Inc. - South Asian Victims of Domestic Violence Programs $25,000
Red Bank Education Foundation $25,000
Morris County Organization for Hispanic Affairs,
Educational Program Support $25,000
Trenton Animal Shelter - New Equipment $23,000

9430 Salary Increases and Other Benefits
DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits $115,360,000
Total Direct State Services Appropriation, Salary
Increases and Other Benefits $115,360,000
Special Purpose:
05 Salary Increases and Other Benefits .... ($177,860,000)
05 Unused Accumulated Sick
Leave Payments ..... (7,500,000)
Less:
05 Information Technology Efficiencies 20,000,000
05 Management Efficiencies 50,000,000

The sums hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any other law, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any sums appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The unexpended balance at the end of the preceding fiscal year in the Salary Increases and Other Benefits Account is appropriated for the same purposes.

In addition to the amount hereinabove for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

The Director of the Division of Budget and Accounting shall transfer from departmental operating appropriations Statewide that are available for payments for services provided for information technology amounts not to exceed $20,000,000 which are appropriated for the Salary Increases and Other Benefits program classification

Inter-Departmental Accounts, Total State Appropriation $3,190,740,000

Summary of Inter-Departmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $2,084,843,000
Grants-in-Aid 903,125,000
Capital Construction 202,772,000
Appropriations by Fund:
General Fund $3,190,740,000

THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services
DIRECT STATE SERVICES

01-9710	Supreme Court	$5,744,000
02-9715	Superior Court -- Appellate Division	20,053,000
03-9720	Civil Courts	95,274,000
04-9725	Criminal Courts	111,920,000
05-9730	Family Courts	100,225,000
06-9735	Municipal Courts	1,147,000
07-9740	Probation Services	120,123,000
08-9745	Court Reporting	8,368,000
09-9750	Public Affairs and Education	2,794,000
10-9755	Information Services	17,107,000
11-9760	Trial Court Services	74,414,000
12-9765	Management and Administration	14,581,000
	Total Direct State Services Appropriation, Judicial Services	$571,750,000

Direct State Services:
Personal Services:
Chief Justice ..... ($164,000)
Associate Justices ..... (951,000)
Judges ..... (61,295,000)
Salaries and Wages ..... (379,699,000)
Materials and Supplies ..... (7,755,000)
Services Other Than Personal ..... (32,549,000)
Maintenance and Fixed Charges ..... (1,852,000)
Special Purpose:
01 Rules Development ..... (200,000)
04 Drug Court Treatment/Aftercare ..... (20,618,000)
04 Drug Court Operations ..... (6,978,000)
04 Drug Court Judgeships ..... (1,498,000)
05 Child Placement Review Advisory Council .... (82,000)
05 Kinship Legal Guardianship ..... (3,361,000)

05 Child Support and Paternity Program
Title IV-D (Family Court) ..... (11,071,000)
07 Intensive Supervision Program ..... (11,630,000)
07 Juvenile Intensive Supervision Program .... (2,169,000)
07 Child Support and Paternity Program
Title IV-D (Probation) ..... (23,197,000)
11 Child Support and Paternity Program
Title IV-D (Trial) ..... (1,908,000)
12 Affirmative Action and Equal
Employment Opportunity ..... (770,000)
Additions, Improvements and Equipment ..... (4,003,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, receipts derived from fees under the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts appropriated hereinabove in the Drug Courts Treatment and Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for services provided to these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed $3,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Less:
Savings from Administrative Efficiencies $4,000,000
The Judiciary, Total State Appropriation $567,750,000

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $567,750,000
Appropriations by Fund:
General Fund $567,750,000

DEBT SERVICE
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration

99-4800 Interest on Bonds $14,844,000
99-4800 Bond Redemption 49,820,000
Total Debt Service Appropriation, Department of Environmental Protection $64,664,000
Special Purpose:
Interest:
Water Conservation Bonds (P.L.1969, c.127) .... ($73,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102) ..... (5,000)
Clean Waters Bonds (P.L.1976, c.92) ..... (13,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (105,000)
Natural Resources Bonds (P.L.1980, c.70) ..... (886,000)
Hazardous Discharge Bonds (P.L.1981, c.275) ... (122,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354) ..... (10,000)
Shore Protection Bonds (P.L.1983, c.356) ..... (2,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (305,000)
Hazardous Discharge Bonds (P.L.1986 c.113) . .(1,541,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (222,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (929,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (206,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (3,200,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (4,764,000)
Port of New Jersey Revitalization, Dredging, Bonds (P.L.1996, c.70) ..... (2,461,000)
Redemption:
Water Conservation Bonds (P.L.1969, c.127) ... (752,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102) ..... (152,000)
Clean Waters Bonds (P.L.1976, c.92) ..... (192,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (708,000)
Natural Resources Bonds (P.L.1980, c.70) .... (1,002,000)
Hazardous Discharge Bonds (P.L.1981, c.275) ... (622,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354) ..... (90,000)
Shore Protection Bonds (P.L.1983, c.356) ..... (51,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330) ..... (1,035,000)
Hazardous Discharge Bonds (P.L.1986, c.113) (10,026,000)

1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (580,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (6,649,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (470,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (13,071,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (11,745,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) ..... (2,675,000)

Total Debt Service Appropriation, Department of Environmental Protection $64,664,000

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
76 Management and Administration

99-2000 Interest on Bonds $158,695,000
99-2000 Bond Redemption 204,426,000
Total Debt Service Appropriation, Department of the Treasury .. $363,121,000
Special Purpose:
Interest:
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165) .... ($25,000)
Energy Conservation Bonds (P.L.1980, c.68) ..... (36,000)
Community Development Bonds (P.L.1981, c. 486) ..... (42,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157) ..... (7,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (144,624,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (571,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (491,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180) ..... (710,000)
Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .... (2,039,000)
Urban and Rural Centers Unsafe Buildings Demolition Bonds (P.L.1997, c.125) ..... (438,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) ..... (9,712,000)

Redemption:
- Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165) ..... (761,000)
- Energy Conservation Bonds (P.L.1980, c.68) .... (200,000)
- Community Development Bonds (P.L.1981, c.486) ..... (513,000)
- Human Services Facilities Construction Bonds (P.L.1984, c.157) ..... (228,000)
- Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (167,026,000)
- Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (5,317,000)
- Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (1,245,000)
- 1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180) ..... (3,428,000)
- Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .... (7,178,000)
- Urban and Rural Centers Unsafe Buildings Demolition Bonds (P.L.1999, c.181) ..... (3,370,000)
- Statewide Transportation and Local Bond Act of 1999 (P.L.1999, c.181) ..... (15,160,000)

Total Debt Service Appropriation, Department of The Treasury $363,121,000

Total Appropriation, Debt Service $427,785,000

Notwithstanding the provision of any law, rule or regulation to the contrary, such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds and/or repayments of loans from the applicable bond funds established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and/or principal on the bonds issued pursuant to such bond acts. Where required by law, such sums shall be used to fund a reserve for the payment of interest and/or principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts appropriated herein are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to reallocate amounts appropriated hereinabove among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

Summary of Appropriations – All Departments
(For Display Purposes Only)

Appropriations by Category:
- Direct State Services $6,169,852,000

Grants-in-Aid 10,463,650,000
State Aid 12,518,662,000
Capital Construction 1,238,779,000
Debt Service 427,785,000
Appropriation by Fund:
General Fund $18,849,621,000
Property Tax Relief Fund 11,428,981,000
Casino Revenue Fund 468,087,000
Casino Control Fund 72,039,000
Gubernatorial Elections Fund 0

Total Appropriation, All State Funds $30,818,728,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control $789,000
02-3320 Plant Pest and Disease Control 4,656,000
05-3330 Agriculture and Natural Resources 480,000
05-3350 Food and Nutrition Services 306,390,000
06-3360 Marketing and Development Services 446,000
08-3380 Farmland Preservation 9,429,000
Total Appropriation, Agricultural Resources, Planning, and Regulation $322,190,000
Personal Services:
Salaries and Wages ..... ($7,201,000)
Employee Benefits ..... (1,252,000)
Materials and Supplies ..... (456,000)
Services Other Than Personal ..... (1,573,000)
Maintenance and Fixed Charges ..... (327,000)
Special Purpose:
National Animal Identification Infrastructure ..... (92,000)
Cooperative Gypsy Moth Suppression ..... (600,000)
Food Stamp - TEFAP ..... (250,000)
Other Special Purpose ..... (69,000)
State Aid and Grants:
Farmland Preservation ..... (2,500,000)
Child Nutrition -- School Lunch ..... (174,300,000)
Child Nutrition -- Special Milk ..... (1,600,000)
Child Nutrition -- School Breakfast ..... (46,200,000)
Child Care Food ..... (62,700,000)
Child Care Sponsor ..... (1,700,000)
Cash in Lieu of Commodities ..... (3,020,000)
Child Nutrition -- Summer Programs ..... (9,000,000)
Summer Sponsor Administration ..... (850,000)
Team Nutrition Training ..... (70,000)
State Aid and Grants ..... (3,600,000)
Additions, Improvements and Equipment ..... (4,830,000)

Total Appropriation, Department of Agriculture $322,190,000

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development, and Security
45 Social Services Programs

01-1610	Child Protective and Permanency Services	$230,905,000
02-1620	Child Behavioral Health Services	135,043,000
03-1630	Prevention and Community Partnership Services	8,503,000
04-1600	Education Services	2,116,000
05-1600	Child Welfare Training Academy Services and Operations	1,788,000
99-1600	Administration and Support Services	3,095,000
99-1610	Administration and Support Services	16,153,000
99-1620	Administration and Support Services	2,931,000
	Total Social Services Program	$400,534,000
Personal Services:		
	Salaries and Wages	($162,755,000)
Materials and Supplies		(2,065,000)
Services Other Than Personal		(15,094,000)
Maintenance and Fixed Charges		(12,362,000)
Special Purpose:		
	Child Welfare Reform Title IV-E	(2,697,000)
	Child Welfare Reform Title XIX	(3,843,000)
	Safety and Permanency in the Courts	(500,000)
State Aid and Grants		(189,264,000)
Additions, Improvements and Equipment		(11,954,000)
	Total Appropriation, Department of Children and Families	$400,534,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management

02-8020	Housing Services	$213,552,000
06-8015	Uniform Construction Code	31,000
18-8017	Uniform Fire Code	28,000
	Total Appropriation, Community Development Management	$213,611,000
Personal Services:		
	Salaries and Wages	($11,251,000)
	Employee Benefits	(3,683,000)
Materials and Supplies		(204,000)
Services Other Than Personal		(1,983,000)
Maintenance and Fixed Charges		(1,537,000)
Special Purpose:		
	Shelter Plus Care Program	(73,000)
	Moderate Rehabilitation Housing Assistance	(63,000)
	Section 8 Housing Voucher Program	(748,000)
	Housing Opportunities for Persons with AIDS	(26,000)
	Small Cities Block Grant Program	(26,000)
	Other Special Purpose	(58,000)
State Aid and Grants:		
	Transitional Housing - Homeless	(136,000)
	Housing Opportunities for Persons with AIDS Post-Incarcerated	(807,000)
State Aid and Grants		(192,906,000)
Additions, Improvements and Equipment		(110,000)

50 Economic Planning, Development and Security
55 Social Services Programs

05-8050	Community Resources	$68,453,000
15-8051	Women's Programs	1,444,000
	Total Appropriation, Social Services Programs	$69,897,000
Personal Services:		
	Salaries and Wages	($2,123,000)
	Employee Benefits	(697,000)
Materials and Supplies		(13,000)
Services Other Than Personal		(148,000)
Maintenance and Fixed Charges		(28,000)
Special Purpose:		
	Rape Prevention and Education	(3,000)
	Other Special Purpose	(166,000)
State Aid and Grants:		
	Rape Prevention and Education	(1,116,000)
State Aid and Grants		(65,570,000)
Additions, Improvements and Equipment		(33,000)

Total Appropriation, Department of Community Affairs $283,508,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

08-7040	Institutional Care and Treatment	$161,000
08-7050	Institutional Care and Treatment	96,000
08-7060	Institutional Care and Treatment	89,000
08-7065	Institutional Care and Treatment	97,000
08-7070	Institutional Care and Treatment	94,000
08-7075	Institutional Care and Treatment	88,000
08-7080	Institutional Care and Treatment	245,000
08-7085	Institutional Care and Treatment	82,000
08-7090	Institutional Care and Treatment	93,000
08-7110	Institutional Care and Treatment	337,000
08-7120	Institutional Care and Treatment	205,000
08-7130	Institutional Care and Treatment	226,000
13-7025	Institutional Program Support	8,296,000
	Total Appropriation, Detention and Rehabilitation	$10,109,000
Personal Services:		
	Salaries and Wages	($1,612,000)
	Employee Benefits	(525,000)
Materials and Supplies		(18,000)
Services Other Than Personal		(17,000)
Special Purpose:		
	Edna Mahan Visitation Program	(65,000)
	Title I - Neglected and Delinquent	(24,000)
	Individuals with Disabilities Act -- Part B	(24,000)
	Crime Prevention Funding	(300,000)
Gang Awareness and Prevention Program:		
	Field Initiated Demo Program	(296,000)
	SSA Incentive Payments	(50,000)
	Body Alarms Justice Technology Grant	(500,000)
	State Criminal Alien Assistance Program	(4,597,000)

DOE Grant - Life Skills for State and Local Prisoners . . . . . (426,000)
Project In-Side . . . . . (586,000)
Prisoner Reentry Initiative Grant - Atlantic County . . . . . (450,000)
Prisoner Reentry Initiative Grant - Essex County . . (450,000)
National Institute of Justice Grant for Corrections Research - Esca . . . . . (130,000)
National Institute of Justice Grant for Corrections Research - Mega . . . . . (39,000)

17 Parole

03-7010 Parole $454,000
Total Appropriation, Parole $454,000
Special Purpose:
Weed and Seed Communities . . . . . ($175,000)
Justice and Mental Health Collaboration . . . . . (50,000)
VISTA State . . . . . (10,000)
State Aid and Grants . . . . . (219,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services $191,000
Total Appropriation, Central Planning, Direction and Management . $191,000
Special Purpose . . . . . ($157,000)
Special Purpose:
Other Special Purpose . . . . . (34,000)

Total Appropriation, Department of Corrections $10,754,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

05-5060 Bilingual Education $20,250,000
05-5064 Bilingual Education 1,280,000
06-5060 Programs for Disadvantaged Youth 283,388,000
06-5063 Programs for Disadvantaged Youth 2,710,000
06-5064 Programs for Disadvantaged Youth 999,000
07-5060 Special Education 309,172,000
07-5065 Special Education 34,198,000
Total Appropriation, Direct Educational Services and Assistance $651,997,000
Personal Services:
Salaries and Wages . . . . . ($10,003,000)
Employee Benefits . . . . . (3,276,000)
Materials and Supplies . . . . . (123,000)
Services Other Than Personal . . . . . (19,518,000)
Special Purpose:
Language Acquisition State Grants . . . . . (48,000)
Language Acquisition Discretionary Admin . . . . . (640,000)
Migrant Education -- Administration/Discretionary . (57,000)
Title I -- Reading First State Grant . . . . . (179,000)
Reading First Discretionary Admin . . . . . (1,139,000)
Bilingual and Compensatory Education -- Homeless Children and Youth . . . . . (99,000)

Even Start Family Literacy Grant -- Discretionary .. (5,000)
Title I - Administration Program Improvement .... (87,000)
State Improvement Grant, Administration ..... (587,000)
Individuals with Disabilities Education Act --
Basic State Grant .....(825,000)
Individuals with Disabilities Education Act--
Preschool Grants ..... (28,000)
Pre-School Regional T.A. Project LRC -- Central .. (49,000)
IDEA Part B -- Discretionary Administration ... (2,522,000)
State Aid and Grants ..... (612,810,000)
Additions, Improvements and Equipment ..... (2,000)0

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf $778,000
Total Appropriation, Operation and Support
of Educational Institutions $778,000
Personal Services:
Salaries and Wages ..... ($342,000)
Employee Benefits ..... (113,000)
Services Other Than Personal ..... (15,000)
Special Purpose:
IDEA (State Institutions), Handicapped ..... (207,000)
State Aid and Grants ..... (101,000)

33 Supplemental Education and Training Programs

20-5060 General Vocational Education $23,041,000
20-5062 General Vocational Education 3,609,000
Total Appropriation, Supplemental Education
and Training Programs $26,650,000
Personal Services:
Salaries and Wages ..... ($1,966,000)
Employee Benefits ..... (644,000)
Materials and Supplies ..... (40,000)
Services Other Than Personal ..... (146,000)
Special Purpose:
Vocational Education -- Basic Grants,
Administration ..... (107,000)
Vocational Education -- Title II B
Leadership Activities ..... (706,000)
State Aid and Grants ..... (23,041,000)

34 Educational Support Services

30-5060 Educational Programs and Assessment 71,020,000
30-5063 Educational Programs and Assessment 18,293,000
31-5060 Grants Management 2,339,000
32-5061 Professional Development and Licensure 100,000
40-5060 Health, Safety, and Community Services 25,472,000
40-5064 Health, Safety, and Community Services 4,104,000
Total Appropriation, Educational Support Services $121,328,000
Personal Services:
Salaries and Wages ..... ($3,172,000)
Employee Benefits ..... (1,097,000)
Materials and Supplies ..... (13,000)

Services Other Than Personal ..... (2,639,000)
Special Purpose:
State Assessments ..... (204,000)
Mathematics and Science Partnerships Grants .. (2,804,000)
Step Up - Teacher Recruitment ..... (85,000)
State Grants for Improving Teacher Quality ... (1,043,000)
National Assessment of Educational Progress
State Coordinator ..... (4,000)
Foreign Language Assistance ..... (150,000)
Public Charter Schools ..... (53,000)
Grants Management ..... (353,000)
Troops-to-Teachers Program ..... (9,000)
Rural and Low Income Families ..... (2,000)
21st Century Schools ..... (675,000)
AIDS Prevention Education ..... (51,000)
SDFSCA -- Governor's Portion --
Program Expenses ..... (736,000)
SDFSCA -- Governor's Portion, Admin ..... (5,000)
Character Education Partnership ..... (5,000)
Other Special Purpose ..... (52,000)
State Aid and Grants ..... (108,154,000
Additions, Improvements and Equipment ..... (22,000)

35 Education Administration and Management

99-5060 Administration and Support Services $5,256,000
99-5093 Administration and Support Services 136,000
99-5095 Administration and Support Services 4,600,000
Total Appropriation, Education Administration and Management . $9,992,000
Personal Services:
Salaries and Wages ..... ($3,281,000)
Employee Benefits ..... (1,074,000)
Special Purpose:
NCES Performance Based Data
Management Initiative ..... .(11,000)
Improving America's Schools Act -- Consolidated
Administration ..... (49,000)
Enhancing Education Thru Technology ..... (11,000)
Other Special Purpose ..... (310,000)
State Aid and Grants ..... (5,256,000)

Total Appropriation, Department of Education $810,745,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management $6,465,000
12-4875 Parks Management 35,352,000
13-4880 Hunters' and Anglers' License Fund 12,815,000
14-4885 Shellfish and Marine Fisheries Management 3,505,000
20-4880 Wildlife Management 1,630,000
21-4895 Natural Resources Engineering 390,000
Total Appropriation, Natural Resource Management $60,157,000

Personal Services:
Salaries and Wages ($3,714,000)
Employee Benefits (1,162,000)
Materials and Supplies (1,333,000)
Services Other Than Personal (2,919,000)
Maintenance and Fixed Charges (415,000)
Special Purpose:
Rural Community Fire Protection Program (47,000)
Forest Resource Management -- Cooperative Forest Fire Control (1,218,000)
Asian Longhorned Beetle Project (85,000)
Southern Pine Beetle (100,000)
Gypsy Moth Suppression (70,000)
Countywide Wildfire Defense (50,000)
Consolidated Forest Management (613,000)
Assistance to Firefighters - Wildfire and Arson Prevention (200,000)
Firewise in the Pines (200,000)
Wildland/Urban Interface II (100,000)
Defensible Space (400,000)
Conservation Education (20,000)
Incentives Program (200,000)
Forest Health Monitoring (13,000)
Land and Water Conservation Fund (5,000,000)
Pinelands Grant -- Acquisition (6,000,000)
Historic Preservation Survey & Planning (269,000)
Endangered Plant Species Supplemental Funding (4,000)
Sussex Branch Trail Improvements (500,000)
Seashore Line (500,000)
Delaware and Raritan Canal East Side Path (ISTEA) (565,000)
Forest Legacy (10,000,000)
Forest Legacy Administration (40,000)
National Recreational Trails (222,000)
National Coastal Wetlands Conservation (1,000,000)
Sussex Branch Trail Connector (ISTEA) (100,000)
Cape May Point State Park Bikeway (ISTEA) (200,000)
Liberty State Park Ferry Slip Restoration (ISTEA) (1,600,000)
Paulinskill Valley Trail Improvements (ISTEA) (605,000)
Delaware & Raritan Canal State Park Old Rose to Mulberry St. (ISTEA) (900,000)
Liberty State Park Train Sheds -- Structural Report (ISTEA) (500,000)
Liberty State Park Archival Facility (ISTEA) (660,000)
Delaware and Raritan Canal State Park/Bordentown Outlet (ISTEA) (1,250,000)
Appalachian Trail Improvement (ISTEA) (50,000)
Archaeological & History/GIS Inventory (1,500,000)
D&R Canal Rt. #1 Crossing (ISTEA) (1,575,000)
NJ Coastal Heritage Program (90,000)
State Wetlands Conservation Plan (174,000)
Hunters' and Anglers' License Fund (925,000)

Hunter Safety Training . . . . . (220,000)
Endangered Species . . . . . (17,000)
Hunter's & Anglers License Fund/N.J.
Statewide Fisheries Development . . . . . (445,000)
Boat Access (Fish and Wildlife) . . . . . (1,000,000)
Investigation and Management of Nongame
Freshwater Fisheries . . . . . (150,000)
Grassland Habitat Project . . . . . (200,000)
NJ Landowner Incentive Program -
Tier 2 (2 Yr. Projects) . . . . . (300,000)
NJ Landowner Incentive Program - Tier 2
(10 Yr. Projects) . . . . . (1,200,000)
NJ Landowner Incentive Program - Tier 2
(5 Yr. Projects) . . . . . (200,000)
Wildlife Management Area Planning . . . . . (110,000)
Fish & Wildlife Input to Activities-
Projects of Others . . . . . (156,000)
State Wildlife Grant Projects . . . . . (1,500,000)
Lower Cohansey Watershed . . . . . (1,000,000)
Shortnose Sturgeon Research . . . . . (150,000)
Northern Bobwhite Evaluation in New Jersey . . . . (125,000)
Avian Influenza . . . . . (100,000)
Chronic Wasting Disease . . . . . (50,000)
NJ Fish, Wildlife and Anadromous Fishery
Coordination . . . . . (62,000)
Research In Freshwater Fisheries Management . . . . (95,000)
Wildlife Education . . . . . (285,000)
Fish, Culture and Stocking Project . . . . . (200,000)
Aquatic Recreational Resource Awareness &
Education Project . . . . . (70,000)
Wildlife Research and Management . . . . . (90,000)
Fish and Wildlife Health . . . . . (51,000)
Marine Fisheries Investigation and Management . (199,000)
Fisheries Management Council . . . . . (30,000)
Atlantic Coastal Fisheries . . . . . (94,000)
Inventory of New Jersey Surf Clam Resource . . . . . (20,000)
Artificial Reef Program -- PSE&G/NJPDES
Permit Fees . . . . . (97,000)
Clean Vessels . . . . . (310,000)
Marine Fisheries Law Enforcement . . . . . (250,000)
Atlantic Coastal Cooperative Program . . . . . (200,000)
US Army Corps of Engineers Beachnesters . . . . . (80,000)
NJ Field Office -- Bog Turtle Cooperative
Agreement . . . . . (50,000)
Endangered and Nongame Species Program
State Wildlife Grants . . . . . (435,000)
Community Assistance Program . . . . . (54,000)
National Dam Safety Program (FEMA) . . . . . (40,000)
Other Special Purpose . . . . . (1,135,000)
State Aid and Grants . . . . . (1,790,000)
Additions, Improvements and Equipment . . . . . (509,000)

43 Science and Technical Programs

05-4840	Water Supply	$22,200,000
07-4850	Water Monitoring and Standards	5,250,000
15-4801	Land Use Regulation	8,300,000
15-4890	Land Use Regulation	2,275,000
18-4810	Science, Research and Technology	1,465,000
22-4861	New Jersey Geological Survey	350,000
90-4801	Watershed Management	6,387,000
	Total Appropriation, Science and Technical Programs	$46,227,000
Personal Services:		
	Salaries and Wages	($5,083,000)
	Employee Benefits	(1,262,000)
Materials and Supplies		(102,000)
Services Other Than Personal		(4,771,000)
Maintenance and Fixed Charges		(36,000)
Special Purpose:		
	Safe Drinking Water Act	(221,000)
	Drinking Water State Revolving Fund	(20,000,000)
	Water Pollution Control Program	(888,000)
	Ocean Hypoxia Study	(500,000)
	Assessing New Jersey's Bays	(100,000)
	Clean Lakes Program	(500,000)
	Regional Environmental Monitoring and Assessment Program Benthik	(400,000)
	Coastal Zone Management Implementation	(624,000)
	Coastal Estuarine Land Program	(6,000,000)
	State Wetlands Conservation Plan	(775,000)
	Coastal Zone Management Grant - Section 309	(119,000)
	Hudson River Waterfront Walkway - Castle Point (ISTEA)	(1,000,000)
	Coastal Zone Management - 310	(107,000)
	Urban Community Air Toxics Program	(49,000)
	Multimedia	(275,000)
	Offshore Beach Replenishment	(150,000)
	National Geologic Mapping Program	(86,000)
	Conashank Point	(215,000)
	Water Pollution Control	(4,000)
	Coastal Wetlands Conservation (Land Acquisition)	(1,000,000)
	Water Monitoring and Planning	(102,000)
	Non-Point Source Implementation (319H)	(649,000)
	Beach Monitoring and Notification	(271,000)
	Other Special Purpose	(888,000)
State Aid and Grants		(50,000)

44 Site Remediation and Waste Management

19-4815	Publicly-Funded Site Remediation	$30,450,000
23-4815	Solid and Hazardous Waste Management	360,000
23-4910	Solid and Hazardous Waste Management	2,035,000
27-4815	Remediation Management and Response	5,555,000
	Total Appropriation, Site Remediation	$38,400,000
Personal Services:		
	Salaries and Wages	($2,581,000)

Employee Benefits ..... (843,000)
Materials and Supplies ..... (42,000)
Services Other Than Personal ..... (291,000)
Maintenance and Fixed Charges ..... (28,000)
Special Purpose:
Superfund Grants ..... (30,000,000)
Hazardous Waste -- Resource Conservation Recovery Act ..... (940,000)
Preliminary Assessments/Site Inspections ..... (500,000)
Brownfields ..... (1,600,000)
Underground Storage Tanks ..... (586,000)
Underground Storage Tanks ..... (59,000)
Other Special Purpose ..... (896,000)
Additions, Improvements and Equipment ..... (34,000)

45 Environmental Regulation

01-4820 Radiation Protection $500,000
02-4892 Air Pollution Control 10,165,000
09-4860 Public Wastewater Facilities 44,035,000
16-4891 Water Monitoring and Planning 710,000
Total Appropriation, Environmental Regulation $55,410,000
Personal Services:
Salaries and Wages ..... ($2,891,000)
Employee Benefits ..... (946,000)
Materials and Supplies ..... (98,000)
Services Other Than Personal ..... (275,000)
Maintenance and Fixed Charges ..... (73,000)
Special Purpose:
Radon Program ..... (140,000)
Air Pollution Maintenance Program ..... (4,750,000)
BioWatch Monitoring ..... (330,000)
Particulate Monitoring Grant ..... (817,000)
Clean Water State Revolving Fund ..... (44,035,000)
National Pollutant Discharge Elimination System Implementation ..... (600,000)
Other Special Purpose ..... (192,000)
Additions, Improvements and Equipment ..... (263,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs $150,000
99-4800 Administration and Support Services 2,400,000
Total Appropriation, Environmental Planning and Administration . $2,550,000
Special Purpose:
New Jersey Classroom Reform Grant ..... ($150,000)
National Information Exchange Network ..... (2,300,000)
National Spatial Data Infrastructure ..... (100,000)

47 Compliance and Enforcement Policy

02-4855 Air Pollution Control $1,802,000
04-4835 Pesticide Control 740,000
08-4855 Water Pollution Control 1,000,000
15-4855 Land Use Regulation 600,000
23-4855 Solid and Hazardous Waste Management 2,500,000
Total Appropriation, Compliance and Enforcement Policy $6,642,000

Personal Services:
Salaries and Wages ..... ($2,592,000)
Employee Benefits ..... (846,000)
Materials and Supplies ..... (20,000)
Services Other Than Personal ..... (109,000)
Maintenance and Fixed Charges ..... (14,000)
Special Purpose:
Air Pollution Maintenance Program ..... (576,000)
Pesticide Recording Program ..... (10,000)
Pesticide Control Consolidated ..... (79,000)
Southern New Jersey Drinking Water Sampling Project ..... (50,000)
Pesticide Food Quality Protection ..... (70,000)
Pesticide Mosquito Control Project ..... (50,000)
Multi-Media Enforcement Grant ..... (1,000,000)
Coastal Zone Management Implementation ..... (310,000)
Hazardous Waste -- Resource Conservation Recovery Act ..... (326,000)
Other Special Purpose ..... (590,000)

Total Appropriation, Department of Environmental Protection .. $209,386,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services

01-4215	Vital Statistics	$1,100,000
02-4220	Family Health Services	170,302,000
03-4230	Public Health Protection Services	76,472,000
08-4280	Laboratory Services	5,394,000
12-4245	AIDS Services	80,758,000
	Total Appropriation, Health Services	$334,026,000

Personal Services:
Salaries and Wages ..... ($38,604,000)
Employee Benefits ..... (12,628,000)
Materials and Supplies ..... (2,926,000)
Services Other Than Personal ..... (15,431,000)
Maintenance and Fixed Charges ..... (1,182,000)
Special Purpose:
Supplemental Food Program -- Women, Infants, and Children ..... (76,026,000)
WIC Farmer's Market Nutrition Program ..... (1,975,000)
Other Special Purpose ..... (5,826,000)
State Aid and Grants:
Preventative Health and Health Services Block Grant ..... (1,060,000)
State Office of Rural Health ..... (150,000)
National Cancer Prevention and Control ..... (3,330,000)
West Nile Virus - Public Health ..... (727,000)
Health Program for Indochinese Refugees ..... (118,000)
Federal Lead Abatement Program ..... (84,000)
Immunization Project ..... (2,637,000)
Research on Ecology of Lyme Disease in US .... (325,000)
Emergency Preparedness For Bioterrorism .... (19,640,000)

State Aid and Grants ..... (149,512,000)
Additions, Improvements and Equipment ..... (1,845,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems $16,872,000
07-4270 Health Care Systems Analysis 122,712,000
Total Appropriation, Health Planning and Evaluation $139,584,000
Personal Services:
Salaries and Wages ..... ($8,020,000)
Employee Benefits ..... (2,667,000)
Materials and Supplies ..... (76,000)
Services Other Than Personal ..... (1,008,000)
Maintenance and Fixed Charges ..... (770,000)
Special Purpose:
Long Term Care -- Medicaid ..... (590,000)
Nurse Aide Certification Program ..... (1,000,000)
Other Special Purpose ..... (5,153,000)
State Aid and Grants:
State Aid and Grants ..... (119,694,000)
Additions, Improvements and Equipment ..... (606,000)

25 Health Administration

99-4210 Administration and Support Services $4,868,000
Total Appropriation, Health Administration $4,868,000
Personal Services:
Salaries and Wages ..... ($1,321,000)
Employee Benefits ..... (438,000)
Materials and Supplies ..... (40,000)
Services Other Than Personal ..... (1,328,000)
Special Purpose:
Other Special Purpose ..... (422,000)
State Aid and Grants:
Preventative Health and Health Services Block .... (52,000)
Minority AIDS Demo ..... (81,000)
State Aid and Grants ..... (1,062,000)
Additions, Improvements and Equipment ..... (124,000)

26 Senior Services

22-4275 Medical Services for the Aged $1,132,803,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled 3,842,000
55-4275 Programs for the Aged 47,201,000
57-4275 Office of the Public Guardian 951,000
Total Appropriation, Senior Services $1,184,797,000
Personal Services:
Salaries and Wages ..... ($10,827,000)
Employee Benefits ..... (2,680,000)
Materials and Supplies ..... (288,000)
Services Other Than Personal ..... (2,023,000)
Maintenance and Fixed Charges ..... (461,000)
Special Purpose:
Administration of U.S. Department of Health
and Human Services Programs ..... (6,894,000)
ADM DHSS Federal Programs -- SBUM ..... (746,000)

Other Special Purpose . . . . . (5,240,000)
State Aid and Grants:
Alternate Family Care . . . . . (2,500,000)
Assisted Living Residence . . . . . (17,000,000)
Comprehensive Personal Care Home . . . . . (15,000,000)
Assisted Living Program . . . . . (28,181,000)
Counseling on Health Insurance for Medicare Enrollees . . . . . (272,000)
Social Services Block Grant -- Senior Services . . (2,422,000)
NJ Ease for Caregivers -- Building Support Systems . . . . . (124,000)
State Aid and Grants . . . . . (1,089,780,00
Additions, Improvements and Equipment . . . . . (359,000)

Total Appropriation, Department of Health and Senior Services $1,663,275,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

08-7700 Community Services $14,077,000
99-7700 Administration and Support Services 11,767,000
Total Appropriation, Division of Mental Health Services $25,844,000
Personal Services:
Salaries and Wages . . . . . ($510,000)
Special Purpose:
Fraud and Abuse Initiative . . . . . (719,000)
Title XIX Indirect Costs . . . . . (11,048,000)
State Aid and Grants . . . . . (13,567,000)

24 Special Health Services

21-7540 Health Services Administration and Management $77,318,000
22-7540 General Medical Services 2,404,835,000
Total Appropriation, Division of Medical Assistance and Health Services $2,482,153,000
Personal Services:
Salaries and Wages . . . . . ($21,497,000)
Materials and Supplies . . . . . (180,000)
Services Other Than Personal . . . . . (6,300,000)
Maintenance and Fixed Charges . . . . . (2,511,000)
Special Purpose:
Payments to Fiscal Agent . . . . . (32,191,000)
Professional Standards Review Organization -- Utilization Review . . . . . (3,537,000)
Drug Utilization Review Board -- Administrative Costs . . . . . (60,000)
NJ KidCare A -- Administration . . . . . (4,280,000)
NJ KidCare B-C- D -- Administration . . . . . (6,382,000)
State Aid and Grants:
Payments for Medical Assistance Recipients -- Personal Care . . . . . (22,566,000)
Managed Care Initiative . . . . . (668,925,000)
Hospital Health Care Subsidy . . . . . (30,655,000)

Hospital Relief Offset Payment ..... (70,845,000)
Payments for Medical Assistance Recipients --
Other Treatment Facilities ..... (6,352,000)
Payments for Medical Assistance
Recipients -- Inpatient Hospital ..... (478,318,000)
Payments for Medical Assistance
Recipients -- Prescription Drugs ..... (342,718,000)
Payments for Medical Assistance
Recipients -- Outpatient Hospital ..... (163,068,000)
Payments for Medical Assistance
Recipients -- Physician Services ..... (31,327,000)
Payments for Medical Assistance
Recipients -- Home Health Care ..... (13,560,000)
Payments for Medical Assistance
Recipients -- Medicare Premiums ..... (111,825,000)
Payments for Medical Assistance
Recipients -- Dental Services ..... (13,441,000)
Payments for Medical Services
Recipients -- Psychiatric Hospital ..... (10,494,000)
Payments for Medical Services
Recipients -- Medical Supplies ..... (19,451,000)
Payments for Medical Services
Recipients -- Clinic Services ..... (84,064,000)
Payments for Medical Services
Recipients -- Transportation Services .... (33,229,000)
Payments for Medical Services
Recipients -- Other Services ..... (19,810,000)
Home Health Background Checks --
Title XIX Federal matching funds ..... (1,800,000)
Eligibility Determination Services ..... (4,876,000)
Health Benefit Coordination Services ..... (8,853,000)
State Aid and Grants ..... (268,658,000)
Additions, Improvements and Equipment ..... (380,000)

27 Disability Services

27-7545 Division of Disability Services $184,541,000
Total Appropriation, Disability Services $184,541,000
Personal Services:
Salaries and Wages ..... ($492,000)
Materials and Supplies ..... (4,000)
Services Other Than Personal ..... (31,000)
State Aid and Grants ..... (184,014,000)

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care $188,767,000
02-7601 Social Supervision and Consultation 46,492,000
03-7601 Adult Activities 42,872,000
05-7610 Residential Care and Habilitation Services 8,735,000
05-7620 Residential Care and Habilitation Services 44,804,000
05-7630 Residential Care and Habilitation Services 26,532,000
05-7640 Residential Care and Habilitation Services 33,445,000
05-7650 Residential Care and Habilitation Services 40,833,000

05-7660	Residential Care and Habilitation Services	42,532,000
05-7670	Residential Care and Habilitation Services	34,571,000
99-7600	Administration and Support Services	7,436,000
99-7610	Administration and Support Services	2,756,000
99-7620	Administration and Support Services	2,271,000
99-7630	Administration and Support Services	2,035,000
99-7640	Administration and Support Services	4,101,000
99-7650	Administration and Support Services	6,489,000
99-7660	Administration and Support Services	2,055,000
99-7670	Administration and Support Services	4,053,000
	Total Appropriation, Operation and Support of Educational Institutions	$540,779,000
	Personal Services:	
	Salaries and Wages	($289,814,000)
	Materials and Supplies	(34,000)
	Services Other Than Personal	(34,000)
	Maintenance and Fixed Charges	(2,000)
	State Aid and Grants	(250,895,000)

33 Supplemental Education and Training Programs

11-7560	Services for the Blind and Visually Impaired	$9,909,000
99-7560	Administration and Support Services	2,208,000
	Total Appropriation, Supplemental Education and Training Programs	$12,117,000
	Personal Services:	
	Salaries and Wages	($5,678,000)
	Materials and Supplies	(70,000)
	Services Other Than Personal	(770,000)
	Maintenance and Fixed Charges	(325,000)
	State Aid and Grants	(4,969,000)
	Additions, Improvements and Equipment	(305,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security

15-7550	Income Maintenance Management	$879,343,000
	Total Appropriation, Economic Assistance and Security	$879,343,000
	Personal Services:	
	Salaries and Wages	($18,319,000)
	Materials and Supplies	(432,000)
	Services Other Than Personal	(14,685,000)
	Maintenance and Fixed Charges	(1,148,000)
	Special Purpose:	
	Electronic Benefits Transfer, Evaluation & Development, Food Stamps	(240,000)
	Work First New Jersey -- Electronic Benefits Transfer -- Design & Development	(64,000)
	Work First New Jersey Technology Investment -- Food Stamps	(6,977,000)
	EBT -- Operational Food Stamp Match for CWA's	(1,650,000)
	Work First New Jersey -- Benefits Transfer Operational	(311,000)

Work First New Jersey -- Technology Investments ..... (4,135,000)
Child Support Medical Notice ..... (938,000)
Work First New Jersey - Technology Investment - TANF/CCDF ..... (2,375,000)
Federal Energy Assistance Program ..... (430,000)
Work First New Jersey -- Technology Investments -- Title XIX ..... (3,156,000)
Hospital Paternity Program ..... (959,000)
Work First New Jersey -- Technology Investment -- Title IV-D ..... (23,263,000)
Work First New Jersey -- Child Support -- Program Legislative Initiatives ..... (8,864,000)
SSI Attorney Fees ..... (1,000,000)
Child Support Initiatives -- New Hires-- TANF ..... (6,000)
State Aid and Grants:
Faith Based Initiatives ..... (1,055,000)
Domestic Violence and Prevention Training and Assessment ..... (450,000)
SSBG CWA Administration TANF Transfer .. (2,814,000)
State Aid and Grants ..... (785,908,000)
Additions, Improvements and Equipment ..... (164,000)

55 Social Services Programs

09-7555 Addiction Services $60,092,000
Total Appropriation, Social Services Programs $60,092,000
Personal Services:
Salaries and Wages ..... ($6,560,000)
Materials and Supplies ..... (72,000)
Services Other Than Personal ..... (1,389,000)
State Aid and Grants:
Substance Abuse Block Grant ..... (43,791,000)
State Aid and Grants ..... (8,000,000)
Additions, Improvements and Equipment ..... (280,000)

70 Government Direction, Management and Control
76 Management and Administration

94-7500 Children's Services Support $1,766,000
99-7500 Administration and Support Services 79,660,000
Total Appropriation, Division of Management and Budget $81,426,000
Personal Services:
Salaries and Wages ..... ($5,037,000)
Materials and Supplies ..... (4,000)
Maintenance and Fixed Charges ..... (32,000)
Special Purpose:
Community Based Residential Program Grant ..... (1,000,000)
Head Start State Collaboration Project ..... (175,000)
Federal Cost Recoveries ..... (39,701,000)
Child Support Enforcement Program ..... (299,000)
Title IV-B Child Welfare Services ..... (134,000)
Title IV-E Foster Care ..... (288,000)

Low Income Energy Assistance Block Grant .... (126,000)
Title XIX, ICF/MR ..... (8,243,000)
Title XIX, Medical Assistance ..... (2,600,000)
Refugee Resettlement Program ..... (18,000)
Social Service Block Grant ..... (2,326,000)
Vocational Rehabilitation Act -- Section 120 .... (100,000)
Food Stamp Program ..... (447,000)
Temporary Assistance to Needy Families
Block Grant ..... (604,000)
State Aid and Grants ..... (20,292,000)

Total Appropriation, Department of Human Services $4,266,295,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Analysis $9,829,000
Total Appropriation, Economic Planning and Development $9,829,000
Personal Services:
Salaries and Wages ..... ($5,716,000)
Employee Benefits ..... (1,897,000)
Materials and Supplies ..... (170,000)
Services Other Than Personal ..... (731,000)
Maintenance and Fixed Charges ..... (173,000)
Special Purpose:
Reports and Analysis -- Unemployment Insurance . (25,000)
E S 202 Covered Employment and Wages ..... (86,000)
Current Employment Statistics ..... (78,000)
Local Area Unemployment Statistics ..... (17,000)
Occupational Employment Statistics ..... (116,000)
Labor Market Information -- ES ..... (10,000)
ES Cost Reimbursable Grants -- Alien Labor
Certification ..... (1,000)
Permanent Mass Layoff Plant Closings ..... (15,000)
Current Employment Statistics Additional to
Maintain Current Issue ..... (2,000)
ES 202 Related ..... (1,000)
Redesigned Occupational Safety
and Health (ROSH) ..... (26,000)
One Stop Labor Market Information ..... (117,000)
Occupation Safety and Health Administration
Data Collection Survey ..... (10,000)
JTPA Title III LMI -- PROS ..... (356,000)
Occupational Information Coordinating Program ... (5,000)
Other Special Purpose ..... (26,000)
State Aid and Grants:
JTPA Title III CIDS ..... (62,000)
Additions, Improvements and Equipment ..... (189,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

01-4510 Vocational Rehabilitation Services $117,516,000

02-4515 Disability Determination 50,176,000
Total Appropriation, Economic Assistance and Security $167,692,000
Personal Services:
Salaries and Wages ..... ($84,707,000)
Employee Benefits ..... (25,632,000)
Materials and Supplies ..... (2,098,000)
Services Other Than Personal ..... (17,523,000)
Maintenance and Fixed Charges ..... (11,720,000)
Special Purpose:
Unemployment Insurance ..... (2,538,000)
Reed Act Improvements ..... (10,000,000)
Employment Security Revenue ..... (666,000)
Disability Determination Services ..... (3,450,000)
State Aid and Grants ..... (8,758,000)
Additions, Improvements and Equipment ..... (600,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services $51,673,000
09-4545 Employment Services 37,988,000
10-4545 Employment and Training Services 142,437,000
12-4550 Workplace Standards 4,116,000
Total Appropriation, Manpower and Employment Services $236,214,000
Personal Services:
Salaries and Wages ..... ($52,654,000)
Employee Benefits ..... (14,862,000)
Materials and Supplies ..... (623,000)
Services Other Than Personal ..... (7,807,000)
Maintenance and Fixed Charges ..... (6,476,000)
Special Purpose:
Vocational Rehabilitation Act of 1973 ..... (1,500,000)
Work Incentive -- Project Access ..... (1,000)
Employment Services ..... (1,500,000)
Employment Service Intermittents ..... (100,000)
Disabled Veterans' Outreach Program ..... (442,000)
Local Veterans' Employment Representatives .... (228,000)
Trade Adjustment Assistance Project ..... (5,000)
Employment Services Grants -- Alien Labor Certification ..... (100,000)
Work Opportunity Tax Credit ..... (72,000)
Employment Services Cost Reimbursable Grants -- Migrant Housing ..... (5,000)
Agricultural Wage Surveys ..... (3,000)
Employment Services Reemployment Services ... (109,000)
Workforce Investment Act ..... (275,000)
Employment Services Rapid Response Team .... (115,000)
Workforce Investment Act -- Title IIID Discretionary Funding ..... (200,000)
National Council on Aging -- Senior Community Services Employment ..... (47,000)
Adult and Continuing Education -- Workforce Investment Act ..... (89,000)
Adult Basic Ed Leadership ..... (1,007,000)
Adult Basic Ed Civics Administration ..... (63,000)

Adult Basic Education Civics Leadership ..... (290,000)
Occupational Safety Health Act, On-Site Consultation ..... (141,000)
Other Special Purpose ..... (949,000)
State Aid and Grants:
Technology Related Assistance Project ..... (350,000)
Adult Basic Ed Non-Administration ..... (10,903,000)
Adult Basic Ed Civics Non Administration .... (3,130,000)
State Aid and Grants ..... (131,541,000)
Additions, Improvements and Equipment ..... (627,000)

Total Appropriation, Department of Labor and Workforce Development $413,735,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

06-1200 State Police Operations $76,383,000
09-1020 Criminal Justice 35,039,000
Total Appropriation, Law Enforcement $111,422,000
Personal Services:
Salaries and Wages ..... ($10,938,000)
Food in Lieu of Cash ..... (10,000)
Cash in Lieu of Maintenance ..... (234,000)
Employee Benefits ..... (2,007,000)
Special Purpose:
Federal Highway Hazardous Materials Transportation ..... (78,000)
Domestic Marijuana Eradication Suppression Program ..... (89,000)
Flood Mitigation Assistance ..... (946,000)
Forensic Science Improvement Program ..... (1,000,000)
National Forensic Sciences Improvement Act Program ..... (500,000)
Internet Crimes Against Children ..... (500,000)
Convicted Offender In-House (DNA) ..... (1,500,000)
State Homeland Security Grant Program ..... (17,653,000)
Hazardous Materials Transportation ..... (362,000)
Protecting Our Urban Areas ..... (34,330,000)
Pre-Disaster Mitigation - Competitive ..... (2,500,000)
NIEHS Worker Health Safety Training ..... (43,000)
Incident Command ..... (580,000)
Emergency Performance Management Grant -- Non-Terrorism ..... (3,121,000)
Pre-Disaster Mitigation Grant -- FEMA ..... (500,000)
Buffer Zone Protection ..... (2,731,000)
Casework DNA Backlog Reduction Program ... (1,300,000)
Bulletproof Vest Partnership ..... (850,000)
High Intensity Drug Trafficking Area (HIDTA) ... (50,000)
Justice Assistance Grant (JAG) ..... (10,500,000)
State Aid and Grants ..... (17,600,000)
Additions, Improvements and Equipment ..... (1,500,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	$27,465,000
21-1400 Regulation of Alcoholic Beverages	360,000
25-1421 Election Management and Coordination	2,210,000
Total Appropriation, Special Law Enforcement Activities	$30,035,000
Personal Services:	
Salaries and Wages	($1,354,000)
Employee Benefits	(442,000)
Materials and Supplies	(269,000)
Services Other Than Personal	(44,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Federal Highway Safety Program-State Match	(243,000)
FHWA Program Management	(2,000)
Pedestrian Safety Grant	(149,000)
Selective Enforcement Management	(523,000)
Prevent Operations of Motor Vehicles by Intoxicated Persons	(1,000,000)
Highway Safety -- Alcohol Education and Public Awareness Coordinator	(119,000)
Child Passenger Protection Education	(500,000)
Safety Belt Performance Grants - Section 406	(3,500,000)
Drunk Driver Prevention - Section 410	(3,000,000)
Innovative Seat Belt Use	(2,500,000)
Paid Advertising	(200,000)
State Traffic Safety Information System	(1,500,000)
Motorcycle Safety	(750,000)
Child Safety/Child Booster Seats	(1,250,000)
Racial Profiling - Section 1906	(500,000)
Combating Underage Drinking	(360,000)
Help America Vote Act	(2,210,000)
Other Special Purpose	(125,000)
State Aid and Grants:	
Pedestrian Safety Grant	(286,000)
Safety Incentive Grants	(2,000,000)
Innovative Seat Belt Use	(2,500,000)
State Aid and Grants	(4,693,000)
Additions, Improvements and Equipment	(3,000)

18 Juvenile Services

34-1500 Juvenile Community Programs	$3,338,000
99-1500 Administration and Support Services	3,836,000
Total Appropriation, Juvenile Services	$7,174,000
Personal Services:	
Salaries and Wages	($2,076,000)
Employee Benefits	(648,000)
Special Purpose:	
Juvenile Mentoring Programs -- Juvenile Justice Initiative	(61,000)
Juvenile Accountability Incentive Block Grant	(1,200,000)
Title V Funding	(1,500,000)
Other Special Purpose	(279,000)
State Aid and Grants	(1,410,000)

19 Central Planning, Direction and Management

99-1000 Administration and Support Services $7,000,000
Total Appropriation, Central Planning, Direction and Management $7,000,000
Special Purpose:
Special Purpose ..... ($5,000,000)
National Criminal History Program -- OAG .... (2,000,000)

80 Special Government Services
82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights $715,000
19-1440 Victims of Crime Compensation Board 7,000,000
Total Appropriation, Protection of Citizens' Rights $7,715,000
Personal Services:
Salaries and Wages ..... ($715,000)
State Aid and Grants ..... (7,000,000)

Total Appropriation, Department of Law and Public Safety $163,346,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice
14 Military Services

40-3620 New Jersey National Guard Support Services $21,919,000
99-3600 Administration and Support Services 22,200,000
Total Appropriation, Military Services $44,119,000
Personal Services:
Salaries and Wages ..... ($7,689,000)
Employee Benefits ..... (938,000)
Materials and Supplies ..... (8,434,000)
Services Other Than Personal ..... (1,689,000)
Maintenance and Fixed Charges ..... (231,000)
Special Purpose:
Dining Facility Operations ..... (700,000)
Army National Guard Transportation ..... (125,000)
Federal Distance Learning Program ..... (200,000)
Atlantic City Environmental ..... (1,000)
Armory Renovations and Improvements ..... (1,900,000)
New Jersey National Guard Counter Drug Program Interservice State ..... (12,000)
Combined Logistics Facility ..... (22,200,000)

80 Special Government Services
83 Services to Veterans

20-3630 Domiciliary and Treatment Services $1,900,000
20-3640 Domiciliary and Treatment Services 2,658,000
20-3650 Domiciliary and Treatment Services 1,550,000
50-3610 Veterans' Outreach and Assistance 943,000
70-3610 Burial Services 12,000,000
Total Appropriation, Services to Veterans $19,051,000
Personal Services:
Salaries and Wages ..... ($371,000)
Employee Benefits ..... (121,000)
Materials and Supplies ..... (12,091,000)

Special Purpose:
Medicare Part A Receipts for Resident Care and Operational Costs ..... (6,108,000)
Transitional Housing ..... (360,000)

Total Appropriation, Department of Military and Veterans' Affairs $63,170,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE
80 Special Government Services
82 Protection of Citizens' Rights

03-8411 Mental Health Advocacy $223,000
04-8440 Elder Advocacy $800,000
Total Appropriation, Protection of Citizens' Rights $1,023,000
Personal Services:
Salaries and Wages ..... ($330,000)
Special Purpose:
Medicaid Reimbursement ..... (223,000)
Ombudsperson - Institutionalized Elderly ..... (470,000)
Total Appropriation, Department of the Public Advocate $1,023,000

74 DEPARTMENT OF STATE
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services

45-2405 Student Assistance Programs $25,512,000
80-2400 Statewide Planning and Coordination of Higher Education 3,500,000
Total Appropriation, Higher Educational Services $29,012,000
Personal Services:
Salaries and Wages ..... ($8,924,000)
Employee Benefits ..... (3,074,000)
Materials and Supplies ..... (462,000)
Services Other Than Personal ..... (8,858,000)
Maintenance and Fixed Charges ..... (967,000)
Special Purpose:
Student Loan Administrative Cost Deduction and Allowance ..... (280,000)
Other Special Purpose ..... (195,000)
State Aid and Grants ..... (5,220,000)
Additions, Improvements and Equipment ..... (1,032,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts $750,000
06-2535 Museum Services 715,000
10-2570 Public Broadcasting Services 625,000
Total Appropriation, Cultural and Intellectual Development Services $2,090,000
Personal Services:
Salaries and Wages ..... ($83,000)
Employee Benefits ..... (37,000)
Special Purpose:
National Endowment for the Arts Partnership ..... (62,000)
National Telecommunications Information Agency ..... (625,000)

State Aid and Grants:
National Endowment for the Arts Partnership .... (568,000)
State Aid and Grants ..... (715,000)

70 Government Direction, Management, and Control
74 General Government Services

01-2505 Office of the Secretary of State $5,676,000
Total Appropriation, General Government Services $5,676,000
Personal Services:
Salaries and Wages ..... ($464,000)
Employee Benefits ..... (156,000)
Services Other Than Personal ..... (184,000)
State Aid and Grants ..... (4,872,000)

Total Appropriation, Department of State $36,778,000

78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State and Local Highway Facilities

00-6300 Federal Highway Administration $933,880,690
02-6200 Highway Planning and Research Program 17,300,000
02-6200 Metropolitan Planning Funds 12,039,000
02-6200 National Boating Infrastructure Grant 1,600,000
02-6200 New Jersey Transportation Planning Assistance 3,800,000
71-6200 Supportive Services 500,000
Total Appropriation, State and Local Highway Facilities $969,119,690

Route	Description	County	Amount
	Federal Highway Administration		
	69th Street Bridge	Hudson	($10,000,000)
	Accident Reduction Program	Various	(5,237,000)
	Atlantic Highlands Ferry	Monmouth	(3,000,000)
	Barclay Street Viaduct	Passaic	(3,500,000)
	Betterments, Bridge Preservation	Various	(4,000,000)
	Bicycle & Pedestrian Facilities/ Accommodations	Various	(5,000,000)
	Bloomfield Avenue Bridge over Montclair Line	Essex	(325,000)
CR 615, 673	Bordentown Avenue/Ernston Road, Intersection Improvements	Middlesex	(1,000,000)
	Bridge Deck Replacement Program	Various	(24,871,000)
	Bridge Inspection, Local Bridges	Various	(7,430,000)
	Bridge Inspection, State NBIS Bridges	Various	(13,650,000)
	Bridge Management System	Various	(240,000)
	Bridge Painting Program	Various	(18,320,000)
	Bridge Scour Countermeasures	Various	(4,300,000)
	Burlington County Computerized Signal Control, Phase V	Burlington	(2,500,000)
	Burlington County Traffic Operations Center	Burlington	(75,000)
	Camden County Bus Purchase	Camden	(100,000)
	Camden Ferry System	Camden	(2,000,000)

	CARGOMATE	Essex Union	(750,000)
	Carteret Ferry Service Terminal	Middlesex	(1,008,000)
	Carteret Industrial Road	Middlesex	(2,075,299)
	Castle Point Walkway, Phase 2	Hudson	(1,480,000)
	Central Avenue, Roadway Resurfacing and Improvements	Essex	(6,000,000)
	Clean Cities Program	Various	(500,000)
CR 538	Coles Mill Road Bridge over Scotland Run	Gloucester	(1,000,000)
CR 581	Commissioners Pike, Phase III, Woodstown Road to Watson Mill Road	Salem	(325,000)
CR 581	Commissioners Pike, Woodstown-Daretown Road to Route 40, Phase IV	Salem	(175,000)
	Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(3,500,000)
	DBE Supportive Services Program	Various	(500,000)
	Delaware River Heritage Trail, Burlington/Mercer	Burlington Mercer	(400,000)
	Delaware River Tram	Camden	(8,200,795)
CR646	Delilah Road Bridges over Route 30, Railroad and Water Mains	Atlantic	(17,925,000)
	Delsea Scenic Byway	Salem Cumberland Cape May	(135,000)
	Design, Emerging Projects	Various	(2,600,000)
	Disadvantaged Business Enterprise	Various	(100,000)
	Drainage Rehabilitation, Federal	Various	(3,000,000)
	DVRPC Project Development (Local Scoping)	Various	(2,000,000)
	DVRPC, Future Projects	Various	(2,816,000)
	East Coast Greenway, Middlesex/ Union Counties	Middlesex Union	(250,000)
	Eden Lane Bridge over Whippany River	Morris	(3,515,000)
	Eighth Street Bridge over Hospitality Branch	Atlantic	(250,000)
	Elizabeth Ferry Project	Union	(9,500,000)
	Elmer Road, South East Boulevard to Main Road	Cumberland	(460,000)
	Emergency Service Patrol	Various	(10,100,000)
	Ferry Program	Various	(10,000,000)
	Freight Program	Various	(1,384,000)
	Garden State Parkway Interchange Improvements in Cape May	Cape May	(1,230,644)
CR 554	Garden State Parkway, Interchange 67, at Bay Avenue	Ocean	(12,000,000)
	Gloucester County Bus Purchase	Gloucester	(65,000)
	Gloucester County Resurfacing	Gloucester	(1,500,000)
	Halls Mill Road	Monmouth	(1,000,000)
CR 616	Hanover Street Bridge over Rancocas Creek	Burlington	(500,000)
CR 702	Hazel Street Reconstruction	Passaic	(4,200,000)
	Helen Street, Antonett Street to Metuchen Road	Middlesex	(2,145,000)

	Hudson River Waterfront Walkway	Hudson	(661,333)
	Inamere Road Bridge over Whippany River	Morris	(2,900,000)
	Intelligent Transportation Systems	Various	(500,000)
	Intersection Improvement Program	Various	(1,000,000)
CR 552	Irving Avenue (CR 552), Lebanon Road to East Avenue	Cumberland	(800,000)
	ITS Coalition Funding	Various	(1,755,000)
	JFK Boulevard/32nd Street Pedestrian Crossing	Hudson	(400,000)
	Kapkowski Road, North Avenue and Trumbull Street	Union	(3,336,000)
	Local CMAQ Initiatives	Various	(2,680,000)
	Local Safety Program	Various	(2,500,000)
	Local Scoping Support	Various	(500,000)
	Long Branch Ferry Terminal	Monmouth	(803,000)
	Long Valley Safety Project	Morris	(480,000)
CR 555	Main Road, East Chestnut Avenue to East Walnut Road	Cumberland	(550,000)
	Maple Avenue (Vineland), Main Road to Brewster Road	Cumberland	(580,000)
	Market Street/Essex Street/ Rochelle Avenue	Bergen	(3,844,123)
	Median Crossover Crash Prevention Program	Various	(7,000,000)
	Mercer County Reflective Pavement Markings	Mercer	(500,000)
	Metropolitan Planning	Various	(1,472,000)
CR 621	Middle Thorofare, Mill Creek, Upper Thorofare Bridges	Cape May	(960,000)
	Monmouth County Bridges W7, W8, W9 over Glimmer Glass and Debbie's Creek	Monmouth	(3,000,000)
CR 623	New Bridge Road Bridge	Salem	(100,000)
	NJTPA Project Development	Various	(2,000,000)
	NJTPA, Future Projects	Various	(1,781,000)
	North Sinatra Drive	Hudson	(1,954,933)
	NY Susquehanna and Western Rail Line Bicycle/Pedestrian Path	Morris Passaic	(1,500,000)
	Ocean View Operational Improvements	Cape May	(500,000)
	Orphan Bridge Reconstruction	Various	(5,000,000)
	Ozone Action Program in New Jersey	Various	(40,000)
	Park and Ride/Transportation Demand Management Program	Various	(8,000,000)
	Paterson Hamburg Turnpike Over Pequannock River	Passaic Morris	(200,000)
	Pavement Management System	Various	(4,000,000)
	Pavement Preservation	Various	(3,000,000)
CR 551	Pennsville-Auburn Road, Penns Grove-Auburn Road to Perkintown Road, Phase II	Salem	(500,000)
	Pre-Apprenticeship Training Program for Minorities and Females	Various	(500,000)
	Princeton Township Roadway Improvements	Mercer	(498,900)

	Project Development, Feasibility Assessment	Various	(3,250,000)
	Project Development, Preliminary Design	Various	(30,000,000)
	Quality Assurance	Various	(1,500,000)
	Rail Grade Crossing Technologies, Demonstration Project	Various	(100,000)
	Rail Highway Grade Crossing Program, Cape May Seashore Lines	Cape May	(500,000)
	Rail-Highway Grade Crossing Program, Federal	Various	(5,000,000)
	Real-time Traveler Information	Various	(1,000,000)
	Recreational Trails Program	Various	(1,217,000)
	Reformatory Road Bridge (C-88) over Beaver Brook	Hunterdon	(240,000)
	Restriping Program	Various	(10,400,000)
	Right of Way Full-Service Consultant Term Agreements	Various	(200,000)
	Rockafellows Mill Road Bridge over South Branch of Raritan River (RQ-164)	Hunterdon	(225,000)
	Route 17 at Passaic Street, Roadway Improvements	Bergen	(5,400,000)
	Rutgers Transportation Safety Resource Center	Various	(1,300,000)
	Safe Corridors Program	Various	(2,500,000)
	Safe Routes to Schools Program	Various	(2,544,000)
	Safety Management System	Various	(7,000,000)
	Salem County Roadway Striping Program	Salem	(171,000)
CR 625	Sea Isle Blvd., Section II, Garden State Parkway to Ludlams Thorofare	Cape May	(100,000)
	Secaucus Connector	Hudson	(3,587,847)
CR 585	Shore Road/Main Street (CR 585), Thompson Avenue to Illinois Avenue	Atlantic	(850,000)
CR 684	Smithville Road Bridge over Rancocas Creek	Burlington	(300,000)
	South Amboy Intermodal Center	Middlesex	(13,292,500)
CR 533	South Main Street/Finderne Avenue Bridge over Raritan River	Somerset	(10,100,000)
CR 530	South Pemberton Road	Burlington	(4,650,596)
	South Salem Street Bridge over NJT Morristown Line	Morris	(11,024,000)
	Sparta Stanhope Road Bridge (Sussex County Bridge K-07) over Lackawanna Cutoff	Sussex	(9,670,000)
	Speed Limit/No Passing Zone Review	Various	(1,000,000)
	STAR: Station Revitalization Program	Various	(1,000,000)
	State Police Enforcement and Safety Services	Various	(4,000,000)
	State Police Safety Patrols	Various	(2,000,000)
	Statewide Incident Management Program	Various	(2,000,000)
	Statewide Traffic Operations Center (STOC)	Various	(2,000,000)
CR 605	Sussex County Route 605 Connector	Sussex	(480,000)
CR 563	Tilton Road (CR 563), Delilah Road to Pomona Road (AKA Wrangleboro Road)	Atlantic	(1,015,000)

CR 563	Tilton Road (CR 563), Pomona Road (AKA Wrangleboro Road) to Route 30	Atlantic	(815,000)
	TMA-DRVPC	Various	(2,100,000)
	TMA-NJTPA	Various	(3,700,000)
CR 607	Tomlin Station Road Bridges over Nehonsey Brook and White Sluice Race	Gloucester	(1,900,000)
	Traffic Monitoring Systems	Various	(8,500,000)
	Traffic Operations Center (North)	Various	(5,500,000)
	Traffic Operations Center (South)	Various	(6,000,000)
	Traffic Signal Replacement	Various	(5,000,000)
	Traffic Signal Timing and Optimization	Various	(1,700,000)
	Training and Employee Development	Various	(1,800,000)
	TRANSCOM Traffic and Incident Management	Various	(500,000)
	Transit Village Program	Various	(2,000,000)
	TransitChek Mass Marketing Efforts--New Jersey	Various	(40,000)
	Transportation and Community Development Initiative (TCDI) DVRPC	Various	(500,000)
	Transportation and Community System Preservation Program	Various	(4,850,000)
	Transportation Demand Management Program Support	Various	(230,000)
	Transportation Enhancements	Various	(10,000,000)
	Trenton Amtrak Bridges	Mercer	(3,500,000)
	Trenton Intelligent Transportation System, SCADA System (Phase A)	Mercer	(1,600,000)
CR 631	Tuckahoe Road, Dennisville-Petersburg Road to Butter Road	Cape May	(1,250,000)
	Union City Intermodal Facility, Bergenline Avenue	Hudson	(2,050,199)
	Van Dyke Road and Greenwood Avenue Bridges over Trenton Branch	Mercer	(500,000)
	Waterfront Walkway, North Sinatra Drive to Sinatra Drive	Hudson	(9,160,000)
	Wildwood Traffic Signal Upgrade Program	Cape May	(400,000)
	Youth Employment and TRAC Programs	Various	(250,000)
1	Loring Avenue, Drainage Improvements	Middlesex	(531,000)
1	Middlesex County Corridor Study	Middlesex	(1,000,000)
1	North of Ryders Lane to south of Milltown Road (6V)	Middlesex	(3,750,000)
1	South of Pierson Avenue to North of Garden State Parkway (7L)	Middlesex	(33,948,000)
1&9 (1K 3M)	Production Way to East Lincoln Avenue	Middlesex Union	(18,100,000)
1&9	Pulaski Skyway, Interim Repairs	Hudson Essex	(10,000,000)
1&9	Secaucus Road to Broad Avenue (28)	Hudson Bergen	(25,935,124)
1&9T	St. Paul's Avenue/Conrail Bridge (25)	Hudson	(7,708,850)
3 46	Valley Road and Notch/Rifle Camp Road Interchange	Passaic	(8,000,000)
5	Bergen County, Drainage Improvements	Bergen	(600,000)

7	Hackensack River Bridge (Wittpen Bridge) (2)	Hudson	(6,000,000)
9	Bay Avenue/Cedar Street, Drainage Improvements	Ocean	(600,000)
9	Bennett's Crossing, Intersection Improvements	Cape May	(800,000)
9	Breakwater Road Extension	Cape May	(800,000)
CR 613			
9	Green Street Interchange	Middlesex	(1,000,000)
9	Lacey Road Intersection Improvements	Ocean	(1,000,000)
9	Northfield Sidewalk Replacement	Atlantic	(700,000)
9	Pohatcong Lake Dam	Ocean	(620,000)
9	Robertsville Road Intersection		
CR 520	Improvements	Monmouth	(905,685)
9	Vicinity of Robertsville Road to Vicinity	Monmouth	
	of Texas Road, Operational Improvements	Middlesex	(794,500)
9	Westecunk Creek Bridge (34)	Ocean	(1,000,000)
9W	Improvements at I-95/Rt. 4	Bergen	(2,950,000)
10	Rockfall Mitigation, Vicinity of Summit Street	Essex	(700,000)
17	Essex Street Bridge (3)	Bergen	(15,744,293)
17	NYS&W Bridge	Bergen	(1,051,089)
17	Railroad Avenue, Drainage Improvements	Bergen	(650,000)
17	Route 120 (Paterson Plank Road) to Garden State Parkway	Bergen	(1,380,359)
18	Route 1 to Northeast Corridor Amtrak Line north of Route 27 (2F 7E 11H)	Middlesex	(34,477,000)
21	Hamilton Street Bridge over Route 21	Essex	(400,000)
21	Newark Waterfront Community Access	Essex	(1,300,000)
21 Fwy	Park Avenue Interchange, Safety Improvements	Essex	(500,000)
21 Fwy	Route 3 Interchange, Safety Improvements	Passaic	(200,000)
22	Chimney Rock Road Interchange Improvements	Somerset	(13,321,246)
22	Mountain Avenue, Drainage Improvements	Union	(550,000)
22	Sustainable Corridor Short-term projects	Somerset	(1,984,000)
22	Weequahic Park Drainage Improvements	Union Essex	(500,000)
23	Hardyston Twp., Silver Grove Road to Holland Mountain Road	Sussex	(3,750,000)
23 80	Long-term Interchange Improvements	Passaic Essex	(480,000)
23	Sussex Borough Realignment & Papakating Creek Bridge	Sussex	(1,510,000)
27	Renaissance 2000, Bennetts Lane to Somerset Street	Middlesex Somerset	(1,000,000)
29	Boulevard, Cass Street to North of Calhoun Street	Mercer	(250,000)
29	Boulevard, North of Calhoun Street to Sullivan Way	Mercer	(250,000)
29	Delaware River Pedestrian/Bike Path, Stacy Park to Assunpink Creek	Mercer	(1,036,138)
29 179	Lambertville Gateways	Hunterdon	(300,000)

30 130	Collingswood Circle (PhaseA) Elimination, Comly Avenue to PATCO Bridge	Camden	(10,538,000)
31	Flemington Area Congestion Mitigation	Hunterdon	(2,200,000)
35 36	Eatontown	Monmouth	(2,000,000)
35	Eatontown Borough Intersection Improvements	Monmouth	(1,000,000)
35	Restoration, Mantoloking to Point Pleasant (MP 9 -12.5)	Ocean	(1,700,000)
35	Shrewsbury Borough Intersection Improvements	Monmouth	(1,000,000)
46	Franklin Road Pedestrian Improvements	Morris	(5,470,000)
46	Little Ferry Circle, Operational and Safety Improvements	Bergen	(6,000,000)
46	Passaic Avenue to Willowbrook Mall	Essex Passaic	(400,000)
460/23	Route 23 & 80 Interchange Improvements (43)	Passaic	(13,000,000)
50	Tuckahoe River Bridge (2E 3B)	Cape May Atlantic	(1,000,000)
52	Causeway Replacement, Contract A	Cape May	(15,000,000)
56	Maurice River Bridge Replacement	Salem Cumberland	(8,000,000)
57 CR 519	CR 519 Intersection Improvement	Warren	(1,300,000)
70	Manasquan River Bridge (4)	Monmouth Ocean	(13,500,000)
72	Manahawkin Bay Bridges	Ocean	(1,490,250)
78	Edna Mahan Frontage Road	Hunterdon	(1,000,000)
78 CR 513	Pittstown Road (Exit 15), Interchange Improvements	Hunterdon	(480,000)
78	Union County Rehabilitation, Contract A	Union	(20,838,000)
80	Rockfall Mitigation, Allamuchy Township	Warren	(700,000)
80	Rockfall Mitigation, Roxbury Township	Morris	(400,000)
130	Campus Drive	Burlington	(1,000,000)
130	Pedestrian Bridge, Washington Twp.	Mercer	(2,306,474)
139	Contract 2 (12th Street Viaduct, 14th Street Viaduct)	Hudson	(31,000,000)
139	Traffic Mitigation	Hudson	(5,000,000)
166	Dover Twp., Highland Parkway to Old Freehold Road, operational improvements	Ocean	(6,500,000)
168	I-295 Interchange Improvements	Camden	(250,000)
181	Green Road, Drainage Improvements	Sussex	(770,000)
183 46	NJ TRANSIT Bridge/Netcong Circle	Morris	(2,600,000)
195	Hamilton Twp. Noise Barriers, Lakeside Dr. to Yardville-Hamilton Square Rd.	Mercer	(500,000)
195	I-295 Interchange to East of Lakeside Drive, Resurfacing	Mercer	(3,490,000)
206	South Broad Street Bridge over Assunpink Creek	Mercer	(700,000)
280	Garden State Parkway, Interchange 145	Essex	(9,125,000)
280	Passaic River Bridge (AKA Stickel Bridge), rehabilitation	Essex Hudson	(13,210,000)

295 42/ I-76	Direct Connection, Camden County	Camden	(2,100,000)
295 42	Missing Moves, Bellmawr	Camden	(5,206,513)
295	Paulsboro Brownfields Access	Gloucester	(1,000,000)
295	Tomlin Station Road to Route 45, Rehabilitation	Gloucester	(27,133,000)
440	High Street Connector	Middlesex	(4,700,000)
440	Southbound, I-95 (NJ Tpk) Interchange to South of Kreil Ave, Resurfacing	Middlesex	(4,800,000)

62 Public Transportation

00-6310	Federal Highway Administration.	$76,000,000
96-6310	Federal Transit Administration	503,604,000
	Total Appropriation, Public Transportation	$579,604,000

Description	County	Amount
Federal Highway Administration		
Access to Region's Core (ARC)	Various	($37,000,000)
AMTRAK Agreements	Various	(500,000)
Operating Assistance Start-Up New Transit Services	Various	(18,000,000)
Other Rail Station/Terminal Improvements	Various	(5,000,000)
Transit Enhancements	Various	(500,000)
Transit Rail Initiatives	Various	(15,000,000)
Federal Transit Administration		
Access to Region's Core (ACR)	Various	(4,000,000)
ADA--Platforms/Stations	Various	(3,352,000)
Bus Acquisition Program	Various	(55,100,000)
Bus Passenger Facilities/Park and Ride	Various	(1,003,000)
Cumberland County Bus Program	Cumberland	(980,000)
Hoboken Terminal/Yard Rehabilitation	Hudson	(762,000)
Hudson/Bergen LRT System MOS II	Hudson	(105,866,000)
Job Access and Reverse Commute Program	Various	(4,000,000)
Newark City Subway Downtown Extension	Essex	(1,413,000)
Newark Penn Station	Various	(201,000)
Other Rail Station/Terminal Improvements	Various	(6,357,000)
Preventive Maintenance-Bus	Various	(91,675,000)
Preventive Maintenance-Rail	Various	(143,120,000)
Private Carrier Equipment Program	Various	(38,300,000)
Rail Rolling Stock Procurement	Various	(22,483,000)
River LINE LRT	Camden Burlington Mercer	(201,000)
Section 5310 Program	Various	(3,700,000)
Section 5311 Program	Various	(4,590,000)
Small/Special Services Program	Various	(2,753,000)
Study and Development	Various	(1,250,000)
Transit Enhancements	Various	(577,000)
Transit Rail Initiatives	Various	(11,921,000)

64 Regulation and General Management

05-6070	Access and Use Management	$32,965,000
	Total Appropriation, Regulation and General Management	$32,965,000

Special Purpose:
Aviation Block Grant Program ..... ($10,000,000
Motor Carrier Safety Assistance Program ..... (6,965,000)
Homeland Security ..... (16,000,000)

Total Appropriation, Department of Transportation $1,581,688,690

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development and Security
52 Economic Regulation

54-2007 Utility Regulation $600,000
56-2014 Energy Resource Management 4,019,000
Total Appropriation, Economic Regulation $4,619,000
Personal Services:
Salaries and Wages ..... ($946,000)
Employee Benefits ..... (309,000)
Materials and Supplies ..... (51,000)
Services Other Than Personal ..... (2,011,000)
Maintenance and Fixed Charges ..... (110,000)
Special Purpose:
Division of Gas Expansion ..... (600,000)
Diamond Shamrock Administration ..... (42,000)
State Aid and Grants:
Future Industries ..... (500,000)
Additions, Improvements and Equipment ..... (50,000)

70 Government Direction, Management, and Control
74 General Government Services

40-2034 Office of Information Technology $900,000
Total Appropriation, General Government Services $900,000
Special Purpose:
NJ Partnership for the National Map ..... ($900,000)

80 Special Government Services
82 Protection of Citizens' Rights

57-2048 Trial Services to Indigents and Special Programs $1,228,000
Total Appropriation, Protection of Citizens' Rights $1,228,000
Personal Services:
Salaries and Wages ..... ($69,000)
Employee Benefits ..... (19,000)
Materials and Supplies ..... (1,000)
Special Purpose:
State Legal Services Office ..... (1,000)
State Aid and Grants ..... (1,138,000)

Total Appropriation, Department of the Treasury $6,747,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

05-9730	Family Courts	$26,822,000
07-9740	Probation Services	53,178,000
11-9760	Trial Court Services	4,002,000
	Total Appropriation, Judicial Services	$84,002,000
Personal Services:		
	Salaries and Wages	($54,262,000)
	Employee Benefits	(17,772,000)
Materials and Supplies		(10,000)
Services Other Than Personal		(3,729,000)
Special Purpose:		
	NJ State Court Improvement Grant	(475,000)
	State Access and Visitation Program	(254,000)
State Aid and Grants		(7,500,000)

Total Appropriation, Judiciary $84,002,000

Total Appropriation, Federal Funds $10,317,176,690

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of $500,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are

received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances at the end of the preceding fiscal year of federal funds are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 2006 of any unexpended balances which are continued.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 2007, reports on proposed expenditures during the current fiscal year for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, appropriated in the current fiscal year, may be made through the receipt of public bids or as

an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. The equipment, goods or services purchased by a local government unit shall be referred to in the grant agreement issued by the State administrative agency administering such funds and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit, the State Administrative agency and the Division of Local Government Services in the Department of Community Affairs. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. All homeland security purchases herein shall continue to be subject to all grant requirements and conditions approved by the State administrative agency. The Director of the Division of Purchase and Property may enter into or participate in purchasing agreements with one or more other states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods or services, using monies appropriated under this act, to meet the domestic preparedness and homeland security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Grand Total Appropriation, All Funds $41,135,904,690

2. All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds

received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances at the end of the preceding fiscal year of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance at the end of the preceding fiscal year of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the Cash Management Improvement Act of 1990, Pub.L.101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L.99-514 (26 U.S.C. s.1 et seq.), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the

services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There is appropriated $11,600,000 from the Legal Services Trust Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue to fund the following programs: $8,000,000 for Legal Services of New Jersey grant, $3,000,000 for ten additional judgeships in the Judiciary, and $600,000 for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12. The unexpended balances at the end of the preceding fiscal year in the Capital Construction accounts for all departments and agencies are appropriated.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1, 2006 are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any other provisions in this act or the provisions of any other law to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of

appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than $300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than $50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than $300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget

Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than $300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated March 21, 2006.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan; authorization and approval by the Office of Information Technology is required for expenditure of amounts in excess of $2,500, as shall be specified by Circular Letter.

21. If the sum provided in this act for a State aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service, rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to reimburse the Department of the Treasury, an Inter-Departmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

24. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster.

25. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

28. Notwithstanding any law to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

29. No funds shall be expended by any State Department in the Executive Branch in connection with a contract for the production of films, videotapes, video conferences, video-assisted training or multi-media projects that include video images unless the New Jersey Public Broadcasting Authority (PBA) has the opportunity to match any successful bid as part of any formal or informal contract award process. This is not a requirement to award a contract to PBA since the decision to award a contract may also be based on non-cost considerations.

30. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

31. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

32. Whenever any county, municipality, school district or a political subdivision thereof withholds funds from a State agency, or causes a State agency to make payment on behalf of a county, municipality, school district or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

33. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

34. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

35. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

36. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such sums as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

37. Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

38. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $4,000, which has been denied

or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

39. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

40. Notwithstanding any other law to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding any other law to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

42. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be $.31 per mile.

43. State agencies shall prepare and submit a copy of their agency or departmental budget requests for Fiscal Year 2008 by October 1, 2006 to the Director of the Division of Budget and Accounting and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 2006, and updated spending plans on February 1, and May 1, 2007. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

44. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

45. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of the fiscal year 2007 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

46. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

47. The Tobacco Settlement Fund, created and established in the Department of the Treasury as a separate non-lapsing fund pursuant to section 53 of P.L.1999, c.138, is reestablished and continued. The unexpended balances at the end of the preceding fiscal year in the Tobacco Settlement Fund are appropriated. The Tobacco Settlement Fund shall be the repository for payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claims against the tobacco industry and all other moneys, including interest earnings on balances in the fund, credited or transferred thereto from any other fund or source pursuant to law. Balances in the Tobacco Settlement Fund shall be deposited in such depositories as the State Treasurer may select. Amounts transferred from the Tobacco Settlement Fund to the General Fund as anticipated revenue shall be excluded when calculating deposits to the Surplus Revenue Fund pursuant to P.L.1990, c.44 (C.52:9H-14 et seq.).

48. Notwithstanding any other provision of law, funds derived from the sale or conveyance of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities subject to the approval of the Director of the Division of Budget and Accounting.

49. With respect to appropriations provided to various departments for services provided by the Office of Information Technology, any change by the Office of Information Technology to their rate structure that would affect the rates charged to the various State agencies for Office of Information Technology services shall first be approved by the Director of the Division of Budget and Accounting.

50. Notwithstanding the provisions of section 29 of P.L.1983, c.303 (C.52:27H-88), or any other law to the contrary, interest earned in the current fiscal year on balances in the Enterprise Zone Assistance Fund, shall be credited to the General Fund.

51. Notwithstanding any other law to the contrary, funds may be transferred from the State Disability Benefits Fund to the General Fund during the current fiscal year, which transfer amount shall be based upon the actual receipt of revenue in the State Disability Benefits Fund as shall be determined by the State Treasurer in consultation with the Commissioner of Labor, subject to the approval of the Director of the Division of Budget and Accounting.

52. There is appropriated $600,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

53. In all cases in which language authorizes the appropriation of additional receipts not to exceed a specific amount, and the specific amount is insufficient to cover the amount due for fringe benefits and indirect costs, there are appropriated from receipts such additional amounts as are required to fully cover the amount due for fringe benefits and indirect costs, subject to the approval of the Director of the Division of Budget and Accounting.

54. There are appropriated, out of receipts derived from any structured financing transaction, such sums as may be necessary to satisfy any obligation incurred in connection with any structured financing agreement, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such sums as may be necessary to pay costs incurred in connection with any proposed structured financing transaction, subject to the approval of the Director of the Division of Budget and Accounting.

55. Notwithstanding the provisions of any departmental language or statute, no receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103s) in the fiscal 2007 budget submission are available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

56. Such sums as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State subject to the approval of the Director of the Division of Budget and Accounting.

57. There are appropriated such additional sums as may be required to pay the amount of any civil penalty imposed on a State officer, employee or custodian pursuant to section 12 of P.L.2001, c.404 (C.47:1A-11), as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

58. Receipts derived from the provision of copies and other materials related to compliance with P.L.2001, c.404, are appropriated for the purpose of offsetting agency and departmental expenses of complying with the public access law, subject to the approval of the Director of the Division of Budget and Accounting.

59. Notwithstanding any law to the contrary, there is appropriated from the Universal Service Fund $72,509,000 for transfer to the General Fund as State revenue.

60. Notwithstanding the provisions of section 32 of P.L.2002, c.40 (C.52:9H-38) to the contrary, revenues derived from the corporation business tax during the preceding fiscal year shall not be credited to the "Corporation Business Tax Excess Revenue Fund" but shall be available as undesignated funds in the General Fund except as are dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

61. Any qualifying State aid or Grants-In-Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Casino Revenue Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unreserved, undesignated fund balance in the Casino Revenue Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

62. Providing that the contributions made during the current fiscal year by the University of Medicine and Dentistry of New Jersey and its affiliates to the University of Medicine and Dentistry of New Jersey - Self Insurance Reserve Fund is equal to the amount established in a memorandum of agreement between the Department of the Treasury and the University, and if after such amount having been contributed, the receipts deposited within the University of Medicine and Dentistry of New Jersey's Self Insurance Reserve Fund are insufficient to pay claims expenditures, there is appropriated from the General Fund to the Self Insurance Reserve Fund such sums as may be necessary to pay the remaining claims, subject to the approval of the Director of the Division of Budget and Accounting.

63. In addition to any amounts hereinabove appropriated to pay debt service on bonds, notes and other obligations by the various independent authorities, payment of which is to be made by the State subject to appropriation pursuant to a contract with the State Treasurer or pursuant to a lease with a State department, there are hereby appropriated such additional sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts or leases, as applicable.

64. All proceeds derived from the sale of real property shall be deposited in the General Fund, and notwithstanding any other law to the contrary there are appropriated from the proceeds of the sale of real property such sums as may be determined by the State Treasurer to the department which formerly owned or operated the asset for the purpose of capital improvements, purchase of equipment, or other program expenses, subject to the approval of the Director of the Division of Budget and Accounting.

65. Monies appropriated pursuant to this act to counties, municipalities or school districts as State grants or State Aid may, in addition to the uses specifically provided under this act, be used for purposes of implementing best practices adopted by the New Jersey Domestic Security Preparedness Task Force.

66. The unexpended balances at the end of the preceding fiscal year for the Statewide Local Domestic Preparedness Equipment Grant Program are appropriated subject to the same conditions and limitations imposed pursuant to P.L.2004, c.71, subject to the approval of the Director of the Division of Budget and Accounting.

67. If any law requires annual State funding, and if the amount of the funding in this act is insufficient to meet the requirement, the statutory requirement shall be deemed to be suspended for the current fiscal year to the extent that the funding is insufficient.

68. Such sums as may be required to initiate the implementation of information systems development or modification during the current fiscal year to support fees, fines or other revenue enhancements, or to initiate cost savings or budget efficiencies that are to be implemented during the fiscal year ending June 30, 2008 and that are proposed in the Governor's Budget Recommendation Document for the fiscal year ending June 30, 2008, shall be transferred between appropriate accounts subject to the approval of the Director of the Division of Budget and Accounting.

69. Notwithstanding any other law or regulation to the contrary, there are appropriated from the State of New Jersey Cash Management Fund reserve fund such amounts as are necessary for the State Treasurer to return funds held on behalf of participating governmental units other than the State Government to those units that receive monies from appropriations made in this act. Funds attributable to participants in the reserve fund that do not receive State appropriations in the act shall continue to be held in the reserve fund.

70. There is appropriated from the General Fund to the Department of the Treasury such amount as is necessary to purchase a surety bond to cover the proportionate share of losses of the "Other-than-State" participants of the State of New Jersey Cash Management Fund in the event of certain losses which could be incurred by the fund.

71. Notwithstanding any provision of law to the contrary, no funding shall be provided by any program supported in part or whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

72. Notwithstanding any other law to the contrary, there is hereby appropriated to each local school district that participates in the Special Education Medicaid Initiative (SEMI) or the Medicaid Administrative Claiming (MAC) program from the federal revenue received from SEMI or MAC, or both, such sums in an amount equivalent to negative claims adjustments resulting from a federal Office of Inspector General audit issued April 2003 (#A–02–02–01022), subject to the approval of the Director of the Division of Budget and Accounting.

73. Due to opportunities for increased recoveries in the Department of Human Services and available resources in the Securities Enforcement Fund in the Department of Law and Public Safety and the Health Benefits State Employees Program Fund, unexpended balances carried forward are appropriated for the developmental centers in the Department of Human Services, and social security tax and health benefits in the Interdepartmental Accounts, subject to the approval of the Director of the Division of Budget and Accounting. For the purposes of these accounts, the carried forward amounts shall be deemed a "Base Year Appropriation" for the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H–24 et seq.).

74. The amounts appropriated herein for employee fringe benefits in Interdepartmental Direct–State–Services and Grant–in–Aid; Department of Education State Aid; and Department of Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

75. There is appropriated $50,000,000 from the State Disability Benefits Fund for transfer to the General Fund as State revenue.

76. Notwithstanding the provisions of the P.L.2000, c.12, or any other law to the contrary, funds may be transferred from the Tobacco Settlement Fund to the General Fund during the fiscal year ending June 30, 2007, which transfer amount shall be based upon the available balances in the Tobacco Settlement Fund as shall be determined by the State Treasurer in consultation with the Commissioner of Banking and Insurance, subject to the approval of the Director of the Division of Budget and Accounting.

77. Notwithstanding any provision of law or regulation to the contrary, in addition to any other amounts transferred from the Unclaimed Personal Property Trust Fund to the General Fund and appropriated herein, there is appropriated from the Unclaimed Personal Property Trust Fund for transfer to the General Fund, an amount not to exceed $2,820,721 comprising unclaimed assets seized by the County of Essex prior to January 1, 2003 pursuant to N.J.S.2C:64-1 et seq., and deposited in the Unclaimed Personal Property Trust Fund on or after July 1, 2006, which amount is appropriated subject to the approval of the Director of the Division of Budget and Accounting to the county of Essex for the purposes of funding costs of the County Prosecutor's office, including but not limited to the Prosecutor's Crime Scene Unit.

78. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) to the contrary, there is transferred from the Surplus Revenue Fund to the General Fund an amount equal to the credit made to the Surplus Fiscal Year during the 2006 fiscal year, but not in excess of $100,000,000, as revenue for general State purposes.

79. No salary payments shall be made to involuntarily furloughed Executive branch employees without the approval of the Director of the Division of Budget and Accounting. No salary payments shall be made to involuntarily furloughed employees of the Judiciary branch without the approval of Director of the Administrative Office of the Courts. No salary payments shall be made to involuntarily furloughed employees of the Legislative branch without the approval of the Speaker of the General Assembly for employees of that house, of the President of the Senate for employees of that house, and of the Executive Director of the Office of Legislative Services for the employees of that office.

80. This act shall take effect immediately and shall be retroactive to July 1, 2006.

Approved July 8, 2006.

CHAPTER 46

AN ACT authorizing the establishment of certain municipal hospital authorities, supplementing chapter 9 of Title 30 of the New Jersey Statutes and amending P.L.1992, c.160 and P.L.1971, c.198.

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

C.30:9-23.15 Short title.

1. Sections 1 through 9 of this act shall be known and may be cited as the "Municipal Hospital Authority Law."

C.30:9-23.16 Charitable transfer to authority.

2. The transfer of a hospital to an authority by a charitable nonprofit entity pursuant to this act shall be deemed to be in furtherance of such entity's charitable purposes.

C.30:9-23.17 Definitions relative to municipal hospital authorities.

3. For the purposes of this act:

"Authority" means a municipal hospital authority created pursuant to section 4 of this act.

"Bonds" means bonds issued by the authority pursuant to this act.

"City" means a city that is classified for legislative purposes pursuant to N.J.S.40A:6-4 and which adopts an ordinance creating a municipal hospital authority pursuant to this act.

"Hospital" means an institution licensed and classified as a general hospital by the Commissioner of Health and Senior Services pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and N.J.A.C.8:43G-1 et seq., notwithstanding that the general hospital also may be licensed to provide inpatient psychiatric or comprehensive rehabilitation hospital services, or other related services.

"Local Finance Board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs.

"Manager" means the nonprofit management entity or entities hired by an authority to manage and operate a hospital, or any portion of a hospital, owned by that authority.

"Notes" means notes issued by the authority pursuant to this act.

"Project" means the acquisition, by purchase, gift or otherwise, of all or any part of the assets and liabilities of a hospital located within a city through a contract or other agreement requiring at least $12 million in

working capital contributions from either the prior owner thereof or another nongovernmental source, as certified by the Local Finance Board in the Department of Community Affairs; the management and operation of that hospital; and the costs of any capital improvements or equipment related to the operation, maintenance, expansion, renovation, or rehabilitation of that hospital; and the provision of working capital for operation of that hospital, along with any required costs of issuing any bonds or notes therefor.

C.30:9-23.18 Creation of municipal hospital authority.

4. a. The governing body of a city may create, by ordinance, a body corporate and politic to be known as the " . . . . Municipal Hospital Authority," inserting the name of such city. The authority shall constitute an agency and instrumentality of the city creating it.

A governing body of a city so creating an authority shall have power from time to time and for such period and upon such terms, with or without consideration, as may be provided by such resolution or ordinance and accepted by the authority (1) to appropriate moneys for the purposes of the authority, and to loan or donate such money to the authority in such installments and upon such terms as may be agreed upon with the authority, (2) to covenant and agree with the authority to pay to or on the order of the authority annually or at shorter intervals as a subsidy for the promotion of its purposes not exceeding such sums of money as may be stated in such resolution or ordinance or computed in accordance therewith, and (3) upon authorization by it in accordance with law of the performance of any act or thing which it is empowered by law to authorize and perform and after appropriation of the moneys (if any) necessary for such performance, to covenant and agree with the authority to do and perform such act or thing and as to the time, manner and other details of its doing and performance, and, in accordance with the limitations and any exceptions thereto and in the manner or mode of procedure prescribed by the local bond law to incur indebtedness, borrow money and issue its negotiable bonds for the purpose of financing such project and appropriation, and to pay the proceeds of such bonds to the authority.

b. A municipal hospital authority created pursuant to this act shall be subject to the procedures of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), and shall operate pursuant to the provisions of that law, except as otherwise provided in P.L.2006, c.46 (C.30:9-23.15 et al.). The sole purpose of the authority shall be to carry out a project and to operate and maintain a project hospital.

c. Except as otherwise limited by this act, the authority shall have power:

(1) To finance and implement a project as defined pursuant to section 2 of P.L.2006, c.46 (C.30:9-23.16);

(2) To sue and be sued;

(3) To have an official seal and alter it at pleasure;

(4) To make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

(5) To maintain an office at a place within the State as it may determine;

(6) To acquire, hold, use, and dispose of its income, revenues, funds, and moneys;

(7) To acquire, lease as lessee or lessor, rent, hold, use, and dispose of real or personal property for its purposes;

(8) To borrow money and to issue its negotiable bonds or notes and to secure them by a mortgage on its property or any part thereof, or by a pledge of its revenues, and otherwise to provide for and secure the payment of them and to provide for the rights of the holders of the bonds or notes;

(9) To make and enter into all contracts and agreements which are necessary or incidental to the performance of its duties and the exercise of its powers under this act;

(10) To establish, acquire, construct, rehabilitate, repair, improve, own, operate, and maintain a project, and let, award and enter into construction contracts, purchase orders and other contracts with respect to a project as the authority shall determine;

(11) To fix and revise from time to time, and charge and collect, rents, fees and charges for the use, occupancy or services of the hospital or any part thereof or for admission thereto, and for the grant of concessions therein and for things furnished or services rendered by the authority through a project;

(12) To function as the hospital governing body responsible for establishing hospital-wide policy, to establish and enforce rules, regulations and bylaws for the use or operation of the hospital or the conduct of its activities, maintaining quality of care, and providing institutional management and planning, which functions shall not be delegated or assigned to another entity;

(13) Subject to any agreement with bondholders or noteholders, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, in obligations, securities and other investments the authority deems prudent;

(14) To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source, in-

cluding for-profit or nonprofit organizations or the general public, and to comply, subject to the provisions of this act, with the terms and conditions thereof;

(15) Subject to any agreements with bondholders or noteholders, to purchase bonds or notes of the authority out of any funds or money of the authority available for those purposes, and to hold, cancel or resell the bonds or notes;

(16) To appoint and employ an executive director and additional officers, who need not be members of the authority, and accountants, attorneys, financial advisors, or experts and any other officers, agents and employees as it may require and determine their qualifications, terms of office, duties and compensation, all without regard to the provisions of Title 11A, Civil Service of the New Jersey Statutes;

(17) To do and perform any acts and things authorized by this act under, through, or by means of contracts with a nonprofit or for-profit entity or entities;

(18) To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable; and

(19) To do anything necessary or convenient to carry out its purposes and exercise the powers granted in this act.

C.30:9-23.19 Governing board of authority.

5. a. The authority shall be governed by an 11-member board. The members shall be divided among four classes. The Class I member shall be the mayor of the city, or his designee, ex officio. There shall be two Class II hospital members, who shall serve on, and be appointed by, the medical staff executive committee of the hospital, to terms concurrent with their membership on the executive committee, and who need not be residents of the city. There shall be six Class III public members, at least four of whom shall be residents of the city, but none of whom shall be officers or employees of the city or of the manager. The Class III public members shall be appointed by the mayor of the city, with the advice and consent of the city council. At least two of the Class III members shall have special expertise as follows: one shall have extensive expertise in finance of private or nonprofit organizations, and one shall have extensive expertise in nonprofit organizational management. The Class III members shall serve for terms of five years and until their respective successors have been appointed and qualified; except that of the six members first appointed by the mayor, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and two for a term of

five years. The hospital's chief executive officer or a designee thereof shall serve as a nonvoting Class IV member. The Commissioner of Community Affairs shall appoint one individual as a nonvoting Class IV member. Vacancies shall be filled in the same manner as the original appointments were made, but for the unexpired term.

b. Members of an authority shall not receive compensation for their services, but shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of the duties of membership, including travel expenses. The powers of the authority shall be vested in the members thereof in office from time to time. Five members shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and all other purposes. Action may be taken by the authority upon the affirmative vote of the majority, but not less than five of the members present, unless in any case the bylaws of the authority or State law or regulation shall require a larger number.

c. The authority shall select a chairman and a vice-chairman from among its Class III public members, and may employ an executive director, who may be its secretary.

d. Class II and Class IV members of the authority shall not be deemed to have an interest in the hospital solely by virtue of their membership on the medical staff of the hospital or their employment by or contract with a manager, and they shall not be subject to the provisions of subsections d. and e. of section 5 of P.L.1991, c.29 (C.40A:9-22.5) of the "Local Government Ethics Law."

e. A member of an authority may be removed by the governing body or officer by which he was appointed for inefficiency or neglect of duty or misconduct in office; but only after the member has been given a copy of the charges at least 10 days prior to a hearing thereon and has had the opportunity to be heard in person or by counsel. In the event of a removal of any member of an authority, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the city.

C.30:9-23.20 Powers, duties of authority.

6. a. The authority shall exercise its powers and duties to manage and operate a hospital owned by it through a contract or contracts with a manager, which may be entered into without public advertising for bid as otherwise required pursuant to the provisions of section 3 of P.L.1971, c.198 (C.40A:11-3); provided, however, that the primary responsibility of operating the hospital shall remain that of the authority.

b. The initial duration of a contract shall not exceed five years. A contract entered into pursuant to this subsection may be renewed for an additional period, not to exceed five years. A contract entered into more than ten years from the date of the initial contract shall be negotiated as a new contract and not as a renewal contract.

c. A contract, or a renewal thereof, with a manager to manage and operate a hospital owned by the authority shall be effective only with the prior written consent of the Local Finance Board, which shall consult with the Commissioner of Health and Senior Services. The Local Finance Board shall establish an application procedure, submission requirements, and set minimum standards and content that shall be included in any contract with a nonprofit entity to manage and operate a hospital owned by the authority.

A contract with a manager shall provide that, in addition to such other matters as determined to be necessary by the authority or as otherwise required by law or regulation:

(1) The authority or its agents, and the city or its agents, shall have independent access to the books and records of the hospital at all times;

(2) The Governor of the State of New Jersey shall appoint an individual to serve on the board of directors of the manager during the term of the contract, including renewals; and

(3) Other than for routine, day-to-day business activities, the authority shall have the final determination regarding the acquisition and disposition of assets, or the incurring of debt or expenses.

d. When contracting with a manager, the authority shall approve the individuals that the manager proposes to designate as the hospital's chief executive officer and chief financial officer, by whatever title, and any change thereof and shall also approve contracts or other arrangements setting forth terms and conditions of employment for those positions.

e. An authority shall take the following actions pursuant to any requirements that may be established by the Local Finance Board:

(1) adopt a management plan for the hospital, including monitoring and review methods of financial activities;

(2) set minimum requirements for meetings of the authority, and minimum attendance requirements for members;

(3) establish a formal mechanism for communication among the members of the authority's board, hospital administrators and medical staff;

(4) form a finance committee, which shall be responsible for the oversight of the finances of the authority, and delineate the duties and obligations of the finance committee; and

(5) include minimum provisions that shall be included in a contract with a manager. Such provisions shall include the submission of an annual budget of the hospital and of the nonprofit manager by the manager for the approval of the authority. The approval of these items shall be conditioned upon the approval of the authority's annual budget pursuant to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). The budget and any supporting documents as may be required by the Division of Local Government Services shall be submitted to the division as part of the submission of the authority's annual budget.

C.30:9-23.21 Issuance of bonds, notes; contracts between city and authority.

7. a. Bonds or notes issued under this act shall be issued and sold in the same manner, and subject to the same restrictions, as applicable to bonds of an authority authorized to be issued pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), including specifically sections 25 through 33 (C.40:14B-25 through C.40:14B-33).

An authority formed pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.) shall be deemed to be a municipal authority for the purposes of sections 59, 62, 63, 64, and 65 of P.L.1957, c.183 (C.40:14B-59 and C.40:14B-62 through C.40:14B-65), and those sections shall be applicable to a municipal hospital authority and its bonds as authorized pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.). P.L.2006, c.46 (C.30:9-23.15 et al.) shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance by a municipal hospital authority of each and every act and thing herein authorized.

For purposes of P.L.2006, c.46 (C.30:9-23.15 et al.), "costs" means, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a hospital and of all or any property, rights, easements, privileges, or agreements deemed by the authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the authority or of a hospital owned by the authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of the hospital, or any part thereof, and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine,

and also reimbursements to the authority or the city of any moneys theretofore expended for the purposes of the authority. In addition, the issuance of any bonds or other instruments by a municipal hospital authority shall be subject to the approval of the Local Finance Board in the Department of Community Affairs.

b. Contracts entered into between the city and the authority pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.) may also contain provisions as to the financing and payment of expenses to be incurred by the authority and determined by it to be necessary for its purposes. Every such contract shall be authorized and entered into under and pursuant to a resolution adopted by the authority and an ordinance of the governing body of the city, but the terms or text of the contract need not be set forth in full or stated in any such resolution or ordinance if the form of the contract is on file in the office of the municipal clerk and the place in fact of such filing is described in the resolution or ordinance. Any such contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved by or on behalf of the city and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds or notes, and shall be valid whether or not an appropriation with respect thereto is made by the city prior to authorization or execution thereof. Every such city is hereby authorized and directed to do and perform any and all acts or things necessary, convenient or desirable to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder in the same manner as other obligations of that city.

c. The city may unconditionally guarantee the punctual payment of the principal of and interest on any bonds or notes issued by the authority, in the same manner, and subject to the same restrictions, as municipal guarantees of bonds of an authority authorized to be issued pursuant to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et seq.).

d. The provisions of N.J.S.40A:2-11 shall not apply to any bond ordinance of the city authorizing bonds pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.).

e. Notwithstanding any provision of this act to the contrary, any investments of money by the authority shall be made consistent with the provisions of N.J.S.40A:5-1 et seq.

C.30:9-23.22 Construction of act.

8. Nothing in P.L.2006, c.46 (C.30:9-23.15 et al.) shall be construed to apply to a hospital operated by a municipality pursuant to the provisions of R.S.30:9-13.

C.30:9-23.23 Transfer exempt, certain.

9. The transfer of a hospital to an authority pursuant to the provisions of P.L.2006, c.46 (C.30:9-23.15 et al.) shall be exempt from the provisions of section 2 of P.L.2000, c.143 (C.26:2H-7.11).

10. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read as follows:

C.26:2H-7a Exemptions from certificate of need requirement.

19. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, the following are exempt from the certificate of need requirement:

Community-based primary care centers;

Outpatient drug and alcohol services;

Hospital-based medical detoxification for drugs and alcohol;

Ambulance and invalid coach services;

Mental health services which are non-bed related outpatient services;

Residential health care facility services;

Capital improvements and renovations to health care facilities;

Additions of medical/surgical, adult intensive care and adult critical care beds in hospitals;

Replacement of existing major moveable equipment;

Inpatient operating rooms;

Alternate family care programs;

Hospital-based subacute care;

Ambulatory care facilities;

Comprehensive outpatient rehabilitation services;

Special child health clinics;

New technology in accordance with the provisions of section 18 of P.L.1998, c.43 (C.26:2H-7d);

Transfer of ownership interest except in the case of an acute care hospital;

Change of site for approved certificate of need within the same county;

Additions to vehicles or hours of operation of a mobile intensive care unit;

Relocation or replacement of a health care facility within the same county, except for an acute care hospital;

Continuing care retirement communities authorized pursuant to P.L.1986, c.103 (C.52:27D-330 et seq.);

Magnetic resonance imaging;

Adult day health care facilities;

Pediatric day health care facilities;

Chronic or acute renal dialysis facilities; and

Transfer of ownership of a hospital to an authority in accordance with P.L.2006, c.46 (C.30:9-23.15 et al.).

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

C.40A:11-2 Definitions.

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

(1) "Contracting unit" means:

(a) Any county; or

(b) Any municipality; or

(c) Any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, 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.

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

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

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

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

(2) "Governing body" means:

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

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

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

(3) "Contracting agent" means the governing body of a contracting unit, or its authorized designee, which has the power to prepare the advertisements, to advertise for and receive bids and, as permitted by this act, to make awards for the contracting unit in connection with purchases, contracts or agreements.

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

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

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

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

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

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

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

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

(12) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

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

(14) "Municipal solid waste" means, as appropriate to the circumstances, all residential, commercial and institutional solid waste generated within the boundaries of a municipality; or the formal collection of such solid wastes or recyclable material in any combination thereof when collected through a system of routes by local government unit employees or under a contract administered by a local government unit.

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

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

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

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

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

(20) "Bid threshold" means the dollar amount set in section 3 of P.L.1971, c.198 (C.40A:11-3), above which a contracting unit shall adver-

tise for and receive sealed bids in accordance with procedures set forth in P.L.1999, c.440 (C.40A:11-4.1 et al.).

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

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

(23) "Competitive contracting" means the method described in sections 1 through 5 of P.L.1999, c.440 (C.40A:11-4.1 thru 40A:11-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or administrator; and the governing body awards a contract to a vendor or vendors from among the formal proposals received.

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

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

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

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

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

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

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

(31) "Quotation" means the response to a formal or informal request made by a contracting agent by a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the contracting agent.

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

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

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

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

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

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

involve a payment or exchange, or provision of services by or to the contracting unit.

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

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

(40) "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the contracting unit for the vendor's right to operate a concession.

12. This act shall take effect immediately.

Approved July 11, 2006.

CHAPTER 47

AN ACT establishing the Department of Children and Families as a principal department in the Executive Branch, supplementing Title 9 of the Revised Statutes, and revising various parts of the statutory law.

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

C.9:3A-1 Short title.

1. Sections 2 through 15 of this act shall be known and may be cited as the "Department of Children and Families Act."

C.9:3A-2 Findings, declarations relative to establishing Department of Children and Families.

2. The Legislature finds and declares that:

a. In 2003, New Jersey settled a class action lawsuit alleging that the State's child welfare system, which was primarily administered through the Division of Youth and Family Services in the Department of Human Ser-

vices, failed to protect the State's most vulnerable children from child abuse and neglect. Under the terms of the settlement agreement, a New Jersey Child Welfare Panel was created to provide technical assistance to the State on child welfare issues in order to monitor the development and implementation of a State plan to reform New Jersey's child welfare system;

b. Although the State has committed substantial financial resources to the reform of the child welfare system between the date of the settlement agreement and 2005, the New Jersey Child Welfare Panel concluded that the department has not been able to demonstrate substantial progress in the implementation of the reform plan, and the Child Welfare Panel and other child advocates have concluded that children continue to remain at risk;

c. One of the concerns about the reform is that the child welfare system is administered through and is one of several large units within one of the largest agencies in State government, the Department of Human Services, which is responsible for so many of our State's vulnerable citizens. The department consists of approximately 22,000 employees and includes, in addition to the Division of Youth and Family Services: the Division of Medical Assistance and Health Services, which administers the State's Medicaid and NJ FamilyCare programs; the Division of Family Development, which administers the Temporary Assistance for Needy Families program and other public assistance programs; the Division of Developmental Disabilities, which provides services to developmentally disabled persons in the community and operates seven developmental centers; the Division of Mental Health Services, which provides services to persons with mental illness in the community and operates five psychiatric hospitals; the Division of Addiction Services, which administers the State's substance abuse programs; the Division of Disability Services, which provides various services to disabled adults; and the Commission for the Blind and Visually Impaired and the Division of the Deaf and Hard of Hearing, which are responsible for providing services to persons who are blind or visually impaired and persons with hearing impairments, respectively; and

d. In order to facilitate aggressive reform of the child welfare system and ensure that the reform effort is successful, it is, therefore, in the best interest of the citizens of this State to establish a principal department within the Executive Branch that focuses exclusively on protecting children and strengthening families, so that our State's children will have the optimum conditions in which to grow and prosper to the benefit of themselves, their families, and society as a whole. The department shall have the goal of ensuring safety, permanency, and well-being for all children, and shall have direct responsibility for child welfare and other children and family

services, supported by strong inter-agency partnerships among other State departments also responsible for family services.

C.9:3A-3 Department of Children and Families established.

3. There is established in the Executive Branch of the State Government a principal department that shall be known as the Department of Children and Families.

C.9:3A-4 Definitions relative to Department of Children and Families.

4. As used in this act:

"Commissioner" means the Commissioner of Children and Families.

"Department" means the Department of Children and Families established by this act.

C.9:3A-5 Commissioner of Children and Families.

5. a. The head and chief administrative officer of the department shall be the Commissioner of Children and Families. The commissioner shall be a person qualified by training and experience to perform the duties of his office. The commissioner shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. He shall receive such salary as shall be provided by law and shall devote his entire time and attention to the duties of the office and shall not engage in any other profession or occupation.

b. The commissioner shall delegate such of his powers as he deems appropriate for the efficient administration of the department, to be exercised under the commissioner's direction and supervision by one or more deputy commissioners. A deputy commissioner shall devote his entire time and attention to the duties of that office and shall receive such salary as the commissioner deems appropriate.

C.9:3A-6 Designation of final decision maker for contested cases.

6. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may designate an appropriate officer of the department to serve as the final decision maker in any contested case or group of contested cases filed with the Office of Administrative Law. The designation shall be in writing and shall be filed with the Office of Administrative Law. The designation shall remain in effect until amended by the commissioner.

C.9:3A-7 Responsibilities, duties of commissioner.

7. The commissioner, as administrator and chief executive officer of the department, shall:

a. Administer the work of the department;

b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11A of the New Jersey Statutes, Civil Service, and other applicable statutes, except as herein otherwise specifically provided;

c. Appoint such deputy and assistant commissioners, directors and other personnel in the unclassified service as the commissioner deems appropriate to receive such compensation as may be provided by law;

d. Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law;

e. Organize the work of the department in such divisions, not inconsistent with the provisions of this act, and in such other organizational units as he may determine to be necessary for efficient and effective operation;

f. Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law, consistent with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

g. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

h. Institute or cause to be instituted such legal proceedings or processes as may be necessary to enforce and give effect to any of his powers or duties;

i. Make such reports of the department's operation as the Governor or the Legislature shall from time to time request, or as may be required by law;

j. Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

k. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein;

l. Maintain suitable headquarters for the department and such other quarters as are necessary to the proper functioning of the department;

m. Solicit, apply for, and accept on behalf of the State any contributions, donations of money, goods, services, real or personal property or grants from the federal government or any agency thereof, or from any foundation, corporation, association or individual, and comply with the

terms, conditions and limitations thereof, for any of the purposes of the department;

n. Enter into contracts and agreements with public and private entities, as may be appropriate to carry out the purposes of the department;

o. Be the request officer for the department within the meaning of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and

p. Perform such other functions as may be prescribed in this act or by any other law.

C.9:3A-8 Necessary investigations; powers.

8. The commissioner may make, or cause to be made, such investigations as he deems necessary in the administration of the Department of Children and Families. For the purpose of any such investigation he may cause to be examined under oath any and all persons whatsoever and compel by subpoena the attendance of witnesses and the production of such books, records, accounts, papers and other documents as are appropriate. If a witness fails without good cause to attend, testify or produce such records or documents as directed in the subpoena, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons or subpoena issued from a court of record in this State.

C.9:3A-9 Functions, powers, duties of Office of Children's Services transferred to department.

9. All of the functions, powers and duties of the Office of Children's Services in the Department of Human Services, and the power to receive, allocate, expend, and authorize the expenditure of federal moneys available for children and families are hereby transferred and assigned to, assumed by and devolved upon the Department of Children and Families. To effectuate such transfer there shall also be transferred such officers and employees as are necessary, all appropriations or reappropriations, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, and all necessary books, papers, records and property. All rules, regulations, acts, determinations and decisions in force at the time of such transfer and proceedings or other such matters undertaken, commenced or pending by or before the Office of Children's Services at the time of such transfer shall continue in force and effect until duly modified, abrogated or completed by the Department of Children and Families.

As used in this section, the Office of Children's Services includes, but is not limited to, the Division of Youth and Family Services, the Division of

Child Behavioral Health Services, the Division of Prevention and Community Partnerships and the New Jersey Child Welfare Training Academy in the Department of Human Services.

C.9:3A-10 "Office of Children's Services" refers to Department of Children and Families.

10. a. Whenever the term "Office of Children's Services" occurs or any reference is made thereto in any law, regulation, contract or document, the same shall be deemed to mean or refer to the Department of Children and Families.

b. Whenever the terms "Division of Youth and Family Services," "Division of Child Behavioral Health Services," "Division of Prevention and Community Partnerships" and "New Jersey Child Welfare Training Academy" occur or any reference is made thereto in any law, regulation, contract or document, the same shall be deemed to mean or refer to, respectively, the "Division of Youth and Family Services," "Division of Child Behavioral Health Services," "Division of Prevention and Community Partnerships," and "New Jersey Child Welfare Training Academy" in the Department of Children and Families established herein.

C.9:3A-11 Transfer of certain DHS staff to department.

11. A proportionate share of the programmatic, administrative, and support staff of the Department of Human Services supporting the functions, powers and duties transferred under this act are transferred to the Department of Children and Families.

The transfer of specific facilities, resources and personnel shall be determined by agreement between the Commissioner of Children and Families and the Commissioner of Human Services, after considering the number and type of positions currently used for support for the functions, powers and duties transferred and the appropriateness of transferring personnel, positions, and funding.

C.9:3A-12 Act subject to C.52:14D-1 et seq.

12. This act shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), except as may otherwise be provided under this act.

C.9:3A-13 Inapplicability of act.

13. This act shall not:

a. affect the tenure, compensation, and pension rights, if any, of the lawful holder thereof, in any position not specifically abolished herein; and

b. alter the term of any member of any board, commission, or public body, not specifically abolished herein, lawfully in office on the effective date of this act, or require the reappointment thereof.

C.9:3A-14 Criminal history record information check for certain employees.

14. The Department of Children and Families shall not employ any individual as a direct care staff member unless the Commissioner of Children and Families has first determined, consistent with the requirements and standards of this section, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the department. A criminal history record background check shall be conducted at least once every two years for an individual employed as a direct care staff member.

As used in this section, "direct care staff member" means an individual employed at the department in a position which involves unsupervised, regular contact with individuals receiving services from the department.

a. An individual shall be disqualified from employment as a direct care staff member if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this section if the individual has affirmatively demonstrated to the Commissioner of Children and Families clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

(5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense; and

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall not consider the individual for employment as a direct care staff member. The prospective staff member shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

d. If a current direct care staff member refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall immediately remove the individual from his position as a direct care staff member and terminate the individual 's employment. The staff member shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

e. Notwithstanding the provisions of subsection a. of this section to the contrary, the department may provisionally employ an individual as a direct care staff member for a period not to exceed six months if that individual's State Bureau of Identification criminal history record background check does not contain any information that would disqualify the individual from employment at the department and if the individual submits to the commissioner a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this section, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties under the direct supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal information is complete.

f. All applicants or current direct care staff members from whom criminal history record background checks are required shall submit their fingerprints in a manner acceptable to the commissioner. The commis-

sioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this section. No criminal history record background check shall be performed pursuant to this section unless the applicant shall have furnished his written consent to the check.

g. (1) Upon receipt of an applicant or direct care staff member's criminal history record information from the Federal Bureau of Investigation or the Division of State Police, as applicable, the commissioner shall notify the applicant or staff member, in writing, of the applicant's or staff member's qualification or disqualification for employment under this act. If the applicant or staff member is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

(2) The applicant or staff member shall have 30 days from the date of written notice of disqualification to petition the commissioner for a hearing on the accuracy of the criminal history record information or to establish his rehabilitation under subsection b. of this section. The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1 et al.).

(3) The commissioner shall not maintain any individual's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date of a final determination by the commissioner as to the individual's qualification or disqualification to be a direct care staff member pursuant to this section.

h. The commissioner shall initiate a criminal history record background check on all prospective direct care staff members. Current direct care staff members who have had a criminal history record background check conducted and stored in a manner approved by the commissioner shall have up to two years from the effective date of this act until the next criminal history background check is conducted.

i. The department shall assume the cost of all criminal history record background checks conducted on current and prospective direct care staff members.

C.53:1-20.9f Exchange of fingerprint data.

15. a. The Commissioner of Children and Families is authorized to exchange fingerprint data with, and to receive information from, the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation in accordance with the provisions of section 14 of P.L.2006, c.47 (C.9:3A-14).

b. The Division of State Police shall promptly notify the Department of Children and Families in the event an applicant for a direct care staff member position or a direct care staff member who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the Department of Children and Families shall make a determination regarding the employment of the applicant or staff member.

16. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to read as follows:

C.2A:4A-37 Place of detention or shelter.

18. Place of detention or shelter. a. The Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall specify the place where a juvenile may be detained; and the Department of Children and Families shall specify where a juvenile may be placed in shelter.

b. No juvenile shall be placed in detention or shelter care in any place other than that specified by the Juvenile Justice Commission or Department of Children and Families as provided in subsection a.

c. A juvenile being held for a charge under this act or for a violation of or contempt in connection with a violation of Title 39 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes or N.J.S.2C:33-13, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of a crime for a brief period if such holding is necessary to allow release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity, as designated by the Juvenile Justice Commission.

d. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18. The following standards shall apply to any juvenile who has been placed on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and who violates the conditions of that probation after reaching the age of 18; who has been placed on parole pursuant to the provisions of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.) and who violates the conditions of

that parole after reaching the age of 18; or who is arrested after reaching the age of 18 on a warrant emanating from the commission of an act of juvenile delinquency:

(1) In the case of a person 18 years of age but less than 20 years of age, the court, upon application by any interested party, shall determine the place of detention, taking into consideration the age and maturity of the person, whether the placement of the person in a juvenile detention facility would present a risk to the safety of juveniles residing at the facility, the likelihood that the person would influence in a negative manner juveniles incarcerated at the facility, whether the facility has sufficient space available for juveniles and any other factor the court deems appropriate. Upon application at any time by the juvenile detention facility administrator or any other interested party, the court may order that the person be relocated to the county jail. The denial of an application shall not preclude subsequent applications based on a change in circumstances or information that was not previously made available to the court. The determination of the place of detention shall be made in a summary manner;

(2) In the case of a person 20 years of age or older, the person shall be incarcerated in the county jail unless good cause is shown.

e. (1) The Juvenile Justice Commission and the Department of Children and Families shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for juvenile detention facilities or shelters under their respective supervision.

(2) The Juvenile Justice Commission and the Department of Children and Families, in consultation with the appropriate county administrator of the county facility or shelter, shall assign a maximum population capacity for each juvenile detention facility or shelter based on minimum standards for these facilities.

f. (1) Where either the Juvenile Justice Commission or the Department of Children and Families determines that a juvenile detention facility or shelter under its control or authority is regularly over the maximum population capacity or is in willful and continuous disregard of the minimum standards for these facilities or shelters, the commission or department may restrict new admissions to the facility or shelter.

(2) Upon making such determination, the commission or department shall notify the governing body of the appropriate county of its decision to impose such a restriction, which notification shall include a written statement specifying the reasons therefor and corrections to be made. If the commission or department shall determine that no appropriate action has

been initiated by the administrator of the facility or shelter within 60 days following such notification to correct the violations specified in the notification, it shall order that such juvenile detention facility or shelter shall immediately cease to admit juveniles. The county shall be entitled to a hearing where such a restriction is imposed by the commission or department.

(3) Any juvenile detention facility or shelter so restricted shall continue under such order until such time as the commission or department determines that the violation specified in the notice has been corrected or that the facility or shelter has initiated actions which will ensure the correction of said violations.

(4) Upon the issuance of an order to cease admissions to a juvenile detention facility or shelter, the commission or department shall determine whether other juvenile detention facilities or shelters have adequate room for admitting juveniles and shall assign the juveniles to the facilities or shelters on the basis of available space; provided that the department shall not assign the juvenile to a facility or shelter where such facility or shelter is at the maximum population. A juvenile detention facility or shelter ordered to accept a juvenile shall do so within five days following the receipt of an order to accept admission of such juvenile.

(5) A juvenile detention facility or shelter restricted by an order to cease admissions shall assume responsibility for the transportation of a juvenile sent to another juvenile detention facility or shelter so long as the order shall remain in effect.

(6) A facility or shelter receiving juveniles pursuant to paragraph (4) of this subsection shall receive from the sending county a reasonable and appropriate per diem allowance for each juvenile sent to the facility, such allowance to be used for the custody, care, maintenance, and any other services normally provided by the county to juveniles in the facility or shelter and which reflects all county expenditures in maintaining such juvenile, including a proportionate share of all buildings and grounds costs, personnel costs, including fringe benefits, administrative costs and all other direct and indirect costs.

(7) The governing body of a county whose juvenile detention facility or shelter has been prohibited from accepting new admissions, and whose juveniles have been assigned to other juvenile detention facilities or shelters, shall appropriate an amount to pay the county receiving such juveniles for all expenses incurred pursuant to paragraph (6) of this subsection.

17. 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. 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. Any predisposition report prepared pursuant to this section shall include an analysis of the circumstances attending the commission of the act, the impact of the offense on the community, the offender's history of delinquency or criminality, family situation, financial resources, the financial resources of the juvenile's parent or guardian, and information concerning the parent or guardian's exercise of supervision and control relevant to 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.

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

C.2A:4A-43 Disposition of delinquency cases.

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

(1) The nature and circumstances of the offense;

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

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

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

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

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

(7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where the child has mental retardation or learning disabilities;

(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court;

(9) The impact of the offense on the victim or victims;

(10) The impact of the offense on the community; and

(11) The threat to the safety of the public or any individual posed by the child.

b. If a juvenile is adjudged delinquent, and except to the extent that an additional specific disposition is required pursuant to subsection e. or f. of this section, the court may order incarceration pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one or more of the following dispositions:

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; provided that if the court adjourns formal entry of disposition of delinquency for a violation of an offense defined in chapter 35 or 36 of Title 2C of the New Jersey Statutes the court shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but may waive imposition of the penalty set forth in N.J.S.2C:35-16 for juveniles adjudicated delinquent;

(2) Release the juvenile to the supervision of the juvenile's parent or guardian;

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care and responsibility of the Department of Children and Families so that the commissioner may designate a division or organizational unit in the department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Children and Families shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of Human Services for the purpose of receiving the services of the Division of Developmental Disabilities of that department, provided that the juvenile has been determined to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

(7) Commit the juvenile, pursuant to applicable laws and the Rules of Court governing civil commitment, to the Department of Children and Families under the responsibility of the Division of Child Behavioral Health Services for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile is in need of involuntary commitment;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to the juvenile's family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section;

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a

result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that the juvenile does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation division or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services;

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services;

(b) Place the juvenile under the custody of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) for placement with any private group home or private residential facility with which the commission has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which the juvenile was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment;

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile;

(19) Order a parent or guardian who has failed or neglected to exercise reasonable supervision or control of a juvenile who has been adjudicated delinquent to make restitution to any person or entity who has suffered a loss as a result of that offense. The court may determine the reasonable amount, terms and conditions of restitution; or

(20) Place the juvenile, if eligible, in an appropriate juvenile offender program established pursuant to P.L.1997, c.81 (C.30:8-61 et al.).

c. (1) Except as otherwise provided in subsections e. and f. of this section, if the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Juvenile Justice Commission, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of predisposition juvenile detention facilities. The Juvenile Justice Commission shall promulgate such rules and regulations from time to time as deemed

necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the goals of public safety, accountability and rehabilitation and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of P.L.1982, c.77 (C.2A:4A-44); and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Juvenile Justice Commission.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if the juvenile had been committed to a term of incarceration.

e. In addition to any disposition the court may impose pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the following orders shall be included in dispositions of the adjudications set forth below:

(1) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) or an order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 60 days, if the juvenile has

been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of theft of a motor vehicle, or the crime of unlawful taking of a motor vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2;

(2) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) which shall include a minimum term of 60 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of aggravated assault in violation of paragraph (6) of subsection b. of N.J.S.2C:12-1, the second degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case in which the juvenile has previously been adjudicated delinquent for an act, which if committed by an adult, would constitute unlawful taking of a motor vehicle or theft of a motor vehicle;

(3) An order to perform community service pursuant to paragraph (10) of subsection b. of this section for a period of at least 30 days, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the fourth degree crime of unlawful taking of a motor vehicle in violation of subsection b. of N.J.S.2C:20-10;

(4) An order of incarceration for a term of the duration authorized pursuant to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44) which shall include a minimum term of 30 days during which the juvenile shall be ineligible for parole, if the juvenile has been adjudicated delinquent for an act which, if committed by an adult, would constitute the crime of unlawful taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third degree crime of eluding in violation of subsection b. of N.J.S.2C:29-2, and if the juvenile has previously been adjudicated delinquent for an act which, if committed by an adult, would constitute either theft of a motor vehicle, the unlawful taking of a motor vehicle or eluding.

f. (1) The minimum terms of incarceration required pursuant to subsection e. of this section shall be imposed regardless of the weight or balance of factors set forth in this section or in section 25 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of those factors shall determine the length of the term of incarceration appropriate, if any, beyond any mandatory minimum term required pursuant to subsection e. of this section.

(2) When a court in a county that does not have a juvenile detention facility or a contractual relationship permitting incarceration pursuant to subsection c. of this section is required to impose a term of incarceration

pursuant to subsection e. of this section, the court may, subject to limitations on commitment to State correctional facilities of juveniles who are under the age of 11 or developmentally disabled, set a term of incarceration consistent with subsection c. which shall be served in a State correctional facility. When a juvenile who because of age or developmental disability cannot be committed to a State correctional facility or cannot be incarcerated in a county facility, the court shall order a disposition appropriate as an alternative to any incarceration required pursuant to subsection e.

(3) For purposes of subsection e. of this section, in the event that a "boot camp" program for juvenile offenders should be developed and is available, a term of commitment to such a program shall be considered a term of incarceration.

g. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section, the order shall include provisions which provide balanced attention to the protection of the community, accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable the child to become a responsible and productive member of the community.

19. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as follows:

C.2A:4A-60 Disclosure of juvenile information; penalties for disclosure.

1. Disclosure of juvenile information; penalties for disclosure.

a. Social, medical, psychological, legal and other records of the court and probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

(1) Any court or probation division;

(2) The Attorney General or county prosecutor;

(3) The parents or guardian and to the attorney of the juvenile;

(4) The Department of Human Services or Department of Children and Families, if providing care or custody of the juvenile;

(5) Any institution or facility to which the juvenile is currently committed or in which the juvenile is placed;

(6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown, except that

information concerning adjudications of delinquency, records of custodial confinement, 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 of a crime or adjudication of delinquency, and the juvenile's financial resources, shall be made available upon request to the Victims of Crime Compensation Board established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3), which shall keep such information and records confidential;

(7) The Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

(8) Law enforcement agencies for the purpose of reviewing applications for a permit to purchase a handgun or firearms purchaser identification card;

(9) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim's immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to official court documents, such as complaints, pleadings and orders, and that such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim's family and otherwise shall be safeguarded from disclosure to other members of the public. Any potential party in a civil action related to the juvenile offense may file a motion with the civil trial judge seeking to have the juvenile's social, medical or psychological records admitted into evidence in a civil proceeding for damages;

(10) Any potential party in a subsequent civil action for damages related to an act of delinquency committed by a juvenile, including the victim or a member of the victim's immediate family, regardless of whether the action has been filed against the juvenile; provided, however, that records available under this paragraph shall be limited to police or investigation reports concerning acts of delinquency, which shall be disclosed by a law enforcement agency only with the approval of the County Prosecutor's Office or the Division of Criminal Justice. Prior to disclosure, all personal information regarding all individuals, other than the requesting party and the arresting or investigating officer, shall be redacted. Such records may be disclosed by the recipient only in connection with asserting legal claims or obtaining indemnification on behalf of the victim or the victim's family, and otherwise shall be safeguarded from disclosure to other members of the public;

(11) The Office of the Child Advocate established pursuant to P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile information received by

the child advocate pursuant to this paragraph shall be in accordance with the provisions of section 76 of P.L.2005, c.155 (C.52:27EE-76); and

(12) Law enforcement agencies with respect to information available on the juvenile central registry maintained by the courts pursuant to subsection g. of this section, including, but not limited to: records of official court documents, such as complaints, pleadings and orders for the purpose of obtaining juvenile arrest information; juvenile disposition information; juvenile pretrial information; and information concerning the probation status of a juvenile.

b. Records of law enforcement agencies may be disclosed for law enforcement purposes, or for the purpose of reviewing applications for a permit to purchase a handgun or a firearms purchaser identification card to any law enforcement agency of this State, another state or the United States, and the identity of a juvenile under warrant for arrest for commission of an act that would constitute a crime if committed by an adult may be disclosed to the public when necessary to execution of the warrant.

c. At the time of charge, adjudication or disposition, information as to the identity of a juvenile charged with an offense, the offense charged, the adjudication and disposition shall, upon request, be disclosed to:

(1) The victim or a member of the victim's immediate family;

(2) (Deleted by amendment P.L.2005, c.165).

(3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or to planning programs relevant to the juvenile's educational and social development, provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education; or

(4) A party in a subsequent legal proceeding involving the juvenile, upon approval by the court.

d. A law enforcement or prosecuting agency shall, at the time of a charge, adjudication or disposition, advise the principal of the school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition if:

(1) The offense occurred on school property or a school bus, occurred at a school-sponsored function or was committed against an employee or official of the school; or

(2) The juvenile was taken into custody as a result of information or evidence provided by school officials; or

(3) The offense, if committed by an adult, would constitute a crime, and the offense:

(a) resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury; or

(b) involved the unlawful use or possession of a firearm or other weapon; or

(c) involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog; or

(d) was committed by a juvenile who acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or

(e) would be a crime of the first or second degree.

Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to a juvenile's educational and social development, and no record of such information shall be maintained except as authorized by regulation of the Department of Education.

e. Nothing in this section prohibits a law enforcement or prosecuting agency from providing the principal of a school with information identifying one or more juveniles who are under investigation or have been taken into custody for commission of any act that would constitute an offense if committed by an adult when the law enforcement or prosecuting agency determines that the information may be useful to the principal in maintaining order, safety or discipline in the school or in planning programs relevant to the juvenile's educational and social development. Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to the juvenile's educational and social development. No information provided pursuant to this section shall be maintained.

f. Information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than $500.00, unless upon application at the time of dis-

position the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

g. (1) Nothing in this section shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State and local law enforcement agencies and prosecutors of this State, another state, or the United States. These records of law enforcement agencies shall be available on a 24-hour basis.

(2) Certain information and records relating to juveniles in the central registry maintained by the courts, as prescribed in paragraph (12) of subsection a. of this section, shall be available to State and local law enforcement agencies and prosecutors on a 24-hour basis.

h. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

i. Juvenile delinquency proceedings.

(1) Except as provided in paragraph (2) of this subsection, the court may, upon application by the juvenile or his parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding at a delinquency case, where it determines that a substantial likelihood that specific harm to the juvenile would not result. The court shall have the authority to limit and control attendance in any manner and to the extent it deems appropriate;

(2) The court or, in cases where the county prosecutor has entered an appearance, the county prosecutor shall notify the victim or a member of the victim's immediate family of any court proceeding involving the juvenile and the court shall permit the attendance of the victim or family member at the proceeding except when, prior to completing testimony as a witness, the victim or family member is properly sequestered in accordance with the law or the Rules Governing the Courts of the State of New Jersey or when the juvenile or the juvenile's family member shows, by clear and convincing evidence, that such attendance would result in a substantial likelihood that specific harm to the juvenile would result from the attendance of the victim or a family member at a proceeding or any portion of a proceed-

ing and that such harm substantially outweighs the interest of the victim or family member to attend that portion of the proceeding;

(3) The court shall permit a victim, or a family member of a victim to make a statement prior to ordering a disposition in any delinquency proceeding involving an offense that would constitute a crime if committed by an adult.

j. The Department of Education, in consultation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the creation, maintenance and disclosure of pupil records including information acquired pursuant to this section.

20. Section 14 of P.L.1982, c.80 (C.2A:4A-89) is amended to read as follows:

C.2A:4A-89 Out-of-home placement hearing.

14. When intake has filed with the court a petition for out of home placement, the court shall, within 24 hours, conduct a hearing on the petition. The court shall notify the parents, the juvenile and his counsel and, if indigent, have counsel appointed by the court. The hearing shall be conducted in accordance with the Rules of Court and shall be attended by the parents, the juvenile, and when requested by the court, a representative of the Department of Children and Families. The following procedure shall be followed for the hearing:

a. The court shall hold the hearing to consider the petition and may approve or disapprove the temporary out of home placement. The court may approve the temporary out of home placement if either of the following factors exists:

(1) A serious conflict or other problem between the parent and the juvenile which cannot be resolved by delivery of services to the family during continued placement of the juvenile in the parental home; or

(2) The physical safety and well-being of the juvenile would be threatened if the juvenile were placed in the parental home.

b. If the court disapproves a petition for an out of home placement, a written statement of reasons shall be filed, and the court shall order that the juvenile is to remain at or return to the parental home.

c. Temporary out of home placement shall continue until otherwise provided by the court. The order approving the temporary out of home placement shall direct the Department of Children and Families, or other service or agency to submit a family service plan that is designed to resolve

the family crisis consistent with the well-being and physical safety of the juvenile. The court shall direct such department, service or agency to make recommendations as to which agency or person shall have physical custody of the child, the extent of the parental powers to be awarded to such agency or person and parental visitation rights.

d. Within 14 days of the date of the order approving the petition for temporary out of home placement is entered, unless for good cause shown, but no later than 30 days, the department, service or agency shall submit to the court a family service plan, which shall be presumed valid, detailing the specifics of the court order. The plan shall be developed within the limits of fiscal and other resources available to the department, service or agency. If the court determines that the service plan is inappropriate, given existing resources, the department, service or agency may request a hearing on that determination.

e. At the hearing held to consider the family service plan presented by the department or other service or agency, the court shall consider all such recommendations included therein. The court, consistent with this section, may modify such plan and shall make its dispositional order for the juvenile. The court's dispositional order shall specify the responsibility of the Department of Children and Families or other service with respect to the juvenile who shall be placed, those parental powers temporarily ordered to the department or service and parental visitation rights. Where placement cannot be immediately made, the department or other service or agency shall report to the court every 14 days on the status of the placement and progress toward implementation of the plan.

21. N.J.S.2A:12-6 is amended to read as follows:

Distribution of law reports.

2A:12-6. The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound volumes of the New Jersey Reports and the New Jersey Superior Court Reports heretofore or hereafter published and delivered to him, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

a. To the Governor, four copies;

b. To the Department of Law and Public Safety, for the Division of Law, four copies; and the Division of Alcoholic Beverage Control, one copy;

c. To the Department of the Treasury, for the State Treasurer, one copy; the Division of Taxation, three copies; and the Division of Local Government Services in the Department of Community Affairs, one copy;

d. To the Department of State, one copy;

e. To the Department of Personnel, one copy;

f. To the Department of Banking and Insurance, two copies;

g. To the Board of Public Utilities in the Department of the Treasury, one copy;

h. To the Department of Labor and Workforce Development, for the commissioner, one copy; the Division of Workers' Compensation, five copies; the State Board of Mediation, one copy; and the Division of Employment Security, three copies;

i. To the Department of Education, for the commissioner, one copy;

j. To the Department of Transportation, one copy;

k. To the Department of Human Services, one copy; the Department of Corrections, one copy; and the Department of Children and Families, one copy;

l. To each judge of the federal courts in and for the district of New Jersey, one copy;

m. To each justice of the Supreme Court, one copy;

n. To each judge of the Superior Court, one copy;

o. To the Administrative Director of the Courts, one copy;

p. To each standing master of the Superior Court, one copy;

q. (Deleted by amendment, P.L.1983, c.36.)

r. To the clerk of the Supreme Court, one copy;

s. To the clerk of the Superior Court, one copy;

t. (Deleted by amendment, P.L.1983, c.36.)

u. (Deleted by amendment, P.L.1983, c.36.)

v. (Deleted by amendment, P.L.1991, c.91.)

w. (Deleted by amendment, P.L.1991, c.91.)

x. To each county prosecutor, one copy;

y. To the Central Management Unit in the Office of Legislative Services, one copy;

z. To each surrogate, one copy;

aa. To each county clerk, one copy;

ab. To each sheriff, one copy;

ac. To Rutgers, The State University, two copies; and the law schools, five copies each;

ad. To the law school of Seton Hall University, five copies;

ae. To Princeton University, two copies;

af. To the Library of Congress, four copies;

ag. To the New Jersey Historical Society, one copy;

ah. To every library provided by the board of chosen freeholders of any county at the courthouse in each county, one copy;

ai. To the library of every county bar association in this State, one copy;

aj. To each incorporated library association in this State, which has a law library at the county seat of the county in which it is located, one copy;

ak. To each judge of the tax court, one copy;

al. The State Library, 60 copies, five of which shall be deposited in the Law Library, and 55 of which shall be used by the State Librarian to send one copy to the state library of each state and territory of the United States, the same to be in exchange for the law reports of such states and territories sent to the State Library, which reports shall be deposited in and become part of the collection of the Law Library.

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as he may determine upon.

22. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to read as follows:

C.2A:23C-6 Exceptions to privilege.

6. Exceptions to Privilege.

a. There is no privilege under section 4 of P.L.2004, c.157 (C.2A:23C-4) for a mediation communication that is:

(1) in an agreement evidenced by a record signed by all parties to the agreement;

(2) made during a session of a mediation that is open, or is required by law to be open, to the public;

(3) a threat or statement of a plan to inflict bodily injury or commit a crime;

(4) intentionally used to plan a crime, attempt to commit a crime, or to conceal an ongoing crime or ongoing criminal activity;

(5) sought or offered to prove or disprove a claim or complaint filed against a mediator arising out of a mediation;

(6) except as otherwise provided in subsection c., sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a mediation party, nonparty participant, or representative of a party based on conduct occurring during a mediation; or

(7) sought or offered to prove or disprove child abuse or neglect in a proceeding in which the Division of Youth and Family Services in the Department of Children and Families is a party, unless the Division of Youth and Family Services participates in the mediation.

b. There is no privilege under section 4 of P.L.2004, c.157 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and that the mediation communication is sought or offered in:

(1) a court proceeding involving a crime as defined in the "New Jersey Code of Criminal Justice," N.J.S. 2C:1-1 et seq.; or

(2) except as otherwise provided in subsection c., a proceeding to prove a claim to rescind or reform or a defense to avoid liability on a contract arising out of the mediation.

c. A mediator may not be compelled to provide evidence of a mediation communication referred to in paragraph (6) of subsection a. or paragraph (2) of subsection b.

d. If a mediation communication is not privileged under subsection a. or b., only the portion of the communication necessary for the application of the exception from nondisclosure may be admitted. Admission of evidence under subsection a. or b. does not render the evidence, or any other mediation communication, discoverable or admissible for any other purpose.

23. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as follows:

C.2C:7-5 Records; immunity.

5. a. Records maintained pursuant to this act shall be open to any law enforcement agency in this State, the United States or any other state and may be released to the Division of Youth and Family Services in the Department of Children and Families for use in carrying out its responsibilities under law. Law enforcement agencies in this State shall be authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection in accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et seq.).

b. An elected public official, public employee, or public agency is immune from civil liability for damages for any discretionary decision to release relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The

immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

c. Nothing in this act shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information as authorized in subsection d. of this section.

d. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public exposed to danger of any persons that pose a danger under circumstances that are not enumerated in this act.

24. N.J.S.2C:13-1 is amended to read as follows:

Kidnapping.

2C:13-1. Kidnapping. a. Holding for ransom, reward or as a hostage. A person is guilty of kidnapping if he unlawfully removes another from the place where he is found or if he unlawfully confines another with the purpose of holding that person for ransom or reward or as a shield or hostage.

b. Holding for other purposes. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period, with any of the following purposes:

(1) To facilitate commission of any crime or flight thereafter;

(2) To inflict bodily injury on or to terrorize the victim or another;

(3) To interfere with the performance of any governmental or political function; or

(4) To permanently deprive a parent, guardian or other lawful custodian of custody of the victim.

c. Grading of kidnapping. (1) Except as provided in paragraph (2) of this subsection, kidnapping is a crime of the first degree and upon conviction thereof, a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 15 and 30 years. If the actor releases the victim unharmed and in a safe place prior to apprehension, it is a crime of the second degree.

(2) Kidnapping is a crime of the first degree and upon conviction thereof, an actor shall be sentenced to a term of imprisonment by the court, if the victim of the kidnapping is less than 16 years of age and if during the kidnapping:

(a) A crime under N.J.S.2C:14-2 or subsection a. of N.J.S.2C:14-3 is committed against the victim;

(b) A crime under subsection b. of N.J.S.2C:24-4 is committed against the victim; or

(c) The actor sells or delivers the victim to another person for pecuniary gain other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, the term of imprisonment imposed under this paragraph shall be either a term of 25 years during which the actor shall not be eligible for parole, or a specific term between 25 years and life imprisonment, of which the actor shall serve 25 years before being eligible for parole; provided, however, that the crime of kidnapping under this paragraph and underlying aggravating crimes listed in subparagraph (a), (b) or (c) of this paragraph shall merge for purposes of sentencing. If the actor is convicted of the criminal homicide of a victim of a kidnapping under the provisions of chapter 11, any sentence imposed under provisions of this paragraph shall be served consecutively to any sentence imposed pursuant to the provisions of chapter 11.

d. "Unlawful" removal or confinement. A removal or confinement is unlawful within the meaning of this section and of sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 or is incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

e. It is an affirmative defense to a prosecution under paragraph (4) of subsection b. 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 victim 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 victim under his protection, give notice of the victim's location to the police department of the municipality where the victim resided, the office of the county prosecutor in the county where the victim 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 victim was consented to by a parent, or by an authorized State agency; or

(3) The victim, being at the time of the taking or concealment not less than 14 years old, was taken away at his own volition by his parent and without purpose to commit a criminal offense with or against the victim.

f. It is an affirmative defense to a prosecution under paragraph (4) of subsection b. 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 victim's location to the police department of the municipality where the victim resided, the office of the county prosecutor in the county where the victim 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.

g. As used in subsections e. and f. of this section, "parent" means a parent, guardian or other lawful custodian of a victim.

25. 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, mentally defective or insane person, 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.

26. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to read as follows:

C.2C:25-34 Domestic violence restraining orders, central registry.

1. The Administrative Office of the Courts shall establish and maintain a central registry of all persons who have had domestic violence restraining orders entered against them, all persons who have been charged with a crime or offense involving domestic violence, and all persons who have been charged with a violation of a court order involving domestic violence. All records made pursuant to this section shall be kept confidential and shall be released only to:

a. A public agency authorized to investigate a report of domestic violence;

b. A police or other law enforcement agency investigating a report of domestic violence, or conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer or for any other purpose authorized by law or the Supreme Court of the State of New Jersey;

c. A court, upon its finding that access to such records may be necessary for determination of an issue before the court;

d. A surrogate, in that person's official capacity as deputy clerk of the Superior Court, in order to prepare documents that may be necessary for a court to determine an issue in an adoption proceeding; or

e. The Division of Youth and Family Services in the Department of Children and Families when the division is conducting a background investigation involving:

(1) an allegation of child abuse or neglect, to include any adult member of the same household as the individual who is the subject of the abuse or neglect allegation; or

(2) an out-of-home placement for a child being placed by the Division of Youth and Family Services, to include any adult member of the prospective placement household.

Any individual, agency, surrogate or court which receives from the Administrative Office of the Courts the records referred to in this section shall keep such records and reports, or parts thereof, confidential and shall not disseminate or disclose such records and reports, or parts thereof; provided that nothing in this section shall prohibit a receiving individual, agency, surrogate or court from disclosing records and reports, or parts thereof, in a manner consistent with and in furtherance of the purpose for which the records and reports or parts thereof were received.

Any individual who disseminates or discloses a record or report, or parts thereof, of the central registry, for a purpose other than investigating a report of domestic violence, conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer, making a determination of an issue before the court, conducting a background investigation as specified in subsection e. of this section, or for any other purpose other than that which is authorized by law or the Supreme Court of the State of New Jersey, shall be guilty of a crime of the fourth degree.

27. Section 4 of P.L.1999, c.334 (C.2C:35-5.7) is amended to read as follows:

C.2C:35-5.7 Issuance of order by court.

4. a. When a person is charged with a criminal offense on a warrant and the person is released from custody before trial on bail or personal recognizance, the court, upon application of a law enforcement officer or prosecuting attorney pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection e. of this section, shall as a condition of release issue an order prohibiting the person from entering any place defined by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6), including a buffer zone surrounding the place or modifications as provided by subsection f. of this section.

b. When a person is charged with a criminal offense on a summons, the court, upon application of a law enforcement officer or prosecuting attorney pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection e. of this section, shall, at the time of the defendant's first appearance, issue an order prohibiting the person from entering any place defined by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-

5.6), including a buffer zone surrounding the place or modifications as provided by subsection f. of this section.

c. When a person is charged with a criminal offense on a juvenile delinquency complaint and is released from custody at a detention hearing pursuant to section 19 of P.L.1982, c.77 (C.2A:4A-38), the court, upon application of a law enforcement officer or prosecuting attorney pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection e. of this section, shall issue an order prohibiting the person from entering any place defined by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6), including a buffer zone surrounding the place or modifications as provided by subsection f. of this section.

d. When a person is charged with a criminal offense on a juvenile delinquency complaint and is released without being detained pursuant to section 15 or 16 of P.L.1982, c.77 (C.2A:4A-34 or C.2A:4A-35), the law enforcement officer or prosecuting attorney shall prepare an application pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) for filing on the next court day.

The law enforcement officer releasing the juvenile shall serve the juvenile and his parent or guardian with written notice that an order shall be issued by the Family Part of the Superior Court on the next court day prohibiting the juvenile from entering any place defined by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6), including a buffer zone surrounding the place or modifications as provided by subsection f. of this section.

The court shall issue such order on the first court day following the release of the juvenile. If the restraints contained in the court order differ from the restraints contained in the notice, the order shall not be effective until the third court day following the issuance of the order. The juvenile may apply to the court to stay or modify the order on the grounds set forth in subsection e. of this section.

e. The court may forego issuing a restraining order for which application has been made pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) only if the defendant establishes by clear and convincing evidence that:

(1) the defendant lawfully resides at or has legitimate business on or near the place, or otherwise legitimately needs to enter the place. In such an event, the court shall not issue an order pursuant to this section unless the court is clearly convinced that the need to bar the person from the place in order to protect the public safety and the rights, safety and health of the residents and persons working in the place outweighs the person's interest in returning to the place. If the balance of the interests of the person and

the public so warrants, the court may issue an order imposing conditions upon the person's entry at, upon or near the place; or

(2) the issuance of an order would cause undue hardship to innocent persons and would constitute a serious injustice which overrides the need to protect the rights, safety and health of persons residing in or having business in the place.

f. A restraining order issued pursuant to subsection a., b., c., d. or h. of this section shall describe the place from which the person has been barred and any conditions upon the person's entry into the place, with sufficient specificity to enable the person to guide his conduct accordingly and to enable a law enforcement officer to enforce the order. The order shall also prohibit the person from entering an area of up to 500 feet surrounding the place, unless the court rules that a different buffer zone would better effectuate the purposes of this act. In the discretion of the court, the order may contain modifications to permit the person to enter the area during specified times for specified purposes, such as attending school during regular school hours. When appropriate, the court may append to the order a map depicting the place. The person shall be given a copy of the restraining order and any appended map and shall acknowledge in writing the receipt thereof.

g. (1) The court shall provide notice of the restraining order to the local law enforcement agency where the arrest occurred and to the county prosecutor.

(2) Notwithstanding the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60), prior to the person's conviction or adjudication of delinquency for a criminal offense, the local law enforcement agency may post a copy of any orders issued pursuant to this section, or an equivalent notice containing the terms of the order, upon one or more of the principal entrances of the place or in any other conspicuous location. Such posting shall be for the purpose of informing the public, and the failure to post a copy of the order shall in no way excuse any violation of the order.

(3) Notwithstanding the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60), prior to the person's conviction or adjudication of delinquency for a criminal offense, any law enforcement agency may publish a copy of any orders issued pursuant to this section, or an equivalent notice containing the terms of the order, in a newspaper circulating in the area of the restraining order. Such publication shall be for the purpose of informing the public, and the failure to publish a copy of the order shall in no way excuse any violation of the order.

(4) Notwithstanding the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60), prior to the person's conviction or adjudication of delinquency for a criminal offense, any law enforcement agency may distribute copies of any orders issued pursuant to this section, or an equivalent notice containing the terms of the order, to residents or businesses located within the area delineated in the order or, in the case of a school or any government-owned property, to the appropriate administrator, or to any tenant association representing the residents of the affected area. Such distribution shall be for the purpose of informing the public, and the failure to publish a copy of the order shall in no way excuse any violation of the order.

h. When a person is convicted of or adjudicated delinquent for any criminal offense, the court, upon application of a law enforcement officer or prosecuting attorney pursuant to section 3 of P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection e. of this section, shall, by separate order or within the judgment of conviction, issue an order prohibiting the person from entering any place defined by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6), including a buffer zone surrounding the place or modifications as provided by subsection f. of this section. Upon the person's conviction or adjudication of delinquency for a criminal offense, a law enforcement agency, in addition to posting, publishing, and distributing the order or an equivalent notice pursuant to paragraphs (2), (3) and (4) of subsection g. of this section, may also post, publish and distribute a photograph of the person.

i. When a juvenile has been adjudicated delinquent for an act which, if committed by an adult, would be a criminal offense, in addition to an order required by subsection h. of this section or any other disposition authorized by law, the court may order the juvenile and any parent, guardian or any family member over whom the court has jurisdiction to take such actions or obey such restraints as may be necessary to facilitate the rehabilitation of the juvenile or to protect public safety or to safeguard or enforce the rights of residents of the place. The court may commit the juvenile to the care and responsibility of the Department of Children and Families until such time as the juvenile reaches the age of 18 or until the order of removal and restraint expires, whichever first occurs, or to such alternative residential placement as is practicable.

j. An order issued pursuant to subsection a., b., c. or d. of this section shall remain in effect until the case has been adjudicated or dismissed, or for not less than two years, whichever is less. An order issued pursuant to subsection h. of this section shall remain in effect for such period of time as shall be fixed by the court but not longer than the maximum term of im-

prisonment or incarceration allowed by law for the underlying offense or offenses. When the court issues a restraining order pursuant to subsection h. of this section and the person is also sentenced to any form of probationary supervision or participation in the Intensive Supervision Program, the court shall make continuing compliance with the order an express condition of probation or the Intensive Supervision Program. When the person has been sentenced to a term of incarceration, continuing compliance with the terms and conditions of the order shall be made an express condition of the person's release from confinement or incarceration on parole. At the time of sentencing or, in the case of a juvenile, at the time of disposition of the juvenile case, the court shall advise the defendant that the restraining order shall include a fixed time period in accordance with this subsection and shall include that provision in the judgment of conviction, dispositional order, separate order or order vacating an existing restraining order, to the law enforcement agency that made the arrest and to the county prosecutor.

k. All applications to stay or modify an order issued pursuant to this act, including an order originally issued in municipal court, shall be made in the Superior Court. The court shall immediately notify the county prosecutor in writing whenever an application is made to stay or modify an order issued pursuant to this act. If the court does not issue a restraining order, the sentence imposed by the court for a criminal offense as defined in subsection b. of this section shall not become final for ten days in order to permit the appeal of the court's findings by the prosecution.

l. Nothing in this section shall be construed in any way to limit the authority of the court to take such other actions or to issue such orders as may be necessary to protect the public safety or to safeguard or enforce the rights of others with respect to the place.

m. Notwithstanding any other provision of this section, the court may permit the person to return to the place to obtain personal belongings and effects and, by court order, may restrict the time and duration and provide for police supervision of such a visit.

28. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to read as follows:

C.2C:44-6.2 Person sentenced to incarceration, care and custody of minor child.

1. a. In any case in which a person has been convicted of a crime for which the person will be incarcerated, the court shall order, as part of the presentence investigation required pursuant to N.J.S.2C:44-6, that a determination be made as to whether the person is the sole caretaker of a minor

child and, if so, who will assume responsibility for the child's care and custody during the period the person is incarcerated.

b. If the determination is made that the person is the sole caretaker of the child, the presentence investigation shall also include:

(1) verification that the person who will be responsible for the child's care and custody during the period of incarceration has agreed to assume responsibility for the child's care and custody;

(2) an inquiry as to the willingness of the person to assume responsibility for the child's care and custody during the period of incarceration; and

(3) a PROMIS/GAVEL network check, juvenile central registry check and domestic violence central registry check on the person who will be responsible for the child's care and custody during the period of incarceration and on any adult and juvenile over 12 years of age in the person's household.

c. The court shall provide the information compiled pursuant to subsection b. of this section, from the presentence investigation, to the Division of Youth and Family Services in the Department of Children and Families.

29. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to read as follows:

C.2C:44-6.3 Report of persons convicted of certain crimes residing with minor children.

3. a. In any case in which a person has been convicted of a crime enumerated in subsection b. of this section and:

(1) the victim of the crime was either a person under the age of 18 at the time of the commission of the crime, or a person defined in paragraph (9) of subsection b. of this section; and

(2) the person convicted of the crime resides in a household with other minor children or is a parent of a minor child,

the court, based on an interview with the defendant, shall make a referral to the Division of Youth and Family Services in the Department of Children and Families and provide the division with the name and address of the person convicted of the crime, information on the person's criminal history and the name and address of each child referred to in paragraph (2) of this subsection.

b. For purposes of this section, "crime" includes any of the following:

(1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(2) simple assault or aggravated assault pursuant to N.J.S.2C:12-1;

(3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(4) terrorist threats pursuant to N.J.S.2C:12-3;

(5) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

(6) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(7) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(8) a crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.2C:24-4; or child abuse, neglect, or abandonment pursuant to R.S.9:6-3;

(9) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.2C:24-8;

(10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.); or

(11) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (10) of this subsection.

30. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read as follows:

C.3B:12-69 Definitions.

3. As used in this act:

"Appointed standby guardian" means a person appointed pursuant to section 6 of this act to assume the duties of guardian over the person and, when applicable, the property of a minor child upon the death or a determination of incapacity or debilitation, and with the consent, of the parent or legal custodian.

"Attending physician" means the physician who has primary responsibility for the treatment and care for the petitioning parent or legal custodian. When more than one physician shares this responsibility, or when a physician is acting on the primary physician's behalf, any such physician may act as the attending physician pursuant to this act. When no physician has this responsibility, a physician who is familiar with the petitioner's medical condition may act as the attending physician pursuant to this act.

"Consent" means written consent signed by the parent or legal custodian in the presence of two witnesses who shall also sign the document. The written consent shall constitute the terms for the commencement of the duties of the standby guardian.

"Debilitation" means a chronic and substantial inability, as a result of a physically debilitating illness, disease, or injury, to care for one's minor child.

"Designated standby guardian" means a person designated pursuant to section 8 of this act to assume temporarily the duties of guardianship over the person and, when applicable, the property of a minor child upon the death or a determination of incapacity or debilitation, and with the consent, of the parent or legal custodian.

"Designation" means a written document voluntarily executed by the designator pursuant to this act.

"Designator" means a competent parent or legal custodian of a minor child who makes a designation pursuant to this act.

"Determination of debilitation" means a written determination made by the attending physician which contains the physician's opinion to a reasonable degree of medical certainty regarding the nature, cause, extent and probable duration of the parent's or legal custodian's debilitation.

"Determination of incapacity" means a written determination made by the attending physician which contains the physician's opinion to a reasonable degree of medical certainty regarding the nature, cause, extent and probable duration of the parent's or legal custodian's incapacity.

"Incapacity" means a chronic and substantial inability, as a result of mental or organic impairment, to understand the nature and consequences of decisions concerning the care of one's minor child, and a consequent inability to make these decisions.

"Minor child" means a child under the age of eighteen years but excludes a child residing in a placement funded or approved by the Division of Youth and Family Services in the Department of Children and Families pursuant to either a voluntary placement agreement or court order.

"Triggering event" means an event stated in the designation, petition or decree which empowers the standby guardian to assume the duties of the office, which event may be the death, incapacity or debilitation, with the consent, of the custodial parent or legal custodian, whichever occurs first.

31. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to read as follows:

C.3B:12A-2 Definitions relative to kinship legal guardianship.

2. As used in sections 1 through 6 of P.L.2001, c.250 (C.3B:12A-1 et seq.):

"Caregiver" means a person over 18 years of age, other than a child's parent, who has a kinship relationship with the child and has been provid-

ing care and support for the child, while the child has been residing in the caregiver's home, for either the last 12 consecutive months or 15 of the last 22 months. "Caregiver" includes a resource family parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

"Child" means a person under 18 years of age, except as otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

"Commissioner" means the Commissioner of Children and Families.

"Court" means the Superior Court, Chancery Division, Family Part.

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Family friend" means a person who is connected to a child or the child's parent by an established positive psychological or emotional relationship that is not a biological or legal relationship.

"Home review" means the basic review of the information provided by the petitioner and a visit to the petitioner's home where the child will continue to reside, in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations adopted by the commissioner.

"Kinship caregiver assessment" means a written report prepared in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations adopted by the commissioner.

"Kinship legal guardian" means a caregiver who is willing to assume care of a child due to parental incapacity, with the intent to raise the child to adulthood, and who is appointed the kinship legal guardian of the child by the court pursuant to P.L.2001, c.250 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible for the care and protection of the child and for providing for the child's health, education and maintenance.

"Kinship relationship" means a family friend or a person with a biological or legal relationship with the child.

"Parental incapacity" means incapacity of such a serious nature as to demonstrate that the parent is unable, unavailable or unwilling to perform the regular and expected functions of care and support of the child.

32. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to read as follows:

C.3B:12A-6 Considerations for appointment as kinship legal guardian.

6. a. In making its determination about whether to appoint the caregiver as kinship legal guardian, the court shall consider:

(1) if proper notice was provided to the child's parents;

(2) the best interests of the child;

(3) the kinship caregiver assessment;

(4) in cases in which the division is involved with the child as provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), the recommendation of the division, including any parenting time or visitation restrictions;

(5) the potential kinship legal guardian's ability to provide a safe and permanent home for the child;

(6) the wishes of the child's parents, if known to the court;

(7) the wishes of the child if the child is 12 years of age or older, unless unique circumstances exist that make the child's age irrelevant;

(8) the suitability of the kinship caregiver and the caregiver's family to raise the child;

(9) the ability of the kinship caregiver to assume full legal responsibility for the child;

(10) the commitment of the kinship caregiver and the caregiver's family to raise the child to adulthood;

(11) the results from the child abuse record check conducted pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and

(12) the results from the criminal history record background check and domestic violence check conducted pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver petitioning for kinship legal guardianship, or any adult residing in the prospective caregiver's home, has a record of criminal history or a record of being subjected to a final domestic violence restraining order under P.L.1991, c.261 (C.2C:25-17 et seq.), the court shall review the record with respect to the type and date of the criminal offense or the provisions and date of the final domestic violence restraining order and make a determination as to the suitability of the person to become a kinship legal guardian. For the purposes of this paragraph, with respect to criminal history, the court shall consider convictions for offenses specified in subsections c., d. and e. of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

b. The court shall not award kinship legal guardianship of the child unless proper notice was served upon the parents of the child and any other party to whom the court has awarded custody or parenting time for that child, in accordance with the Rules of Court.

c. The court shall not award kinship legal guardianship of the child solely because of parental incapacity.

d. The court shall appoint the caregiver as a kinship legal guardian if, based upon clear and convincing evidence, the court finds that:

(1) each parent's incapacity is of such a serious nature as to demonstrate that the parents are unable, unavailable or unwilling to perform the regular and expected functions of care and support of the child;

(2) the parents' inability to perform those functions is unlikely to change in the foreseeable future;

(3) in cases in which the division is involved with the child as provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-85), (a) the division exercised reasonable efforts to reunify the child with the birth parents and these reunification efforts have proven unsuccessful or unnecessary; and (b) adoption of the child is neither feasible nor likely; and

(4) awarding kinship legal guardianship is in the child's best interests.

e. The court order appointing the kinship legal guardian shall specify, as appropriate, that:

(1) a kinship legal guardian shall have the same rights, responsibilities and authority relating to the child as a birth parent, including, but not limited to: making decisions concerning the child's care and well-being; consenting to routine and emergency medical and mental health needs; arranging and consenting to educational plans for the child; applying for financial assistance and social services for which the child is eligible; applying for a motor vehicle operator's license; applying for admission to college; responsibility for activities necessary to ensure the child's safety, permanency and well-being; and ensuring the maintenance and protection of the child; except that a kinship legal guardian may not consent to the adoption of the child or a name change for the child;

(2) the birth parent of the child retains the authority to consent to the adoption of the child or a name change for the child;

(3) the birth parent of the child retains the obligation to pay child support;

(4) the birth parent of the child retains the right to visitation or parenting time with the child, as determined by the court;

(5) the appointment of a kinship legal guardian does not limit or terminate any rights or benefits derived from the child's parents, including, but not limited to, those relating to inheritance or eligibility for benefits or insurance; and

(6) kinship legal guardianship terminates when the child reaches 18 years of age or when the child is no longer continuously enrolled in a secondary education program, whichever event occurs later, or when kinship legal guardianship is otherwise terminated.

f. An order or judgment awarding kinship legal guardianship may be vacated by the court prior to the child's 18th birthday if the court finds that

the kinship legal guardianship is no longer in the best interests of the child or, in cases where there is an application to return the child to the parent, based upon clear and convincing evidence, the court finds that the parental incapacity or inability to care for the child that led to the original award of kinship legal guardianship is no longer the case and termination of kinship legal guardianship is in the child's best interests.

In cases in which the division was involved, when determining whether a child should be returned to a parent, the court may refer a parent for an assessment prepared by the division, in accordance with regulations adopted by the commissioner.

g. An order or judgment awarding kinship legal guardianship may be vacated by the court if, based upon clear and convincing evidence, the court finds that the guardian failed or is unable, unavailable or unwilling to provide proper care and custody of the child, or that the guardianship is no longer in the child's best interests.

33. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read as follows:

C.9:3-38 Definitions.

2. For the purposes of this act:

a. "Approved agency" means a nonprofit corporation, association or agency, including any public agency, approved by the Department of Children and Families for the purpose of placing children for adoption in New Jersey;

b. "Child" means a person under 18 years of age;

c. "Custody" means the general right to exercise continuing control over the person of a child derived from court order or otherwise;

d. "Guardianship" means the right to exercise continuing control over the person or property or both of a child which includes any specific right of control over an aspect of the child's upbringing derived from court order;

e. "Guardian ad litem" means a qualified person, not necessarily an attorney, appointed by the court under the provisions of this act or at the discretion of the court to represent the interests of the child whether or not the child is a named party in the action;

f. "Parent" means a birth parent or parents, including the birth father of a child born out of wedlock who has acknowledged the child or to whom the court has ordered notice to be given, or a parent or parents by adoption;

g. "Placement for adoption" means the transfer of custody of a child to a person for the purpose of adoption by that person;

h. "Plaintiff" means a prospective parent or parents who have filed a complaint for adoption;

i. "Legal services" means the provision of counseling or advice related to the law and procedure for adoption of a child, preparation of legal documents, or representation of any person before a court or administrative agency;

j. "Surrender" means a voluntary relinquishment of all parental rights by a birth parent, previous adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise, for purposes of allowing a child to be adopted;

k. "Home study" means an approved agency's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the agency's written report and recommendations conducted in accordance with rules and regulations promulgated by the Director of the Division of Youth and Family Services; and

l. "Intermediary" means any person, firm, partnership, corporation, association or agency, which is not an approved agency as defined in this section, who acts for or between any parent and any prospective parent or acts on behalf of either in connection with the placement of the parent's child for adoption in the State or in any other state or country. An intermediary in any other state or country shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State. An intermediary in this State shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State or in any other state or country. The provisions of this subsection shall not be construed to prohibit the receipt of money or other valuable consideration specifically authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).

34. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to read as follows:

C.9:3-39.1 Offering, assisting in the placement of child for adoption, conditions.

18. a. A person, firm, partnership, corporation, association or agency shall not place, offer to place or materially assist in the placement of any child for adoption in New Jersey unless:

(1) the person is the parent or guardian of the child, or

(2) the firm, partnership, corporation, association or agency is an approved agency to act as agent, finder or to otherwise materially assist in the placement of any child for adoption in this State, or

(3) the placement for adoption is with a brother, sister, aunt, uncle, grandparent, birth father or stepparent of the child, or

(4) the placement is through an intermediary and (a) the person with whom the child is to be placed has been approved for placement for adoption by an approved agency home study which consists of the agency's formal written assessment of the capacity and readiness of the prospective adoptive parents to adopt a child, conducted in accordance with rules and regulations promulgated by the Director of the Division of Youth and Family Services;

(b) The birth parent, except one who cannot be identified or located prior to the placement of the child for adoption, shall be offered counseling as to his or her options other than placement of the child for adoption. Such counseling shall be made available by or through an approved licensed agency in New Jersey or in the birth parent's state or country of residence. The fact that counseling has been made available, and the name, address and telephone number of the agency through which the counseling is available, shall be confirmed in a written document signed by the birth parent and acknowledged in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1) a copy of which shall be provided to the birth parent and the agency conducting the adoption complaint investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court prior to termination of parental rights; and

(c) Written notice shall be given to the birth parent, except one who cannot be identified or located prior to the placement of the child for adoption, and the adoptive parent that the decision not to place the child for adoption or the return of the child to the birth parent cannot be conditioned upon reimbursement of expenses by the birth parent to the adoptive parent, and that payments by the adoptive parent are non-refundable. Provision of such notice shall be confirmed in a written document signed by the birth parent and adoptive parent in separate documents which shall be acknowledged in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be provided to the birth parent, and the agency conducting the adoption complaint investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48), and shall be filed with the court prior to termination of parental rights.

b. The Superior Court in an action by the Commissioner of Children and Families may enjoin any party found by the court to have violated this section from any further violation of this section.

c. A person, firm, partnership, corporation, association, or agency violating subsection a. of this section shall be guilty of a crime of the third degree.

d. A person, firm, partnership, corporation, association, intermediary or agency other than an approved agency which pays, seeks to pay, receives, or seeks to receive money or other valuable consideration in connection with the placement of a child for adoption shall be guilty of a crime of the second degree.

e. It shall not be a violation of subsection d. of this section: (1) to pay, provide or reimburse to a parent of the child, or for a parent of the child to receive payment, provision or reimbursement for medical, hospital, counseling or other similar expenses incurred in connection with the birth or any illness of the child, or the reasonable living expenses of the mother of the child during her pregnancy including payments for reasonable food, clothing, medical expenses, shelter, and religious, psychological, vocational, or similar counseling services during the period of the pregnancy and for a period not to exceed four weeks after the termination of the pregnancy by birth or otherwise. These payments may be made directly to the birth mother or on the mother's behalf to the supplier of the goods or services, or

(2) where the child is from a foreign country, reasonable and customary fees and expenses of a foreign agency or attorney for the care or representation of the child during any period of foster or institutional care in the child's country of origin, or

(3) reasonable attorney fees and costs for legal services.

35. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read as follows:

C.9:3-40 Qualification of agencies for approval.

4. The Commissioner of Children and Families shall promulgate rules and regulations relating to the qualification of agencies for approval to make placements for adoption in New Jersey. The rules and regulations shall include, but shall not be limited to, standards of professional training and experience of staff, requirements relating to responsibilities and the character of trustees, officers or other persons supervising or conducting the placement for adoption program, adequacy of facilities, maintenance and confidentiality of casework records and furnishing of reports. The requirements relating to the character of trustees, officers or other persons supervising or conducting the placement for adoption program at the agency shall include a prohibition on engaging in, or the permitting of, any conduct that is deemed inappropriate to the purposes of the agency. In the

selection of adoptive parents the standard shall be the best interests of the child; and an approved agency shall not discriminate with regard to the selection of adoptive parents for any child on the basis of age, sex, race, national origin, religion or marital status provided, however, that these factors may be considered in determining whether the best interests of a child would be served by a particular placement for adoption or adoption.

36. Section 2 of P.L.2003, c.11 (C.9:3-40.1) is amended to read as follows:

C.9:3-40.1 Denial, suspension, revocation, refusal to renew agency's certificate on character requisites.

2. The Department of Children and Families may deny, suspend, revoke or refuse to renew an adoption agency's certificate of approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program established pursuant to section 4 of P.L.1977, c.367 (C.9:3-40).

37. Section 1 of P.L.1979, c.292 (C.9:3-41.1) is amended to read as follows:

C.9:3-41.1 Provision of available information on child's development to prospective parent.

1. a. An approved agency making an investigation of the facts and circumstances surrounding the surrender of a child shall provide a prospective parent with all available information, other than information which would identify or permit the identification of the birth parent of the child, relevant to the child's development, including his developmental and medical history, personality and temperament, the parent's complete medical histories, including conditions or diseases which are believed to be hereditary, any drugs or medications taken during pregnancy and any other conditions of the parent's health which may be a factor influencing the child's present or future health. This information shall be made available to the prospective parent prior to the actual adoptive placement to the extent available and supplemented upon the completion of an investigation conducted by an approved agency pursuant to section 12 of P.L.1977, c.367 (C.9:3-48).

b. The available information required of an approved agency by subsection a. of this section shall be presented to the adoptive parents on standardized forms prepared by the Commissioner of Children and Families.

38. Section 6 of P.L.1998, c.20 (C.9:3-45.1) is amended to read as follows:

C.9:3-45.1 Rules, regulations.

6. The Department of Children and Families, in consultation with the Department of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to implement the provisions of this act and to publicize throughout the State the necessity for a father, within 120 days of the birth of a child or prior to the date of the preliminary hearing, whichever occurs first, to acknowledge paternity by amending the original birth certificate record with the local registrar's office in the municipality of birth of the child who is the subject of the adoption or by filing a paternity action in court in order to be entitled to notice of an adoption pursuant to section 9 of P.L.1977, c.367 (C.9:3-45).

39. Section 19 of P.L.1993, c.345 (C.9:3-54.1) is amended to read as follows:

C.9:3-54.1 Rules, regulations.

19. The Commissioner of Children and Families shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to implement the provisions of this act.

40. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to read as follows:

C.9:3-54.2 Home study; fingerprint and criminal data.

21. a. (1) In addition to meeting the other requirements established by the Department of Children and Families, a home study completed by an approved agency shall include a recommendation regarding the suitability of the home for the placement of a child based upon the results of State and federal criminal history record checks for each prospective adoptive parent and each adult residing in the home.

For the purposes of this section, the federal criminal history record check conducted by the U.S. Citizenship and Immigration Services in the Department of Homeland Security on a prospective adoptive parent shall be valid for the prospective adoptive parent in fulfilling the home study requirement for the State.

(2) Each prospective adoptive parent and each member of the prospective adoptive parent's household, age 18 or older, shall submit to the ap-

proved agency standard fingerprint cards containing his name, address and fingerprints taken by a State or municipal law enforcement agency.

(3) The cost of all criminal history record checks conducted pursuant to this section shall be paid by the prospective adoptive parent or household member at the time the fingerprint cards are submitted.

(4) The approved agency shall forward the fingerprint cards and payment to the commissioner.

(5) The commissioner is authorized to exchange fingerprint data and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the recommendations provided for in this section.

(6) The department shall advise the approved agency of information received from State and federal criminal history record checks based upon the fingerprints submitted by the agency. Information provided to the approved agency shall be confidential and not disclosed by the approved agency to any individual or entity without the written permission of the person who is the subject of the record check.

(7) The commissioner shall adopt regulations for the use of criminal history record information by approved agencies when determining the suitability of a home for the placement of a child for the purposes of adoption.

b. (1) Beginning one year after the effective date of this act, a home study completed by an approved agency shall include a recommendation regarding the suitability of the home for the placement of the child based upon a check for any records which might reveal a history of child abuse or neglect by the proposed adoptive parent or member of the parent's household who is 18 years of age or older.

(2) Beginning one year after the effective date, at the request of an approved agency, the commissioner or his designee shall conduct a search of the records of the Division of Youth and Family Services regarding referrals of dispositions of child abuse or neglect matters as to the proposed adoptive parent and any member of the parent's household 18 years of age or older, and, if there is information that would raise a question of the suitability of the proposed adoptive parent or member of the parent's household to have guardianship of a child, shall provide that information to the approved agency for its consideration. Information provided to the approved agency pursuant to this paragraph shall be confidential. The commissioner shall establish penalties for disclosure of this confidential information.

41. Section 7 of P.L.1987, c.341 (C.9:6-3.1) is amended to read as follows:

C.9:6-3.1 Suspension; due process rights; remedial plan.

7. a. A teacher, employee, volunteer or staff person of an institution as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21) who is alleged to have committed an act of child abuse or neglect as defined in R.S. 9:6-1, section 2 of P.L.1971, c.437 (C.9:6-8.9) and section 1 of P.L.1974, c.119 (C.9:6-8.21) shall be temporarily suspended by the appointing authority from his position at the institution with pay, or reassigned to other duties which would remove the risk of harm to the child under the person's custody or control, if there is reasonable cause for the appointing authority to believe that the life or health of the alleged victim or other children at the institution is in imminent danger due to continued contact between the alleged perpetrator and a child at the institution.

A public employee suspended pursuant to this subsection shall be accorded and may exercise due process rights, including notice of the proposed suspension and a presuspension opportunity to respond and any other due process rights provided under the laws of this State governing public employment and under any applicable individual or group contractual agreement. A private employee suspended pursuant to this subsection shall be accorded and may exercise due process rights provided for under the laws of this State governing private employment and under any applicable individual or group employee contractual agreement.

b. If the child abuse or neglect is the result of a single act occurring in an institution, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the chief administrator of the institution formulate a plan of remedial action. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, employee, volunteer or staff person of the institution to assure the health and safety of the alleged victim and other children at the institution and to prevent future acts of abuse or neglect. Within 30 days of the date the department requested the remedial plan, the chief administrator shall notify the department in writing of the progress in preparing the plan. The chief administrator shall complete the plan within 90 days of the date the department requested the plan.

c. If the child abuse or neglect is the result of several incidents occurring in an institution, within 30 days of receipt of the report of child abuse or neglect, the department may request that the chief administrator of the institution make administrative, personnel or structural changes at the institution. Within 30 days of the date the department made its request, the chief administrator shall notify the department of the progress in complying with the terms of the department's request. The department and chief ad-

ministrator shall determine a time frame for completion of the terms of the request.

d. If a chief administrator of an institution does not formulate or implement a remedial plan or make the changes requested by the department, the department may impose appropriate sanctions or actions if the department licenses, oversees, approves or authorizes the operation of the institution. If the department does not license, oversee, approve or authorize the operation of the institution, the department may recommend to the authority which licenses, oversees, approves or authorizes the operation of the institution that appropriate sanctions or actions be imposed against the institution.

42. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read as follows:

C.9:6-8.10a Records of child abuse reports; confidentiality; disclosure.

1. a. All records of child abuse reports made pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the Department of Children and Families in investigating such reports including reports received pursuant to section 20 of P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded to the child abuse registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsections b., c., d., e., f. and g. herein. The department shall disclose information only as authorized under subsections b., c., d., e., f. and g. of this section that is relevant to the purpose for which the information is required, provided, however, that nothing may be disclosed which would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a department investigation or a civil or criminal investigation or judicial proceeding. If the department denies access to specific information on this basis, the requesting entity may seek disclosure through the Chancery Division of the Superior Court. This section shall not be construed to prohibit disclosure pursuant to paragraphs (2) and (7) of subsection b. of this section.

Nothing in this act shall be construed to permit the disclosure of any information deemed confidential by federal or State law.

b. The department may and upon written request, shall release the records and reports referred to in subsection a., or parts thereof, consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.) to:

(1) A public or private child protective agency authorized to investigate a report of child abuse or neglect;

(2) A police or other law enforcement agency investigating a report of child abuse or neglect;

(3) A physician who has before him a child whom he reasonably suspects may be abused or neglected or an authorized member of the staff of a duly designated regional child abuse diagnostic and treatment center which is involved with a particular child who is the subject of the request;

(4) A physician, a hospital director or his designate, a police officer or other person authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and requires the information in order to determine whether to place the child in protective custody;

(5) An agency, whether public or private, including any division or unit in the Department of Human Services or the Department of Children and Families, authorized to care for, treat, assess, evaluate or supervise a child who is the subject of a child abuse report, or a parent, guardian, resource family parent or other person who is responsible for the child's welfare, or both, when the information is needed in connection with the provision of care, treatment, assessment, evaluation or supervision to such child or such parent, guardian, resource family parent or other person and the provision of information is in the best interests of the child as determined by the Division of Youth and Family Services;

(6) A court or the Office of Administrative Law, upon its finding that access to such records may be necessary for determination of an issue before it, and such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, attorney or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law;

(7) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(8) Any appropriate State legislative committee acting in the course of its official functions, provided, however, that no names or other information identifying persons named in the report shall be made available to the legislative committee unless it is absolutely essential to the legislative purpose;

(9) (Deleted by amendment, P.L.1997, c.175).

(10) A family day care sponsoring organization for the purpose of providing information on child abuse or neglect allegations involving prospective or current providers or household members pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as necessary, for use in administrative appeals related to information obtained through a child abuse registry search;

(11) The Victims of Crime Compensation Board, for the purpose of providing services available pursuant to the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to a child victim who is the subject of such report;

(12) Any person appealing a department service or status action or a substantiated finding of child abuse or neglect and his attorney or authorized lay representative upon a determination by the department or the presiding Administrative Law Judge that such disclosure is necessary for a determination of the issue on appeal;

(13) Any person or entity mandated by statute to consider child abuse or neglect information when conducting a background check or employment-related screening of an individual employed by or seeking employment with an agency or organization providing services to children;

(14) Any person or entity conducting a disciplinary, administrative or judicial proceeding to determine terms of employment or continued employment of an officer, employee, or volunteer with an agency or organization providing services for children. The information may be disclosed in whole or in part to the appellant or other appropriate person only upon a determination by the person or entity conducting the proceeding that the disclosure is necessary to make a determination;

(15) The members of a county multi-disciplinary team, established in accordance with State guidelines, for the purpose of coordinating the activities of agencies handling alleged cases of child abuse and neglect;

(16) A person being evaluated by the department or the court as a potential care-giver to determine whether that person is willing and able to provide the care and support required by the child;

(17) The legal counsel of a child, parent or guardian, whether court-appointed or retained, when information is needed to discuss the case with the department in order to make decisions relating to or concerning the child;

(18) A person who has filed a report of suspected child abuse or neglect for the purpose of providing that person with only the disposition of the investigation;

(19) A parent, resource family parent or legal guardian when the information is needed in a department matter in which that parent, resource family parent or legal guardian is directly involved. The information may be released only to the extent necessary for the requesting parent, resource family parent or legal guardian to discuss services or the basis for the department's involvement or to develop, discuss, or implement a case plan for the child;

(20) A federal, State or local government entity, to the extent necessary for such entity to carry out its responsibilities under law to protect children from abuse and neglect;

(21) Citizen review panels designated by the State in compliance with the federal "Child Abuse Prevention and Treatment Act Amendments of 1996," Pub.L.104-235;

(22) The Child Fatality and Near Fatality Review Board established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or

(23) Members of a family team or other case planning group formed by the Division of Youth and Family Services and established in accordance with regulations adopted by the Commissioner of Children and Families for the purpose of addressing the child's safety, permanency or well-being, when the provision of such information is in the best interests of the child as determined by the Division of Youth and Family Services.

Any individual, agency, board, court, grand jury, legislative committee, or other entity which receives from the department the records and reports referred to in subsection a., shall keep such records and reports, or parts thereof, confidential and shall not disclose such records and reports or parts thereof except as authorized by law.

c. The department may share information with a child who is the subject of a child abuse or neglect report, as appropriate to the child's age or condition, to enable the child to understand the basis for the department's involvement and to participate in the development, discussion, or implementation of a case plan for the child.

d. The department may release the records and reports referred to in subsection a. of this section to any person engaged in a bona fide research purpose, provided, however, that no names or other information identifying persons named in the report shall be made available to the researcher unless it is absolutely essential to the research purpose and provided further that the approval of the Commissioner of Children and Families or his designee shall first have been obtained.

e. For incidents determined by the department to be substantiated, the department shall forward to the police or law enforcement agency in whose jurisdiction the child named in the report resides, the identity of persons alleged to have committed child abuse or neglect and of victims of child abuse or neglect, their addresses, the nature of the allegations, and other relevant information, including, but not limited to, prior reports of abuse or neglect and names of siblings obtained by the department during its investigation of a report of child abuse or neglect. The police or law enforcement agency shall keep such information confidential.

f. The department may disclose to the public the findings or information about a case of child abuse or neglect which has resulted in a child fatality or near fatality. Nothing may be disclosed which would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a department investigation or a civil or criminal investigation or judicial proceeding. If the department denies access to specific information on this basis, the requesting entity may seek disclosure of the information through the Chancery Division of the Superior Court. No information may be disclosed which is deemed confidential by federal or State law. The name or any other information identifying the person or entity who referred the child to the department shall not be released to the public.

g. The department shall release the records and reports referred to in subsection a. of this section to a unified child care agency contracted with the department pursuant to N.J.A.C.10:15-2.1 for the purpose of providing information on child abuse or neglect allegations involving a prospective approved home provider or any adult household member pursuant to section 2 of P.L.2003, c.185 (C.30:5B-32) to a child's parent when the information is necessary for the parent to make a decision concerning the placement of the child in an appropriate child care arrangement.

The department shall not release any information that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person.

43. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to read as follows:

C.9:6-8.10c Child abuse record information check on designated caretaker.

2. a. Upon receiving the presentencing investigation information from the court pursuant to section 1 of P.L.2003, c.301 (C.2C:44-6.2) concerning a sole caretaker of a child who will be incarcerated and the person who will assume care and custody of the child during the period of incarceration, the Division of Youth and Family Services in the Department of Children and Families shall conduct a child abuse record information check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against the person who will be responsible for the child's care and custody or any adult and juvenile over 12 years of age in the person's household.

b. If, based on the information provided by the court and the check of its child abuse records, the division determines that the incarcerated person's minor child may be at risk for abuse or neglect or the child's emo-

tional, physical, health care and educational needs will not be met during the period of incarceration, the division shall take appropriate action to ensure the safety of the child.

44. Section 4 of P.L.2003, c.301 (C.9:6-8.10d) is amended to read as follows:

C.9:6-8.10d Rules, regulations.

4. The Commissioner of Children and Families shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of sections 2 and 3 of this act.

45. Section 9 of P.L.2005, c.370 (C.9:6-8.10e) is amended to read as follows:

C.9:6-8.10e Check of child abuse registry for guardians.

9. a. In accordance with the provisions of sections 6 and 7 of P.L.2005, c.370 (C.52:27G-37 and C.52:27G-38), the Department of Children and Families shall conduct a check of its child abuse registry for each person seeking registration as a professional guardian who is required to undergo such a check pursuant to P.L.2005, c.370 (C.52:27G-32 et al.). The department shall immediately forward the information obtained as a result of the check to the Office of the Public Guardian for Elderly Adults.

b. Subsequent to the initial registration of an individual as a professional guardian, the public guardian may submit the name of a registered professional guardian for an additional child abuse registry check. Upon receipt of a response from the department, the public guardian shall make a determination regarding the continuation of the registration of the person as a professional guardian.

46. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read as follows:

C.9:6-8.11 Actions to ensure safety of child; investigation; report.

4. Upon receipt of any such report, the Division of Youth and Family Services, or such another entity in the Department of Children and Families as may be designated by the Commissioner of Children and Families to investigate child abuse or neglect, shall immediately take such action as shall be necessary to insure the safety of the child and to that end may request and shall receive appropriate assistance from local and State law en-

forcement officials. A representative of the division or other designated entity shall initiate an investigation within 24 hours of receipt of the report, unless the division or other entity authorizes a delay based upon the request of a law enforcement official. The division or other entity shall also, within 72 hours, forward a report of such matter to the child abuse registry operated by the division in Trenton.

The child abuse registry shall be the repository of all information regarding child abuse or neglect that is accessible to the public pursuant to State and federal law. No information received in the child abuse registry shall be considered as a public record within the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

47. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read as follows:

C.9:6-8.21 Definitions.

1. As used in this act, unless the specific context indicates otherwise:

a. "Parent or guardian" means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21).

b. "Child" means any child alleged to have been abused or neglected.

c. "Abused or neglected child" means a child less than 18 years of age whose parent or guardian, as herein defined, (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; (2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; (3) commits or allows to be committed an act of sexual abuse against the child; (4) or a child whose

physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court; (5) or a child who has been willfully abandoned by his parent or guardian, as herein defined; (6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; (7) or a child who is in an institution and (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or (b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused or neglected pursuant to paragraph (7) of subsection c. of this section if the acts or omissions described therein occur in a day school as defined in this section.

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

d. "Law guardian" means an attorney admitted to the practice of law in this State, regularly employed by the Office of the Public Defender or appointed by the court, and designated under this act to represent minors in alleged cases of child abuse or neglect and in termination of parental rights proceedings.

e. "Attorney" means an attorney admitted to the practice of law in this State who shall be privately retained; or, in the instance of an indigent parent or guardian, an attorney from the Office of the Public Defender or an attorney appointed by the court who shall be appointed in order to avoid conflict between the interests of the child and the parent or guardian in regard to representation.

f. "Division" means the Division of Youth and Family Services in the Department of Children and Families unless otherwise specified.

g. "Institution" means a public or private facility in the State which provides children with out of home care, supervision or maintenance. Institution includes, but is not limited to, a correctional facility, detention facility, treatment facility, day care center, residential school, shelter and hospital.

h. "Day school" means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

48. Section 7 of P.L.1974, c.119 (C.9:6-8.27) is amended to read as follows:

C.9:6-8.27 Temporary removal with consent.

7. a. A police officer or an agency or institution or individual may temporarily remove a child from the place where he is residing with the consent of his parent or other person legally responsible for his care, if, there is reasonable cause to suspect that the child's life or health is in imminent danger. If the child is not returned within 3 working days from the date of removal, the procedure required pursuant to this act shall be applied immediately.

b. (Deleted by amendment, P.L.2006, c.47).

49. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to read as follows:

C.9:6-8.30 Action by the division upon emergency removal.

10. a. The division when informed that there has been an emergency removal of a child from his home without court order shall make every reasonable effort to communicate immediately with the child's parent or guardian that such emergency removal has been made and the location of the facility to which the child has been taken, and advise the parent or guardian to appear in the appropriate Superior Court, Chancery Division, Family Part within two court days. The division shall make a reasonable effort, at least 24 hours prior to the court hearing, to: notify the parent or guardian of the time to appear in court; and inform the parent or guardian of his right to obtain counsel, and how to obtain counsel through the Office of the Public Defender if the parent or guardian is indigent. The division shall also advise the party making the removal to appear. If the removed child is returned to his home prior to the court hearing, there shall be no court hearing to determine the sufficiency of cause for the child's removal, unless the child's parent or guardian makes application to the court for review. For the

purposes of this section, "facility" means a hospital, shelter or child care institution in which a child may be placed for temporary care, but does not include a resource family home.

b. The division shall cause a complaint to be filed under this act within two court days after such removal takes place.

c. Whenever a child has been removed pursuant to section 7 or 9 of P.L.1974, c.119 (C.9:6-8.27 or 9:6-8.29), the division shall arrange for immediate medical screening of the child and shall have legal authority to consent to such screening. If necessary to safeguard the child's health or life, the division also is authorized to arrange for and consent to medical care or treatment of the child. Consent by the division pursuant to this subsection shall be deemed legal and valid for all purposes with respect to any person, hospital, or other health care facility screening, examining or providing care or treatment to a child in accordance with and in reliance upon such consent. Medical reports resulting from such screening, examination or care or treatment shall be released to the division for the purpose of aiding in the determination of whether the child has been abused or neglected. Any person or health care facility acting in good faith in the screening of, examination of or provision of care and treatment to a child or in the release of medical records shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such act.

50. Section 1 of P.L.1977, c.210 (C.9:6-8.36a) is amended to read as follows:

C.9:6-8.36a Report to prosecutor of all instances of suspected child abuse, neglect.

1. The Department of Children and Families shall immediately report all instances of suspected child abuse and neglect, as defined by regulations, to the county prosecutor of the county in which the child resides. The regulations shall be developed jointly by the department and the county prosecutors, approved by the Attorney General, and promulgated by the Commissioner of Children and Families.

51. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to read as follows:

C.9:6-8.40 Records involving abuse or neglect.

20. Records involving abuse or neglect. When the Department of Children and Families receives a report or complaint that a child may be abused or neglected; when the department provides services to a child; or when the department receives a request from the Superior Court, Chancery Division,

Family Part to investigate an allegation of abuse or neglect, the department may request of any and all public or private institutions, or agencies including law enforcement agencies, or any private practitioners, their records past and present pertaining to that child and other children under the same care, custody and control. The department shall not be charged a fee for the copying of the records. Records kept pursuant to the "New Jersey Code of Juvenile Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon issuance by a court of an order on good cause shown directing these records to be released to the department for the purpose of aiding in evaluation to determine if the child is abused or neglected. In the release of the aforementioned records, the source shall have immunity from any liability, civil or criminal.

52. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read as follows:

C.9:6-8.40a Expungement of unfounded allegations.

1. a. The Division of Youth and Family Services in the Department of Children and Families shall expunge from its records all information relating to a report, complaint or allegation of an incident of child abuse or neglect with respect to which the division or other entity designated by the Commissioner of Children and Families to investigate allegations of child abuse or neglect has determined, based upon its investigation thereof, that the report, complaint or allegation of the incident was unfounded.

b. (Deleted by amendment, P.L.2004, c.130).

The definition of, and process for, making a determination of an unfounded report, complaint or allegation of an incident of child abuse or neglect shall be defined in regulations promulgated by the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

53. Section 2 of P.L.1998, c.127 (C.9:6-8.58b) is amended to read as follows:

C.9:6-8.58b Regulations.

2. The Commissioner of Children and Families 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.

54. Section 8 of P.L.1987, c.341 (C.9:6-8.72a) is amended to read as follows:

C.9:6-8.72a Rules, regulations.

8. The Commissioner of Education shall, in cooperation and consultation with the Commissioner of Children and Families, adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), concerning the relationship, rights and responsibilities of the Department of Children and Families and local school districts regarding the reporting and investigation of allegations of child abuse.

55. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read as follows:

C.9:6-8.75 "New Jersey Task Force on Child Abuse and Neglect," established, purpose; powers, duties.

2. There is established the "New Jersey Task Force on Child Abuse and Neglect."

a. The purpose of the task force is to study and develop recommendations regarding the most effective means of improving the quality and scope of child protective services provided or supported by State government, including a review of the practices and policies utilized by the Division of Youth and Family Services in the Department of Children and Families in order to optimize coordination of child abuse-related services and investigations, promote the safety of children at risk of abuse or neglect, and ensure a timely determination with regard to reports of alleged child abuse.

b. The task force shall receive, evaluate and approve applications of public and private agencies and organizations for grants from moneys annually appropriated from the "Children's Trust Fund" established pursuant to section 2 of P.L.1985, c.197 (C.54A:9-25.4). Any portion of the moneys actually appropriated which are remaining at the end of a fiscal year shall lapse to the "Children's Trust Fund."

Grants shall be awarded to public and private agencies for the purposes of planning and establishing or improving programs and services for the prevention of child abuse and neglect, including activities which:

(1) Provide Statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;

(2) Encourage professional persons and groups to recognize and deal with problems of child abuse and neglect;

(3) Make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and

(4) Encourage the development of community prevention programs, including:

(a) community-based educational programs on parenting, prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(b) community-based programs relating to crisis care, aid to parents, child abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite of crisis child care, and early identification of families where the potential for child abuse and neglect exists.

The task force shall, in awarding grants, establish such priorities respecting the programs or services to be funded and the amounts of funding to be provided as it deems appropriate, except that the task force shall place particular emphasis on community-based programs and services which are designed to develop and demonstrate strategies for the early identification, intervention and assistance of families and children at risk in order to prevent child abuse and neglect.

The task force shall adopt such rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to govern the awarding of grants pursuant to this subsection as may be necessary to establish adequate reporting requirements on the use of grant funds by recipient agencies and organizations and to permit the task force to evaluate the programs and services for which grants are awarded.

c. The task force shall establish a Staffing and Oversight Review Subcommittee to review staffing levels of the Division of Youth and Family Services in order to develop recommendations regarding staffing levels and the most effective methods of recruiting, hiring, and retaining staff within the division. In addition, the subcommittee shall review the division's performance in the achievement of management and client outcomes, and shall issue a preliminary report with its findings and recommendations no later than January 1, 2007, and subsequent reports annually thereafter with the first full report due no later than July 1, 2007. The subcommittee shall directly issue its reports to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

56. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read as follows:

C.9:6-8.76 Task force membership.

3. The task force shall consist of 29 members as follows: the Commissioners of Human Services, Children and Families, Education, Community Affairs, Corrections, and Health and Senior Services, the Attorney General, the Chief Justice of the Supreme Court, the Public Defender, the Child Advocate and the Superintendent of State Police, or their designees, as ex officio members; two members of the Senate and the General Assembly, respectively, no more than one of whom in each case shall be of the same political party; and a county prosecutor appointed by the Attorney General. The 13 public members shall be appointed by the Governor as follows: one member who is a director of a regional diagnostic and treatment center for child abuse and neglect; one member who represents the Association for Children of New Jersey; one member who represents Foster and Adoptive Family Services; one member who represents a faith-based organization; one member who is a director of a county department of human services; one member who is a youth 21 years of age or younger who is or has been placed under the care and custody of the Division of Youth and Family Services because of an allegation of child abuse or neglect; two members who represent service providers under contract with the Division of Youth and Family Services; and five members of the public who have an interest or expertise in issues concerning child welfare. The public members shall reflect the diversity of the residents of the State and the children and families served by the State's child welfare system.

The task force membership shall comply with the multidisciplinary requirements set forth in the "Child Abuse Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et seq.).

The task force shall be co-chaired, one co-chair shall be the Commissioner of Children and Families and the other shall be appointed by the Governor with the advice and consent of the Senate. The second co-chair shall be selected from among the public members and shall serve at the pleasure of the Governor. The public members shall serve for a term of three years.

57. Section 5 of P.L.1994, c.119 (C.9:6-8.78) is amended to read as follows:

C.9:6-8.78 Providing staff.

5. The Department of Children and Families shall provide professional and clerical staff to the task force as necessary to effectuate the purposes of this act.

58. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read as follows:

C.9:6-8.84 Definitions relative to child abuse, neglect.

2. As used in this act:

"Board" means the Child Fatality and Near Fatality Review Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

"Child" means any person under the age of 18.

"Commissioner" means the Commissioner of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Near fatality" means a case in which a child is in serious or critical condition, as certified by a physician.

"Panel" means a citizen review panel as established under P.L.1997, c.175 (C.9:6-8.83 et al.).

"Parent or guardian" means a person defined pursuant to section 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care.

"Reasonable efforts" means attempts by an agency authorized by the Division of Youth and Family Services to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, as defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

"Sexual abuse" means contacts or actions between a child and a parent or caretaker for the purpose of sexual stimulation of either that person or another person. Sexual abuse includes:

a. the employment, use, persuasion, inducement, enticement or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct;

b. sexual conduct including molestation, prostitution, other forms of sexual exploitation of children or incest; or

c. sexual penetration and sexual contact as defined in N.J.S.2C:14-1 and a prohibited sexual act as defined in N.J.S.2C:24-4.

"Significant bodily injury" means a temporary loss of the functioning of any bodily member or organ or temporary loss of any one of the five senses.

"Withholding of medically indicated treatment" means the failure to respond to a child's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's reasonable judgment, will most likely be effective in ameliorating

or correcting all such conditions. The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication to a child when, in the treating physician's reasonable medical judgment:

a. the child is chronically and irreversibly comatose;

b. the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the child's life-threatening conditions, or otherwise be futile in terms of the survival of the child; or

c. the provision of such treatment would be virtually futile in terms of the survival of the child and the treatment itself under such circumstances would be inhumane.

59. Section 6 of P.L.1997, c.175 (C.9:6-8.88) is amended to read as follows:

C.9:6-8.88 Child Fatality and Near Fatality Review Board.

6. There is established the Child Fatality and Near Fatality Review Board. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the board is established within the Department of Children and Families, but notwithstanding the establishment, the board shall be independent of any supervision or control by the department or any board or officer thereof.

The purpose of the board is to review fatalities and near fatalities of children in New Jersey in order to identify their causes, their relationship to governmental support systems, and methods of prevention. The board shall describe trends and patterns of child fatalities and near fatalities in New Jersey; identify risk factors and their prevalence in these populations of children; evaluate the responses of governmental systems to children in families who are considered to be at high risk and to offer recommendations for improvement in those responses; characterize risk groups in terms that are compatible with the development of public policy; improve the sources of data collection by developing protocols for autopsies, death investigations, and complete recording of cause of death on the death certificate; and provide case consultation to individuals or agencies represented by the board.

60. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read as follows:

C.9:6-8.89 Membership, terms of board members.

7. a. The board shall consist of 14 members as follows: the Commissioner of Children and Families, the Commissioner of Health and Senior Services, the Director of the Division of Youth and Family Services in the

Department of Children and Families, the Attorney General, the Child Advocate and the Superintendent of State Police, or their designees, the State Medical Examiner, and the Chairperson or Executive Director of the New Jersey Task Force on Child Abuse and Neglect, who shall serve ex officio; and six public members appointed by the Governor, one of whom shall be a representative of the New Jersey Prosecutors' Association, one of whom shall be a Law Guardian, one of whom shall be a pediatrician with expertise in child abuse and neglect, one of whom shall be a psychologist with expertise in child abuse and neglect, one of whom shall be a social work educator with experience and expertise in the area of child abuse or a related field and one of whom shall have expertise in substance abuse.

b. The public members of the board shall serve for three-year terms. Of the public members first appointed, three shall serve for a period of two years, and three shall serve for a term of three years. They 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 Governor shall appoint a public member to serve as chairperson of the board who shall be responsible for the coordination of all activities of the board and who shall provide the technical assistance needed to execute the duties 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 P.L.1997, c.175 (C.9:6-8.83 et al.). The board may also seek the advice of experts, such as persons specializing in the fields of pediatric, radiological, neurological, psychiatric, orthopedic and forensic medicine; nursing; psychology; social work; education; law enforcement; family law; substance abuse; child advocacy or other related fields, if the facts of a case warrant additional expertise.

61. Section 19 of P.L.1997, c.175 (C.9:6-8.98) is amended to read as follows:

C.9:6-8.98 Rules, regulations by department.

19. The Department of Children and Families shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

62. Section 1 of P.L.1998, c.19 (C.9:6-8.99) is amended to read as follows:

C.9:6-8.99 Regional diagnostic and treatment centers for child abuse and neglect established.

1. The Commissioner of Children and Families shall establish four regional diagnostic and treatment centers for child abuse and neglect affiliated with medical teaching institutions in the State that meet the standards adopted by the commissioner, in consultation with the New Jersey Task Force on Child Abuse and Neglect. The regional centers shall be located in the northern, north central, south central and southern regions of the State. Each center shall have experience in addressing the medical and mental health diagnostic and treatment needs of abused and neglected children in the region in which it is located.

63. Section 2 of P.L.1998, c.19 (C.9:6-8.100) is amended to read as follows:

C.9:6-8.100 Function of center, staffing.

2. Each center shall demonstrate a multidisciplinary approach to identifying and responding to child abuse and neglect. The center staff shall include, at a minimum, a pediatrician, a consulting psychiatrist, a psychologist and a social worker who are trained to evaluate and treat children who have been abused or neglected and their families. Each center shall establish a liaison with the district office of the Division of Youth and Family Services in the Department of Children and Families and the prosecutor's office from the county in which the child who is undergoing evaluation and treatment resides. At least one member of the staff shall also have an appropriate professional credential or significant training and experience in the identification and treatment of substance abuse.

Each center shall develop an intake, referral and case tracking process which assists the division and prosecutor's office in assuring that child victims receive appropriate and timely diagnostic and treatment services.

64. Section 4 of P.L.1998, c.19 (C.9:6-8.102) is amended to read as follows:

C.9:6-8.102 Services provided by staff of center.

4. Services provided by the center's staff shall include, but not be limited to:

a. Providing psychological and medical evaluation and treatment of the child, counseling for family members and substance abuse assessment

and mental health and substance abuse counseling for the parents or guardians of the child;

b. Providing referral for appropriate social services and medical care;

c. Providing testimony regarding alleged child abuse or neglect at judicial proceedings;

d. Providing treatment recommendations for the child and mental health and substance abuse treatment recommendations for his family, and providing mental health and substance abuse treatment recommendations for persons convicted of child abuse or neglect;

e. Receiving referrals from the Department of Children and Families and the county prosecutor's office and assisting them in any investigation of child abuse or neglect;

f. Providing educational material and seminars on child abuse and neglect and the services the center provides to children, parents, teachers, law enforcement officials, the judiciary, attorneys and other citizens.

65. Section 6 of P.L.1998, c.19 (C.9:6-8.104) is amended to read as follows:

C.9:6-8.104 Establishment, maintenance of county-based multidisciplinary teams; "child advocacy center" defined.

6. Regional centers shall act as a resource in the establishment and maintenance of county-based multidisciplinary teams which work in conjunction with the county prosecutor and the Department of Children and Families in the investigation of child abuse and neglect in the county in which the child who is undergoing evaluation and treatment resides. The Commissioner of Children and Families, in consultation with the New Jersey Task Force on Child Abuse and Neglect, shall establish standards for a county team. The county team shall consist of representatives of the following disciplines: law enforcement; child protective services; mental health; substance abuse identification and treatment; and medicine; and, in those counties where a child advocacy center has been established, shall include a staff representative of a child advocacy center, all of whom have been trained to recognize child abuse and neglect. The county team shall provide: facilitation of the investigation, management and disposition of cases of criminal child abuse and neglect; referral services to the regional diagnostic center; appropriate referrals to medical and social service agencies; information regarding the identification and treatment of child abuse and neglect; and appropriate follow-up care for abused children and their families.

As used in this section, "child advocacy center" means a county-based center which meets the standards for a county team established by the commissioner pursuant to this section and demonstrates a multidisciplinary approach in providing comprehensive, culturally competent child abuse prevention, intervention and treatment services to children who are victims of child abuse or neglect.

66. Section 8 of P.L.1998, c.19 (C.9:6-8.106) is amended to read as follows:

C.9:6-8.106 Rules, regulations.

8. The Commissioner of Children and Families shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the provisions of this act.

67. Section 7 of P.L.1985, c.197 (C.9:6A-5) is amended to read as follows:

C.9:6A-5 Additional moneys.

7. In addition to moneys deposited into the "Children's Trust Fund" pursuant to P.L.1985, c.197 (C.9:6A-1 et al.), the Commissioner of Children and Families may designate moneys to be deposited into the fund which have been appropriated from the General Fund to the Department of Children and Families as he deems necessary to effect the establishment of the "Children's Trust Fund."

68. Section 8 of P.L.1985, c.197 (C.9:6A-6) is amended to read as follows:

C.9:6A-6 Deduction of costs.

8. Any costs incurred for collection or administration attributable to this act by the Division of Taxation may be deducted from receipts collected pursuant to section 2 of P.L.1985, c.197 (C.54A:9-25.4), as determined by the Director of the Division of Budget and Accounting.

69. Section 2 of P.L.1986, c.27 (C.9:6A-11) is amended to read as follows:

C.9:6A-11 County commissions encouraged.

2. The Department of Children and Families shall establish a program, using county human services advisory councils, to encourage each county in this State to establish a special county commission on child abuse

and missing children. The special county commission shall address the problems of child abuse and missing children in the county and its activities may include, but shall not be limited to, arranging for educational programs for parents and children, providing information concerning the available services in the county and in the State for abused children and their parents and the parents of missing children, and coordinating the provision of services and programs concerning child abuse and missing children that are offered in the county and neighboring counties.

70. Section 2 of P.L.1991, c.290 (C.9:6B-2) is amended to read as follows:

C.9:6B-2 Findings, declarations.

2. The Legislature finds and declares that:

a. A child placed outside his home by the Department of Human Services, the Department of Children and Families, the Department of Health and Senior Services or a board of education, or an agency or organization with which the applicable department contracts to provide services has certain specific rights separate from and independent of the child's parents or legal guardian by virtue of his placement in another residential setting;

b. The State has an affirmative obligation to recognize and protect these rights through its articulation of a clear and specific bill of rights that reflects the best interests of the child whereby the safety of the child is of paramount concern and an affirmation by the State of its commitment to enforce these rights in order to protect and promote the welfare of the child placed outside his home; and

c. The obligation of the State to recognize and protect the rights of the child placed outside his home shall be fulfilled in the context of a clear and consistent policy to promote the child's eventual return to his home or placement in an alternative permanent setting, which this Legislature has expressly declared to be in the public interest in section 2 of the "Child Placement Review Act," P.L.1977, c.424 (C.30:4C-51).

71. Section 3 of P.L.1991, c.290 (C.9:6B-3) is amended to read as follows:

C.9:6B-3 Definitions.

3. As used in this act:

"Child placed outside his home" means a child placed outside his home by the Department of Human Services, the Department of Children and Families, the Department of Health and Senior Services or a board of education.

"Department" means the Department of Human Services, the Department of Children and Families, the Department of Health and Senior Services or board of education, as applicable.

72. Section 5 of P.L.1991, c.290 (C.9:6B-5) is amended to read as follows:

C.9:6B-5 Public information.

5. The Departments of Human Services, Children and Families, Health and Senior Services, and Education shall each prepare and update at least every six months, and shall make available to the public upon request, aggregate non-identifying data about children under their care, custody or supervision who are placed in out-of-home settings, by category as appropriate. The data shall include the following:

a. The number of children placed outside their homes during the six-month period and the cumulative number of children residing in out-of-home settings;

b. The age, sex and race of the children residing in out-of-home settings;

c. The reasons for placement of these children;

d. The types of settings in which these children reside;

e. The length of time that these children have resided in these settings;

f. The number of placements for those children who have been placed in more than one setting;

g. The number of children who have been placed in the same county in which their parents or legal guardians reside and the number who have been placed outside of the State;

h. The number of children who have been permanently placed or returned to their homes during the six-month period, and a projection of the number of children who will be permanently placed or returned to their homes during the following six-month period; and

i. The number of children who have been permanently placed or returned to their homes who are subsequently returned to an out-of-home setting during the six-month period.

73. Section 6 of P.L.1991, c.290 (C.9:6B-6) is amended to read as follows:

C.9:6B-6 Rules, regulations.

6. The Commissioners of Human Services, Children and Families, Health and Senior Services, and Education, pursuant to the "Administrative

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

74. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read as follows:

C.9:12A-4 Definitions relative to homeless youth.

3. As used in this act:

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Homeless youth" means a person 21 years of age or younger who is without shelter where appropriate care and supervision are available.

75. Section 8 of P.L.1999, c.224 (C.9:12A-9) is amended to read as follows:

C.9:12A-9 Rules, regulations.

8. Subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Children and Families shall adopt rules and regulations for the licensing by the department of organizations and agencies that provide street outreach or basic center shelter or transitional living programs for homeless youth.

76. Section 2 of P.L.1989, c.284 (C.9:23-6) is amended to read as follows:

C.9:23-6 Designation of appropriate public authorities.

2. As used in Article III of the compact "appropriate public authorities" and as used in subsection a. of paragraph 1. of Article V of the compact, "appropriate authority in the receiving state" means, with reference to New Jersey, the Department of Children and Families and the department shall receive and act with reference to notices required by Article III.

77. Section 12 of P.L.1989, c.284 (C.9:23-16) is amended to read as follows:

C.9:23-16 Adoption of regulations.

12. The Commissioner of Children and Families shall have the power to adopt regulations for the enforcement of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

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78. Section 19 of P.L.1999, c.53 (C.9:23-18) is amended to read as follows:

C.9:23-18 Authorization to enter into interstate compacts to enhance protection, permanency for children.

19. a. The Commissioner of Children and Families is authorized on behalf of this State to develop, negotiate and enter into the Interstate Compact on Adoption and Medical Assistance and other interstate compacts, as determined by the commissioner to enhance protection and permanency for children. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

b. A compact entered into pursuant to the authority conferred by subsection a. of this section shall include:

(1) a provision making it available for joinder by all states;

(2) a provision for withdrawal from the compact upon written notice to the parties, with a period of one year between the date of the notice and the effective date of the withdrawal;

(3) a requirement that the protections afforded by or pursuant to the compact be covered by a written agreement between the agency providing services and the parents, adoptive parents, or other caregiver for the child and that the protections continue in force for the duration of the written agreement for all children who, on the effective date of the withdrawal, are receiving services from a party state other than the one in which they reside; and

(4) such other provisions as may be appropriate to implement the proper administration of the compact.

79. Section 1 of P.L.1995, c.34 (C.18A:6-7a) is amended to read as follows:

C.18A:6-7a Alleged child abuse, neglect by school employee; no use if unfounded.

1. When a complaint made against a school employee alleging child abuse or neglect is investigated by the Department of Children and Families, the department shall notify the school district and the employee of its findings. Upon receipt of a finding by the department that such a complaint is unfounded, the school district shall remove any references to the complaint and investigation by the department from the employee's personnel records. A complaint made against a school employee that has been classified as unfounded by the department shall not be used against the employee for any purpose relating to employment, including but not limited to, disci-

pline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege relating to employment.

80. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to read as follows:

C.18A:6-112 Instruction in suicide prevention for public school teaching staff.

2. The State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of the professional development requirement established by the State board for public school teaching staff members, require each public school teaching staff member to complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period.

81. Section 6 of P.L.1979, c.207 (C.18A:7B-2) is amended to read as follows:

C.18A:7B-2 Deductions, forwarding of sums to appropriate departments; disposition.

6. a. For each State-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the prebudget year, and for each district-placed child who is resident in a district and in a State facility on the last school day prior to October 16 of the budget year, the Commissioner of Education shall deduct from the State aid payable to that district an amount equal to the approved per pupil cost established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24); except that for a child in a county juvenile detention center, no deduction shall be made until Fiscal Year 1999, in which year and thereafter 50% of the per pupil cost shall be deducted.

b. If, for any district, the amount to be deducted pursuant to subsection a. of this section is greater than State aid payable to the district, the district shall pay to the Department of Education the difference between the amount to be deducted and the State aid payable to the district.

c. The amount deducted pursuant to subsection a. of this section and the amount paid to the Department of Education pursuant to subsection b. of this section shall be forwarded to the Department of Human Services or the Department of Children and Families, as applicable, if the facility is

operated by or under contract with that department, or to the Department of Corrections if the facility is operated by or under contract with that department, or to the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is operated by or under contract with that commission, and shall serve as payment by the district of tuition for the child. In the case of county juvenile detention centers, the tuition shall be deemed to supplement funds currently provided by the county for this purpose under chapter 10 and chapter 11 of Title 9 of the Revised Statutes. In Fiscal Year 1998, a county shall not decrease its level of contribution as a result of the payment of tuition pursuant to this section. In Fiscal Year 1999 and thereafter, a county shall be required to pay 50% of the approved per pupil costs established pursuant to the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24) for the purpose of implementing chapters 10 and 11 of Title 9 of the Revised Statutes. Amounts so deducted shall be used solely for the support of educational programs and shall be maintained in a separate account for that purpose. No district shall be responsible for the tuition of any child admitted by the State to a State facility after the last school day prior to October 16 of the prebudget year.

82. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to read as follows:

C.18A:7B-4 Use of funds; authorization for appropriations.

8. Funds received pursuant to this act by the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) shall be used only for the salaries of teachers, educational administrators at the program level, child study team personnel, clerical staff assigned to child study teams or to educational day programs, paraprofessionals assigned to educational programs in State facilities, and for diagnostic services required as part of the child study team evaluations and related educational services personnel whose function requires an educational certificate issued by the State Department of Education, and for the costs of educational materials, supplies and equipment for these programs. No such funds shall be used for the renovation or construction of capital facilities, for the maintenance and operation of educational facilities, or for custodial, habilitation or other noneducational costs.

There are hereby authorized to be appropriated to the Departments of Human Services, Children and Families and Corrections such funds as may be necessary to provide for adult, post-secondary and college programs.

83. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to read as follows:

C.18A:7B-7 Request for administrative review concerning pupil in State facility.

11. a. Any parent or guardian of a pupil in a State facility and any pupil in a State facility between 18 and 20 years of age, may request an administrative review on matters of educational classification or educational program.

b. The administrative review process shall include the following sequence:

(1) A conference with teaching staff members or child study team personnel;

(2) A conference with the Director of Educational Services of the Department of Human Services, the Department of Children and Families, the Department of Corrections, or the Juvenile Justice Commission, whichever is appropriate;

(3) A hearing by the Commissioner of Education pursuant to law and regulation.

c. The due process rights available to children, parents and guardians in the public schools on matters of educational classification or educational program shall be available to children, parents and guardians in State facilities.

d. The placement of a child in a particular State facility shall not be subject to an administrative review or hearing pursuant to this section.

84. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to read as follows:

C.18A:7B-9 Office of Education in Department of Children and Families.

13. There is hereby created and established in the Department of Children and Families an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all the State facilities operated by or under contract with that department and shall approve all personnel hired by the State for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the Commissioner of Children and Families. He shall serve at the pleasure of the commissioner and shall receive such salary as shall be fixed by the commissioner.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom

the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Commission on Higher Education.

85. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to read as follows:

C.18A:7B-12 Determination of district of residence.

19. For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. The district of residence for children in resource family homes shall be the district in which the resource family parents reside. If a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, skill development homes, private schools or out-of-State facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

If this cannot be determined, the district of residence shall be the district in which the child resided prior to such admission or placement.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, or if the criteria contained herein identify a district of residence outside of the State, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per pupil cost established pursuant to P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same manner as other State aid under this act. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the

Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the case of a homeless child, the Department of Education shall pay the appropriate T&E amount and any appropriate additional cost factor for special education pursuant to section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district in which the child is enrolled.

e. If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the department shall pay to the Department of Human Services, the Department of Children and Families or the Juvenile Justice Commission, as appropriate, the aid specified in subsection d. of this section and in addition, such aid as required to make the total amount of aid equal to the actual cost of the tuition.

86. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to read as follows:

C.18A:7B-13 Annual report by commissioner to Legislature.

20. Beginning in the school year 1997-98, the Commissioner of Education shall annually report to the Legislature, describing the condition of educational programs in State facilities, the efforts of the Departments of Corrections, Children and Families, and Human Services and the Juvenile Justice Commission in meeting the standards of a thorough and efficient education in these facilities, the steps underway to correct any deficiencies in their educational programs, and the progress of the educational programs in New Jersey State facilities in comparison with those in the state facilities of other states. At that time the commissioner shall recommend to the Legislature any necessary or desirable changes or modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

87. Section 3 of P.L.1996, c.138 (C.18A:7F-3) is amended to read as follows:

C.18A:7F-3 Definitions relative to school funding.

3. As used in this act, unless the context clearly requires a different meaning:

"Abbott district" means one of the 28 urban districts in district factor groups A and B specifically identified in the appendix to Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J.287, 394) or any other district classified as a special

needs district under the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or Salem City School District;

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education or in an English as a second language program approved by the State Board of Education;

"Budgeted local share" means the sum of designated general fund balance, miscellaneous revenues estimated consistent with GAAP, and that portion of the district's local tax levy contained in the T&E budget certified for taxation purposes;

"Capital outlay" means capital outlay as defined in GAAP;

"Commissioner" means the Commissioner of Education;

"Concentration of low-income pupils" shall be based on prebudget year pupil data and means, for a school district or a county vocational school district, the number of low-income pupils among those counted in modified district enrollment, divided by modified district enrollment. For a school, it means the number of low-income pupils recorded in the registers at that school, divided by the total number of pupils recorded in the school's registers;

"CPI" means the average annual increase, expressed as a decimal, in the consumer price index for the New York City and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor;

"County special services school district" means any entity established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes;

"County vocational school district" means any entity established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes;

"County vocational school, special education services pupil" means a pupil who is attending a county vocational school and who is receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"Debt service" means and includes payments of principal and interest upon school bonds and other obligations issued to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L.1978, c.74 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.) and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

"District factor group A district" means a school district, other than an Abbott district or a school district in which the equalized valuation per pupil is more than twice the average Statewide equalized valuation per pupil and in which resident enrollment exceeds 2,000 pupils, which based on the 1990 federal census data is included within the Department of Education's district factor group A;

"District income" for the 1997-98 school year means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Bureau of the Census in the United States Department of Commerce for 1989. Beginning with the 1998-99 school year and thereafter, district income means the aggregate income of the residents of the taxing district or taxing districts, based upon data provided by the Division of Taxation in the New Jersey Department of the Treasury and contained on the New Jersey State Income Tax forms for the calendar year ending prior to the prebudget year. The commissioner may supplement data contained on the State Income Tax forms with data available from other State or federal agencies in order to better correlate the data to that collected on the federal census. With respect to regional districts and their constituent districts, however, the district income as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them;

"Estimated minimum equalized tax rate" for a school district means the district's required local share divided by its equalized valuation; for the State it means the sum of the required local shares of all school districts in the State, excluding county vocational and county special services school districts as defined pursuant to this section, divided by the sum of the equalized valuations for all the school districts in the State except those for which there is no required local share;

"Equalized valuation" means the equalized valuation of the taxing district or taxing districts, as certified by the Director of the Division of Taxation on October 1, or subsequently revised by the tax court by January 15, of the prebudget year. With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils resident in each of them. In the event that the equalized table certified by the director shall be revised by the tax court after January 15 of the prebudget year, the revised valuations shall be used in the recomputation of aid for an individual school district filing an appeal, but shall have no effect upon the calculation of the property value multiplier, State-

wide equalized valuation per pupil, estimated minimum equalized tax rate for the State, or Statewide average equalized school tax rate;

"GAAP" means the generally accepted accounting principles established by the Governmental Accounting Standards Board as prescribed by the State board pursuant to N.J.S.18A:4-14;

"Household income" means income as defined in 7CFR 245.2 and 245.6 or any subsequent superseding federal law or regulation;

"Lease purchase payment" means and includes payments of principal and interest for lease purchase agreements in excess of five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and issuance costs. Approved lease purchase agreements in excess of five years shall be accorded the same accounting treatment as school bonds;

"Low-income pupils" means those pupils from households with a household income at or below the most recent federal poverty guidelines available on October 15 of the prebudget year multiplied by 1.30;

"Minimum permissible T&E budget" means the sum of a district's core curriculum standards aid, and required local share calculated pursuant to sections 5, 14 and 15 of this act;

"Modified district enrollment" means the number of pupils other than preschool pupils, evening school pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16, are enrolled in the school district or county vocational school district; or are resident in the school district or county vocational school district and are: (1) receiving home instruction, (2) enrolled in an approved private school for the handicapped, (3) enrolled in a regional day school, (4) enrolled in a county special services school district, (5) enrolled in an educational services commission including an alternative high school program operated by an educational services commission, (6) enrolled in a State college demonstration school, (7) enrolled in the Marie H. Katzenbach School for the Deaf, or (8) enrolled in an alternative high school program in a county vocational school. Modified district enrollment shall be based on the prebudget year count for the determination of concentration of low-income pupils, and shall be projected to the current year and adjusted pursuant to section 5 of this act when used in the calculation of aid;

"Net budget" unless otherwise stated in this act, means the sum of the net T&E budget and the portion of the district's local levy that is above the district's maximum T&E budget;

"Net T&E budget" means the sum of the T&E program budget, early childhood program aid, demonstrably effective program aid, instructional supplement aid, transportation aid, and categorical program aid received pursuant to sections 19 through 22, 28, and 29 of this act;

"Prebudget year" means the school fiscal year preceding the year in which the school budget is implemented;

"Prebudget year equalized tax rate" means the amount calculated by dividing the district's general fund levy for the prebudget year by its equalized valuation certified in the year prior to the prebudget year;

"Prebudget year net budget" for the 1997-98 school year means the sum of the foundation aid, transition aid, transportation aid, special education aid, bilingual education aid, aid for at-risk pupils, technology aid, and county vocational program aid received by a school district or county vocational school district in the 1996-97 school year pursuant to P.L.1996, c.42, and the district's local levy for the general fund;

"Report on the Cost of Providing a Thorough and Efficient Education" or "Report" means the report issued by the Governor pursuant to section 4 of this act;

"Resident enrollment" means the number of pupils other than preschool pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16 of the current school year, are residents of the district and are enrolled in: (1) the public schools of the district, excluding evening schools, (2) another school district, other than a county vocational school district in the same county on a full-time basis, or a State college demonstration school or private school to which the district of residence pays tuition, or (3) a State facility in which they are placed by the district; or are residents of the district and are: (1) receiving home instruction, or (2) in a shared-time vocational program and are regularly attending a school in the district and a county vocational school district. In addition, resident enrollment shall include the number of pupils who, on the last school day prior to October 16 of the prebudget year, are residents of the district and in a State facility in which they were placed by the State. Pupils in a shared-time vocational program shall be counted on an equated full-time basis in accordance with procedures to be established by the commissioner. Resident enrollment shall include regardless of nonresidence, the enrolled children of teaching staff members of the school district or county vocational school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district or county vocational school district without payment of tuition. Handicapped children between three and five years of age and receiv-

ing programs and services pursuant to N.J.S.18A:46-6 shall be included in the resident enrollment of the district;

"School district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes;

"School enrollment" means the number of pupils other than preschool pupils, evening school pupils, post-graduate pupils, and post-secondary vocational pupils who, on the last school day prior to October 16 of the current school year, are recorded in the registers of the school;

"Special education services pupils" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"Spending growth limitation" means the annual rate of growth permitted in the net budget of a school district, county vocational school district or county special services school district as measured between the net budget of the prebudget year and the net budget of the budget year as calculated pursuant to subsection d. of section 5 of this act;

"Stabilization aid growth limit" means 10% or the rate of growth in the district's projected resident enrollment over the prebudget year, whichever is greater. For the 1997-98 school year, this means 8% or one-half the rate of growth in the district's projected resident enrollment and preschool enrollment between the October 1991 enrollment report as contained on the district's Application for State School Aid for 1992-93 and the 1997-98 school year, whichever is greater. For the 1998-99 and 1999-2000 school years, this means the greatest of the following: 10%, one-half the district's rate of growth in projected resident enrollment and preschool enrollment over the October 1991 enrollment report as contained on the district's Application for State School Aid for 1992-93, or the district's projected rate of growth in resident enrollment over the prebudget year;

"State facility" means a State developmental center; a State Division of Youth and Family Services' residential center; a State residential mental health center; a Department of Children and Families Regional Day School; a State training school/Secure care facility; a State juvenile community program; a juvenile detention center or a boot camp under the supervisional authority of the Juvenile Justice Commission pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.); or an institution operated by or under contract with the Department of Corrections, Children and Families or Human Services, or the Juvenile Justice Commission;

"Statewide average equalized school tax rate" means the amount calculated by dividing the general fund tax levy for all school districts, which excludes county vocational school districts and county special services school districts as defined pursuant to this section, in the State for the pre-

budget year by the equalized valuations certified in the year prior to the prebudget year of all taxing districts in the State except taxing districts for which there are no school tax levies;

"Statewide equalized valuation per pupil" means the equalized valuations of all taxing districts having resident enrollment in the State, divided by the resident enrollment for the State;

"T&E amount" means the cost per elementary pupil of delivering the core curriculum content standards and extracurricular and cocurricular activities necessary for a thorough regular education under the assumptions of reasonableness and efficiency contained in the Report on the Cost of Providing a Thorough and Efficient Education;

"T&E flexible amount" means the dollar amount which shall be applied to the T&E amount to determine the T&E range;

"T&E program budget" means the sum of core curriculum standards aid, supplemental core curriculum standards aid, stabilization aid, designated general fund balance, miscellaneous local general fund revenue and that portion of the district's local levy that supports the district's T&E budget;

"T&E range" means the range of regular education spending which shall be considered thorough and efficient. The range shall be expressed in terms of T&E budget spending per elementary pupil, and shall be delineated by alternatively adding to and subtracting from the T&E amount the T&E flexible amount;

"Total Statewide income" means the sum of the district incomes of all taxing districts in the State.

88. Section 19 of P.L.1996, c.138 (C.18A:7F-19) is amended to read as follows:

C.18A:7F-19 Calculation of special education categorical aid.

19. a. Special education categorical aid for each school district and county vocational school district shall be calculated for the 1997-98 school year as follows:

Tier I is the number of pupils classified for other than speech correction services resident in the district which receive related services including, but not limited to, occupational therapy, physical therapy, speech and counseling. Aid shall equal 0.0223 of the T&E amount rounded to the nearest whole dollar for each of the four service categories provided per classified pupil.

Tier II is the number of pupils resident in the district meeting the classification definitions for perceptually impaired, neurologically impaired,

educable mentally retarded and preschool handicapped; all classified pupils in shared time county vocational programs in a county vocational school which does not have a child study team receiving services pursuant to chapter 46 of Title 18A of the New Jersey Statutes; and nonclassified pupils in State training schools or secure care facilities. For the purpose of calculating State aid for 1997-98, each district, other than a county vocational school district, shall have its pupil count for perceptually impaired reduced by perceptually impaired classifications in excess of one standard deviation above the State average classification rate at December 1995 or 9.8 percent of the district's resident enrollment. The perceptually impaired limitation shall be phased down to the State average of the prebudget year over a five-year period by adjusting the standard deviation as follows: 75 percent in 1998-99, 50 percent in 1999-2000, 25 percent in 2000-2001 and the State average in year five. No reduction in aid shall be assessed against any district in which the perceptually impaired classification rate is 6.5% or less of resident enrollment. Aid shall equal 0.4382 of the T&E amount rounded to the nearest whole dollar for each student meeting the Tier II criteria.

The commissioner shall develop a system to provide that each school district submits data to the department on the number of the district's pupils with a classification definition of perceptually impaired who are enrolled in a county vocational school. Such pupils shall be counted in the district of residence's resident enrollment for the purpose of calculating the limit on perceptually impaired classifications for Tier II State aid.

Tier III is the number of classified pupils resident in the district in categories other than speech correction services, perceptually impaired, neurologically impaired, educable mentally retarded, socially maladjusted, preschool handicapped, and who do not meet the criteria of Tier IV, intensive services; and nonclassified pupils in juvenile community programs. Aid shall equal 0.8847 of the T&E amount for each pupil meeting the Tier III criteria.

Tier IV is the number of classified pupils resident in the district receiving intensive services. For 1997-98, intensive services are defined as those provided in a county special services school district and services provided for pupils who meet the classification definitions for autistic, chronically ill, day training eligible, or visually handicapped, or are provided for pupils who meet the classification definition for multiply handicapped and are in a private school for the handicapped, educational services commission, or jointure commission placement in the 1996-97 school year. The commissioner shall collect data and conduct a study to determine intensive service criteria and the appropriate per pupil cost factor to be universally applied to

all service settings, beginning in the 1998-99 school year. Aid shall equal 1.2277 of the T&E amount for each pupil meeting the Tier IV criteria.

Classified pupils in Tiers II through IV shall be eligible for Tier I aid. Classified pupils shall be eligible to receive aid for up to four services under Tier I.

For the 1998-99 school year, these cost factors shall remain in effect and special education aid growth shall be limited by the CPI growth rate applied to the T&E amount and changes in classified pupil counts. For subsequent years, the additional cost factors shall be established biennially in the Report on the Cost of Providing a Thorough and Efficient Education.

For the purposes of this section, classified pupil counts shall include pupils attending State developmental centers, Department of Children and Families Regional Day Schools, Department of Children and Families residential centers, State residential mental health centers, and institutions operated by or under contract with the Department of Human Services or the Department of Children and Families. Classified pupils of elementary equivalent age shall include classified preschool handicapped and kindergarten pupils.

b. In those instances in which the cost of providing education for an individual classified pupil exceeds $40,000:

(1) For costs in excess of $40,000 incurred in the 2002-2003 through 2004-2005 school years, the district of residence shall, in addition to any special education State aid to which the district is entitled on behalf of the pupil pursuant to subsection a. of this section, receive additional special education State aid as follows: (a) with respect to the amount of any costs in excess of $40,000 but less than or equal to $60,000, the additional State aid for the classified pupil shall equal 60% of that amount; (b) with respect to the amount of any costs in excess of $60,000 but less than or equal to $80,000, the additional State aid for the classified pupil shall equal 70% of that amount; and (c) with respect to the amount of any costs in excess of $80,000, the additional State aid for the classified pupil shall equal 80% of that amount; provided that in the case of an individual classified pupil for whom additional special education State aid was awarded to a district for the 2001-2002 school year, the amount of such aid awarded annually to the district for that pupil for the 2002-2003, 2003-2004 or 2004-2005 school year shall not be less than the amount for the 2001-2002 school year, except that if the district's actual special education costs incurred for the pupil in the 2002-2003, 2003-2004 or 2004-2005 school year are reduced below the amount of such costs for the pupil in the 2001-2002 school year, the amount of aid shall be decreased by the amount of that reduction; and

(2) For costs in excess of $40,000 incurred in the 2005-2006 school year and thereafter, a district shall receive additional special education State aid equal to 100% of the amount of that excess.

A district, in order to receive funding pursuant to this subsection, shall file an application with the department that details the expenses incurred on behalf of the particular classified pupil for which the district is seeking reimbursement. Additional State aid awarded for extraordinary special education costs shall be recorded by the district as revenue in the current school year and paid to the district in the subsequent school year.

c. A school district may apply to the commissioner to receive emergency special education aid for any classified pupil who enrolls in the district prior to March of the budget year and who is in a placement with a cost in excess of $40,000. The commissioner may debit from the student's former district of residence any special education aid which was paid to that district on behalf of the student.

d. The department shall review expenditures of federal and State special education aid by a district in every instance in which special education monitoring identifies a failure on the part of the district to provide services consistent with a pupil's individualized education program.

89. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to read as follows:

C.18A:7F-24 Submission of budget for educational programs in State facilities.

24. Annually by December 15, the Department of Corrections, the Department of Human Services, the Department of Children and Families and the Juvenile Justice Commission shall each submit to the commissioner for approval, with respect to the facilities under their operational or supervisional authority, a budget for educational programs as set forth in section 8 of P.L.1979, c.207 (C.18A:7B-4) for the subsequent year, together with enrollments and per pupil costs. For the purposes of calculating a per pupil cost, enrollment shall be based on the number of pupils in the State facility on the last school day prior to October 16 of the prebudget year. In the subsequent year, pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) for students resident in a district, approved per pupil amounts shall be deducted from each school district's State aid and remitted to the appropriate agency, except that for county juvenile detention centers, no deduction shall be made until Fiscal Year 1999; in that year and thereafter, 50% of approved per pupil amounts shall be deducted and remitted to the Juvenile Justice Commission.

90. Section 3 of P.L.2000, c.72 (C.18A:7G-3) is amended to read as follows:

C.18A:7G-3 Definitions relative to construction, financing of public school facilities.

3. As used in sections 1 through 30 and 57 through 71 of this act, unless the context clearly requires a different meaning:

"Abbott district" means an Abbott district as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3);

"Area cost allowance" means $138 per square foot for the school year 2000-2001 and shall be inflated by an appropriate cost index for the 2001-2002 school year. For the 2002-2003 school year and subsequent school years, the area cost allowance shall be as established in the biennial Report on the Cost of Providing a Thorough and Efficient Education and inflated by an appropriate cost index for the second year to which the report applies. The area cost allowance used in determining preliminary eligible costs of school facilities projects shall be that of the year of application for approval of the project;

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Community provider" means a private entity which has contracted to provide early childhood education programs for an ECPA district and which (a) is licensed by the Department of Children and Families to provide day care services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); and (b) is a tax exempt nonprofit organization;

"Community early childhood education facilities project" means a school facilities project consisting of facilities in which early childhood education programs are provided to 3 or 4-year old children under contract with the ECPA district but which are owned and operated by a community provider;

"Commissioner" means the Commissioner of Education;

"Core curriculum content standards" means the standards established pursuant to the provisions of subsection a. of section 4 of P.L.1996, c.138 (C.18A:7F-4);

"Cost index" means the average annual increase, expressed as a decimal, in actual construction cost factors for the New York City and Philadelphia areas during the second fiscal year preceding the budget year as determined pursuant to regulations promulgated by the authority pursuant to section 26 of this act;

"Debt service" means and includes payments of principal and interest upon school bonds issued to finance the acquisition of school sites and the purchase or construction of school facilities, additions to school facilities,

or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon school bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P.L.1978, c.74 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.) and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

"Demonstration project" means a school facilities project selected by the State Treasurer for construction by a redevelopment entity pursuant to section 6 of this act;

"District" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and a State-operated school district established pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.);

"District aid percentage" means the number expressed as a percentage derived from dividing the district's core curriculum standards aid calculated pursuant to section 15 of P.L.1996, c.138 (C.18A:7F-15) as of the date of the commissioner's determination of preliminary eligible costs by the district's T & E budget calculated pursuant to subsection d. of section 13 of P.L.1996, c.138 (C.18A:7F-13) as of the date of the commissioner's determination of preliminary eligible costs;

"ECPA district" means a district that qualifies for early childhood program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16);

"Excess costs" means the additional costs, if any, which shall be borne by the district, of a school facilities project which result from design factors that are not required to meet the facilities efficiency standards and not approved pursuant to paragraph (1) of subsection g. of section 5 of this act or are not authorized as community design features included in final eligible costs pursuant to subsection c. of section 6 of this act;

"Facilities efficiency standards" means the standards developed by the commissioner pursuant to subsection h. of section 4 of this act;

"Final eligible costs" means for school facilities projects to be constructed by the authority, the final eligible costs of the school facilities project as determined by the commissioner, in consultation with the authority, pursuant to section 5 of this act; for demonstration projects, the final eligi-

ble costs of the project as determined by the commissioner and reviewed by the authority which may include the cost of community design features determined by the commissioner to be an integral part of the school facility and which do not exceed the facilities efficiency standards, and which were reviewed by the authority and approved by the State Treasurer pursuant to section 6 of this act; and for districts whose district aid percentage is less than 55% and which elect not to have the authority construct a school facilities project, final eligible costs as determined pursuant to paragraph (1) of subsection h. of section 5 of this act;

"FTE" means a full-time equivalent student which shall be calculated as follows: in districts that qualify for early childhood program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16), each student in grades kindergarten through 12 shall be counted at 100% of the actual count of students, and each preschool student approved by the commissioner to be served in the district shall be counted at 50% or 100% of the actual count of preschool students for an approved half-day or full-day program, respectively; in districts that do not qualify for early childhood program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16), each student in grades 1 through 12 shall be counted at 100% of the actual count of students, in the case of districts which operate a half-day kindergarten program each kindergarten student shall be counted at 50% of the actual count of kindergarten students, in the case of districts which operate a full-day kindergarten program or which currently operate a half-day kindergarten program but propose to build facilities to house a full-day kindergarten program each kindergarten student shall be counted at 100% of the actual count of kindergarten students, and preschool students shall not be counted. In addition, each preschool handicapped child who is entitled to receive a full-time program pursuant to N.J.S.18A:46-6 shall be counted at 100% of the actual count of these students in the district;

"Functional capacity" means the number of students that can be housed in a building in order to have sufficient space for it to be educationally adequate for the delivery of programs and services necessary for student achievement of the core curriculum content standards. Functional capacity is determined by dividing the existing gross square footage of a school building by the minimum area allowance per FTE student pursuant to subsection b. of section 8 of this act for the grade level students contained therein. The difference between the projected enrollment determined pursuant to subsection a. of section 8 of this act and the functional capacity is the unhoused students that are the basis upon which the additional costs of space to provide educationally adequate facilities for the entire projected enroll-

ment are determined. The existing gross square footage for the purposes of defining functional capacity is exclusive of existing spaces that are not contained in the facilities efficiency standards but which are used to deliver programs and services aligned to the core curriculum content standards, used to provide support services directly to students, or other existing spaces that the district can demonstrate would be structurally or fiscally impractical to convert to other uses contained in the facilities efficiency standards;

"Lease purchase payment" means and includes payment of principal and interest for lease purchase agreements in excess of five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to finance the purchase or construction of school facilities, additions to school facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of school facilities, including furnishings, equipment, architect fees and issuance costs. Approved lease purchase agreements in excess of five years shall be accorded the same accounting treatment as school bonds;

"Local share" means, in the case of a school facilities project to be constructed by the authority, the total costs less the State share as determined pursuant to section 5 of this act; in the case of a demonstration project, the total costs less the State share as determined pursuant to sections 5 and 6 of this act; and in the case of a school facilities project not to be constructed by the authority, but which shall be financed pursuant to section 15 of this act, the total costs less the State share as determined pursuant to that section;

"Local unit" means a county, municipality, board of education or any other political subdivision or instrumentality authorized to construct, operate and maintain a school facilities project and to borrow money for those purposes pursuant to law;

"Local unit obligations" means bonds, notes, refunding bonds, refunding notes, lease obligations and all other obligations of a local unit which are issued or entered into for the purpose of paying for all or a portion of the costs of a school facilities project, including moneys payable to the authority;

"Long-range facilities plan" means the plan required to be submitted to the commissioner by a district pursuant to section 4 of this act;

"Maintenance" means expenditures which are approved for repairs and replacements for the purpose of keeping a school facility open and safe for use or in its original condition, including repairs and replacements to a school facility's heating, lighting, ventilation, security and other fixtures to keep the facility or fixtures in effective working condition. Maintenance shall not include contracted custodial or janitorial services, expenditures for

the cleaning of a school facility or its fixtures, the care and upkeep of grounds or parking lots, and the cleaning of, or repairs and replacements to, movable furnishings or equipment, or other expenditures which are not required to maintain the original condition over the school facility's useful life. Approved maintenance expenditures shall be as determined by the commissioner pursuant to regulations to be adopted by the commissioner pursuant to section 26 of this act;

"Other allowable costs" means the costs of site development, acquisition of land or other real property interests necessary to effectuate the school facilities project, fees for the services of design professionals, including architects, engineers, construction managers and other design professionals, legal fees, financing costs and the administrative costs of the authority or the district incurred in connection with the school facilities project;

"Preliminary eligible costs" means the initial eligible costs of a school facilities project as calculated pursuant to the formulas set forth in section 7 of this act which shall be deemed to include the costs of construction and other allowable costs;

"Redevelopment entity" means a redevelopment entity authorized by a municipal governing body to implement plans and carry out redevelopment projects in the municipality pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.);

"Report on the Cost of Providing a Thorough and Efficient Education" or "Report" means the report issued by the commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-4);

"School bonds" means, in the case of a school facilities project which is to be constructed by the authority, a redevelopment entity, or a district under section 15 of this act, bonds, notes or other obligations issued by a district to finance the local share; and, in the case of a school facilities project which is not to be constructed by the authority or a redevelopment entity, or financed under section 15 of this act, bonds, notes or other obligations issued by a district to finance the total costs;

"School enrollment" means the number of FTE students other than evening school students, including post-graduate students and post-secondary vocational students, who, on the last school day prior to October 16 of the current school year, are recorded in the registers of the school;

"School facility" means and includes any structure, building or facility used wholly or in part for academic purposes by a district, but shall exclude athletic stadiums, grandstands, and any structure, building or facility used solely for school administration;

"School facilities project" means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction or maintenance of all or any part of a school facility or of any other personal property necessary for, or ancillary to, any school facility, and shall include fixtures, furnishings and equipment, and shall also include, but is not limited to, site acquisition, site development, the services of design professionals, such as engineers and architects, construction management, legal services, financing costs and administrative costs and expenses incurred in connection with the project;

"Special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes;

"State aid" means State municipal aid and State school aid;

"State debt service aid" means for school bonds issued for school facilities projects approved by the commissioner after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect not to have the authority or a redevelopment entity construct the project or which elect not to finance the project under section 15 of this act, the amount of State aid determined pursuant to section 9 of this act; and for school bonds or certificates of participation issued for school facilities projects approved by the commissioner prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) the amount of State aid determined pursuant to section 10 of this act;

"State municipal aid" means business personal property tax replacement revenues, State urban aid and State revenue sharing, as these terms are defined in section 2 of P.L.1976, c.38 (C.40A:3-3), or other similar forms of State aid payable to the local unit and to the extent permitted by federal law, federal moneys appropriated or apportioned to the municipality or county by the State;

"State school aid" means the funds made available to school districts pursuant to sections 15 and 17 of P.L.1996, c.138 (C.18A:7F-15 and 17);

"State share" means the State's proportionate share of the final eligible costs of a school facilities project to be constructed by the authority as determined pursuant to section 5 of this act; in the case of a demonstration project, the State's proportionate share of the final eligible costs of the project as determined pursuant to sections 5 and 6 of this act; and in the case of a school facilities project to be financed pursuant to section 15 of this act, the State share as determined pursuant to that section;

"Total costs" means, in the case of a school facilities project which is to be constructed by the authority or a redevelopment entity or financed pursuant to section 15 of this act, the final eligible costs plus excess costs if any; and in the case of a school facilities project which is not to be constructed by

the authority or a redevelopment entity or financed pursuant to section 15 of this act, the total cost of the project as determined by the district.

91. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to read as follows:

C.18A:7G-5 Financing, construction of school facilities in certain districts by authority.

5. a. The authority shall construct and finance the school facilities projects of Abbott districts, districts in level II monitoring pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and districts with a district aid percentage equal to or greater than 55%.

b. Any district whose district aid percentage is less than 55% may elect to have the authority undertake the construction of a school facilities project in the district and the State share shall be determined pursuant to this section. In the event that the district elects not to have the authority undertake the construction of the project, State support for the project shall be determined pursuant to section 9 or section 15 of this act, as applicable.

c. Notwithstanding any provision of N.J.S.18A:18A-16 to the contrary, the procedures for obtaining approval of a school facilities project shall be as set forth in this act; provided that any district whose district aid percentage is less than 55%, which elects not to have the authority or a redevelopment entity undertake the construction of the project, shall also be required to comply with the provisions of N.J.S.18A:18A-16.

d. Any district seeking to initiate a school facilities project shall apply to the commissioner for approval of the project. The application shall, at a minimum, contain the following information: a description of the school facilities project; a schematic drawing of the project or, at the option of the district, preliminary plans and specifications; a delineation and description of each of the functional components of the project; the number of unhoused students to be housed in the project; the area allowances per FTE student as calculated pursuant to section 8 of this act; and the estimated cost to complete the project as determined by the district.

e. The commissioner shall review each proposed school facilities project to determine whether it is consistent with the district's long-range facilities plan and whether it complies with the facilities efficiency standards and the area allowances per FTE student derived from those standards. The commissioner shall make a decision on a district's application within 90 days from the date he determines that the application is fully and accurately

completed and that all information necessary for a decision has been filed by the district, or from the date of the last revision made by the district. If the commissioner is not able to make a decision within 90 days, he shall notify the district in writing explaining the reason for the delay and indicating the date on which a decision on the project will be made, provided that the date shall not be later than 60 days from the expiration of the original 90 days set forth in this subsection. If the decision is not made by the subsequent date indicated by the commissioner, then the project shall be deemed approved and the preliminary eligible costs for new construction shall be calculated by using the proposed square footage of the building as the approved area for unhoused students.

f. If the commissioner determines that the school facilities project complies with the facilities efficiency standards and the district's long-range facilities plan and does not exceed the area allowance per FTE student derived from those standards, the commissioner shall calculate the preliminary eligible costs of the project pursuant to the formulas set forth in section 7 of this act; except that in the case of a county special services school district or a county vocational school district, the commissioner shall calculate the preliminary eligible costs to equal the amount determined by the board of school estimate and approved by the board of chosen freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-42) or N.J.S.18A:54-31 as appropriate.

g. If the commissioner determines that the school facilities project is inconsistent with the facilities efficiency standards or exceeds the area allowances per FTE student derived from those standards, the commissioner shall notify the district.

(1) The commissioner shall approve area allowances in excess of the area allowances per FTE student derived from the facilities efficiency standards if the board of education or State district superintendent, as appropriate, demonstrates that school facilities needs related to required programs cannot be addressed within the facilities efficiency standards and that all other proposed spaces are consistent with those standards. The commissioner shall approve area allowances in excess of the area allowances per FTE student derived from the facilities efficiency standards if the additional area allowances are necessary to accommodate centralized facilities to be shared among two or more school buildings within the district and the centralized facilities represent a more cost effective alternative.

(2) The commissioner may waive a facilities efficiency standard if the board of education or State district superintendent, as appropriate, demonstrates to the commissioner's satisfaction that the waiver will not adversely

affect the educational adequacy of the school facility, including the ability to deliver the programs and services necessary to enable all students to achieve the core curriculum content standards.

(3) To house the district's central administration, a district may request an adjustment to the approved areas for unhoused students of 2.17 square feet for each FTE student in the projected total district school enrollment if the proposed administrative offices will be housed in a school facility and the district demonstrates either that the existing central administrative offices are obsolete or that it is more practical to convert those offices to instructional space. To the extent that existing administrative space will continue to be used for administrative purposes, the space shall be included in the formulas set forth in section 7 of this act.

If the commissioner approves excess facilities efficiency standards or additional area allowances pursuant to paragraph (1), (2), or (3) of this subsection, the commissioner shall calculate the preliminary eligible costs based upon the additional area allowances or excess facilities efficiency standards pursuant to the formulas set forth in section 7 of this act. In the event that the commissioner does not approve the excess facilities efficiency standards or additional area allowances, the district may either: modify its submission so that the school facilities project meets the facilities efficiency standards; or pay for the excess costs.

(4) The commissioner shall approve spaces in excess of, or inconsistent with, the facilities efficiency standards, hereinafter referred to as nonconforming spaces, upon a determination by the district that the spaces are necessary to comply with State or federal law concerning individuals with disabilities. A district may apply for additional State aid for nonconforming spaces that will permit pupils with disabilities to be educated to the greatest extent possible in the same buildings or classes with their nondisabled peers. The nonconforming spaces may: (a) allow for the return of pupils with disabilities from private facilities; (b) permit the retention of pupils with disabilities who would otherwise be placed in private facilities; (c) provide space for regional programs in a host school building that houses both disabled and nondisabled pupils; and (d) provide space for the coordination of regional programs by a county special services school district, educational services commission, jointure commission, or other agency authorized by law to provide regional educational services in a school building that houses both disabled and nondisabled pupils. A district's State support ratio shall be adjusted to equal the lesser of the sum of its district aid percentage as defined in section 3 of this act plus 0.25, or 100% for any

nonconforming spaces approved by the commissioner pursuant to this paragraph.

h. Upon approval of a school facilities project and determination of the preliminary eligible costs:

(1) In the case of a district whose district aid percentage is less than 55% and which has elected not to have the authority undertake the construction of the school facilities project, the commissioner shall notify the district whether the school facilities project is approved and, if so approved, the preliminary eligible costs and the excess costs, if any. Following the determination of preliminary eligible costs and the notification of project approval, the district may appeal to the commissioner for an increase in those costs if the detailed plans and specifications completed by a design professional for the school facilities project indicate that the cost of constructing that portion of the project which is consistent with the facilities efficiency standards and does not exceed the area allowances per FTE student exceeds the preliminary eligible costs as determined by the commissioner for the project by 10% or more. The district shall file its appeal within 30 days of the preparation of the plans and specifications. If the district chooses not to file an appeal, then the final eligible costs shall equal the preliminary eligible costs.

The appeal shall outline the reasons why the preliminary eligible costs calculated for the project are inadequate and estimate the amount of the adjustment which needs to be made to the preliminary eligible costs. The commissioner shall forward the appeal information to the authority for its review and recommendation. If the additional costs are the result of factors that are within the control of the district or are the result of design factors that are not required to meet the facilities efficiency standards, the authority shall recommend to the commissioner that the preliminary eligible costs be accepted as the final eligible costs. If the authority determines the additional costs are not within the control of the district or are the result of design factors required to meet the facilities efficiency standards, the authority shall recommend to the commissioner a final eligible cost based on its experience for districts with similar characteristics, provided that, notwithstanding anything to the contrary, the commissioner shall not approve an adjustment to the preliminary eligible costs which exceeds 10% of the preliminary eligible costs. The commissioner shall make a determination on the appeal within 30 days of its receipt. If the commissioner does not approve an adjustment to the school facilities project's preliminary eligible costs, the commissioner shall issue his findings in writing on the reasons

for the denial and on why the preliminary eligible costs as originally calculated are sufficient.

(2) In all other cases, the commissioner shall promptly prepare and submit to the authority a preliminary project report which shall consist, at a minimum, of the following information: a complete description of the school facilities project; the actual location of the project; the total square footage of the project together with a breakdown of total square footage by functional component; the preliminary eligible costs of the project; the project's priority ranking determined pursuant to subsection m. of this section; any other factors to be considered by the authority in undertaking the project; and the name and address of the person from the district to contact in regard to the project.

i. Upon receipt by the authority of the preliminary project report, the authority, upon consultation with the district, shall prepare detailed plans and specifications and schedules which contain the authority's estimated cost and schedule to complete the school facilities project. The authority shall transmit to the commissioner the authority's recommendations in regard to the project which shall, at a minimum, contain the detailed plans and specifications; whether the school facilities project can be completed within the preliminary eligible costs; and any other factors which the authority determines should be considered by the commissioner.

(1) In the event that the authority determines that the school facilities project can be completed within the preliminary eligible costs: the final eligible costs shall be deemed to equal the preliminary eligible costs; the commissioner shall be deemed to have given final approval to the project; and the preliminary project report shall be deemed to be the final project report delivered to the authority pursuant to subsection j. of this section.

(2) In the event that the authority determines that the school facilities project cannot be completed within the preliminary eligible costs, prior to the submission of the authority's recommendations to the commissioner, the authority shall, in consultation with the district and the commissioner, determine whether changes can be made in the project which will result in a reduction in costs while at the same time meeting the facilities efficiency standards approved by the commissioner.

(a) If the authority determines that changes in the school facilities project are possible so that the project can be accomplished within the scope of the preliminary eligible costs while still meeting the facilities efficiency standards, the authority shall so advise the commissioner, whereupon the commissioner shall: calculate the final eligible costs to equal the preliminary eligible costs; give final approval to the project with the changes

noted; and issue a final project report to the authority pursuant to subsection j. of this section.

(b) If the authority determines that it is not possible to make changes in the school facilities project so that it can be completed within the preliminary eligible costs either because the additional costs are the result of factors outside the control of the district or the additional costs are required to meet the facilities efficiency standards, the authority shall recommend to the commissioner that the preliminary eligible costs be increased accordingly, whereupon the commissioner shall: calculate the final eligible costs to equal the sum of the preliminary eligible costs plus the increase recommended by the authority; give final approval to the project; and issue a final project report to the authority pursuant to subsection j. of this section.

(c) If the additional costs are the result of factors that are within the control of the district or are the result of design factors that are not required to meet the facilities efficiency standards or approved pursuant to paragraph (1) of subsection g. of this section, the authority shall recommend to the commissioner that the preliminary eligible costs be accepted, whereupon the commissioner shall: calculate the final eligible costs to equal the preliminary eligible costs and specify the excess costs which are to be borne by the district; give final approval to the school facilities project; and issue a final project report to the authority pursuant to subsection j. of this section; provided that the commissioner may approve final eligible costs which are in excess of the preliminary eligible costs if, in his judgment, the action is necessary to meet the educational needs of the district.

(d) For a school facilities project constructed by the authority, the authority shall be responsible for any costs of construction, but only from the proceeds of bonds issued by the authority pursuant to this act, which exceed the amount originally projected by the authority and approved for financing by the authority, provided that the excess is the result of an underestimate of labor or materials costs by the authority. After receipt by the authority of the final project report, the district shall be responsible only for the costs associated with changes, if any, made at the request of the district to the scope of the school facilities project.

j. The authority shall not commence the acquisition or construction of a school facilities project unless the commissioner transmits to the authority a final project report and the district complies with the approval requirements for the local share, if any, pursuant to section 11 of this act. The final project report shall contain all of the information contained in the preliminary project report and, in addition, shall contain: the final eligible costs;

the excess costs, if any; the total costs which equals the final eligible costs plus excess costs, if any; the State share; and the local share.

k. For the Abbott districts, the State share shall be 100% of the final eligible costs. For all other districts, the State share shall be an amount equal to 115% of the district aid percentage; except that the State share shall not be less than 40% of the final eligible costs.

If any district which is included in district factor group A or B, other than an Abbott district, is having difficulty financing the local share of a school facilities project, the district may apply to the commissioner to receive 100% State support for the project and the commissioner may request the approval of the Legislature to increase the State share of the project to 100%.

l. The local share for school facilities projects constructed by the authority or a redevelopment entity shall equal the final eligible costs plus any excess costs less the State share.

m. The commissioner shall establish, in consultation with the Abbott districts, a priority ranking of all school facilities projects in the Abbott districts based upon his determination of critical need, and shall establish priority categories for all school facilities projects in non-Abbott districts. The commissioner shall rank projects from Tier I to Tier IV in terms of critical need according to the following prioritization:

Tier I: health and safety, including electrical system upgrades; required early childhood education programs; unhoused students/class size reduction as required to meet the standards of the "Comprehensive Educational Improvement and Financing Act of 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);

Tier II: educational adequacy - specialized instructional spaces, media centers, cafetoriums, and other non-general classroom spaces contained in the facilities efficiency standards; special education spaces to achieve the least restrictive environment;

Tier III: technology projects; regionalization or consolidation projects;

Tier IV: other local objectives.

n. The provisions of the "Public School Contracts Law," N.J.S. 18A:18A-1 et seq., shall be applicable to any school facilities project constructed by a district but shall not be applicable to projects constructed by the authority or a redevelopment entity pursuant to the provisions of this act.

o. In the event that a district whose district aid percentage is less than 55% elects not to have the authority undertake construction of a school facilities project, any proceeds of school bonds issued by the district for the purpose of funding the project which remain unspent upon completion of

the project shall be used by the district to reduce the outstanding principal amount of the school bonds.

p. Upon completion by the authority of a school facilities project, if the cost of construction and completion of the project is less than the total costs, the district shall be entitled to receive a portion of the local share based on a pro rata share of the difference based on the ratio of the State share to the local share.

q. The authority shall determine the cause of any costs of construction which exceed the amount originally projected by the authority and approved for financing by the authority.

r. In the event that a district has engaged architectural services to prepare the documents required for initial proposal of a school facilities project, the district shall, if permitted by the terms of the district's contract for architectural services, and at the option of the authority assign the contract for architectural services to the authority if the authority determines that the assignment would be in the best interest of the school facilities project.

s. Notwithstanding anything to the contrary contained in P.L.2000, c.72 (C.18A:7G-1 et al.), an ECPA district, at its option, may provide in its long-range facilities plan submitted pursuant to section 4 of this act, for one or more community early childhood education facilities projects. If the district has requested designation of a demonstration project pursuant to section 6 of this act and is eligible to submit a plan for a community early childhood education facilities project pursuant to this section, the district shall be permitted to include the community early childhood education facilities project as part of the demonstration project.

(1) An ECPA district seeking to initiate a community early childhood education facilities project shall apply to the commissioner for approval of the project. The application shall, at a minimum, contain the following information: the name of the community provider; evidence that the community provider is licensed by the Department of Children and Families pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) and is a tax exempt nonprofit organization; evidence that the community provider is or shall provide early childhood education programs for the district; a description of the community early childhood education facilities project; a schematic drawing of the project, or at the option of the district, preliminary plans and specifications; a delineation and description of each of the functional components of the project; identification of those portions of the proposed project which shall be devoted in whole or in part to the provision of early childhood education programs to 3 or 4-year old children from the ECPA district; the estimated cost to complete the project as determined by the district in consultation

with the community provider; and whether the facility provides services other than early childhood education programs for 3 and 4-year old children, pursuant to a contract with the ECPA district.

(2) The commissioner shall review the proposed early childhood education facilities project to determine whether it is consistent with the district's long-range facilities plan, whether it will provide a facility which is structurally adequate and safe and capable of providing a program which will enable preschool children being served pursuant to the ECPA district's approved early childhood education operational plan to meet the standards for early childhood education programs established by the department and whether there is a need for increased capacity or to rehabilitate existing space to meet these standards. Only those facilities which are used for 3 or 4-year old children pursuant to a contract with the ECPA district shall be eligible for approval, provided that facilities which are jointly used by 3 or 4-year old children from the ECPA district and from other districts shall also be eligible for approval.

(3) If the commissioner approves the project, the commissioner shall determine, in consultation with the authority, the cost to complete the approved project, which shall be the reasonable, estimated cost of the renovation or new construction necessary to provide a facility which is structurally adequate and safe and capable of providing a program which will enable preschool children being served pursuant to the ECPA district's approved early childhood education operation plan to meet the standards for early childhood education programs established by the department. For projects initiated by an Abbott district, the State support shall be 100% of such reasonable, estimated cost. For projects initiated by an ECPA district that is not an Abbott district, the State support shall be an amount equal to 115% of the district aid percentage of that ECPA district, of such reasonable, estimated cost, except that the State support shall not be less than 40% of such reasonable, estimated cost. The commissioner shall issue a final project report to the authority which shall contain a complete description of the project, the actual location of the project, the total square footage of the project together with a breakdown of total square footage by functional component; any other factors to be considered by the authority in undertaking the project; the names and addresses of the people to contact from the district and the community provider; the amount of State support for the project; and the amount of local support required from the community provider to pay for costs, if any, of the project which have not been approved by the commissioner for State support.

(4) Upon submission to the authority of a final project report, the authority shall undertake the financing, acquisition, construction and all other appropriate actions necessary to complete the community early childhood education facilities project, provided, that if there is local support required for the project, such actions shall not commence until the authority receives the local support from the community provider. The authority may, in its discretion, and upon consultation with the commissioner, authorize a community provider to undertake the acquisition, construction and all other appropriate action necessary to complete the project, in which case the authority shall not provide State support until the community provider provides the local support, if any.

(5) In order to implement the arrangements established for community early childhood education facilities projects, the authority shall enter into an agreement with the district, the commissioner and the community provider containing the terms and conditions determined by the parties to be necessary to effectuate the project.

(6) The authority shall require as a condition of providing State support for any community early childhood education facilities project that the State support must be repaid by the community provider in the event that (a) the commissioner determines that the project is no longer being used for the purposes for which it was intended; or (b) the project is sold, leased or otherwise conveyed to an individual or organization that does not have tax exempt nonprofit or government status.

92. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to read as follows:

C.18A:16-12 Definitions relative to group insurance.

1. As used in this act:

a. "Dependents" means an employee's spouse and the employee's unmarried children, including stepchildren, legally adopted children, and, at the option of the local board of education and the carrier, children placed by the Department of Children and Families with a resource family, under the age of 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the local board of education and the carrier, other unmarried children of the employee under the age of 23 who are dependent upon the employee for support and maintenance, but shall not include a spouse or child while serving in the military service. At the option of the local board of education, "dependent" may include an employee's domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3);

b. "Employees" may, at the option of the local board of education, include elected officials, but shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the local board of education is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties;

c. "Federal Medicare Program" means the coverage provided under Title XVIII of the Social Security Act as amended in 1965, or its successor plan or plans.

93. Section 1 of P.L.1986, c.73 (C.18A:18A-3.2) is amended to read as follows:

C.18A:18A-3.2 Group legal insurance.

1. Any school district, hereinafter referred to as an employer, may enter into contracts of group legal insurance with an insurer authorized, pursuant to P.L.1981, c. 160 (C. 17:46C-1 et seq.), to engage in the business of legal insurance in this State or may contract with a duly recognized prepaid legal services plan with respect to the benefits which they are authorized to provide. The contract or contracts shall provide coverage for the employees of the employer and may include their dependents. "Dependents" shall include an employee's spouse and the employee's unmarried children, including stepchildren and legally adopted children, and, at the option of the employer and the carrier, children placed by the Department of Children and Families with a resource family, under the age of 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the employer and the carrier, other unmarried children of the employee under the age of 23 who are dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service.

"Employees" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the public employer is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties.

The contract shall include provisions to prevent duplication of benefits and shall condition the eligibility of an employee for coverage upon satisfying a waiting period stated in the contract.

The coverage of an employee, and of his dependents, if any, shall cease upon the discontinuance of his employment or upon cessation of active full-

time employment in the classes eligible for coverage, subject to the provision as may be made in a contract by his employer for limited continuance of coverage during disability, part-time employment, leave of absence other than leave for military service or layoff, or for continuance of coverage after retirement.

A contract for group legal insurance entered into pursuant to this act shall not include any legal services attendant to a claim brought by a teaching staff member against a board of education or legal services for the defense of a teaching staff member facing disciplinary action pursuant to subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes (N.J.S.18A:6-9 et seq.).

94. N.J.S.18A:38-1 is amended to read as follows:

Attendance at school free of charge.

18A:38-1. Public schools shall be free to the following persons over five and under 20 years of age:

a. Any person who is domiciled within the school district;

b. (1) Any person who is kept in the home of another person domiciled within the school district and is supported by such other person gratis as if he were such other person's own child, upon filing by such other person with the secretary of the board of education of the district, if so required by the board, a sworn statement that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely through the school term, and a copy of his lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, and upon filing by the child's parent or guardian with the secretary of the board of education a sworn statement that he is not capable of supporting or providing care for the child due to a family or economic hardship and that the child is not residing with the resident of the district solely for the purpose of receiving a free public education within the district. The statement shall be accompanied by documentation to support the validity of the sworn statements, information from or about which shall be supplied only to the board and only to the extent that it directly pertains to the support or nonsupport of the child. If in the judgment of the board of education the evidence does not support the validity of the claim by the resident, the board may deny admission to the child. The resident may contest the board's decision to the commissioner within 21 days of the date of the deci-

sion and shall be entitled to an expedited hearing before the commissioner on the validity of the claim and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria listed in this subsection. The board of education shall, at the time of its decision, notify the resident in writing of his right to contest the board's decision to the commissioner within 21 days. No child shall be denied admission during the pendency of the proceedings before the commissioner. In the event the child is currently enrolled in the district, the student shall not be removed from school during the 21-day period in which the resident may contest the board's decision nor during the pendency of the proceedings before the commissioner. If in the judgment of the commissioner the evidence does not support the claim of the resident, he shall assess the resident tuition for the student prorated to the time of the student's ineligible attendance in the school district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced. Nothing shall preclude a board from collecting tuition from the resident, parent or guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the commissioner;

(2) If the superintendent or administrative principal of a school district finds that the parent or guardian of a child who is attending the schools of the district is not domiciled within the district and the child is not kept in the home of another person domiciled within the school district and supported by him gratis as if the child was the person's own child as provided for in paragraph (1) of this subsection, the superintendent or administrative principal may apply to the board of education for the removal of the child. The parent or guardian shall be entitled to a hearing before the board and if in the judgment of the board the parent or guardian is not domiciled within the district or the child is not kept in the home of another person domiciled within the school district and supported by him gratis as if the child was the person's own child as provided for in paragraph (1) of this subsection, the board may order the transfer or removal of the child from school. The parent or guardian may contest the board's decision before the commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the commissioner and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria listed in this subsection. The board of education shall, at the time of its decision, notify the parent or guardian in writing of his right to contest the decision within 21 days. No child shall be removed

from school during the 21-day period in which the parent may contest the board's decision or during the pendency of the proceedings before the commissioner. If in the judgment of the commissioner the evidence does not support the claim of the parent or guardian, the commissioner shall assess the parent or guardian tuition for the student prorated to the time of the student's ineligible attendance in the schools of the district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced. Nothing shall preclude a board from collecting tuition from the parent or guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the commissioner;

The provisions of this section requiring proof of support, custody or tenancy shall not apply to a person keeping a child in his home whose parent or guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and who has been ordered into active military service in any of the armed forces of the United States in time of war or national emergency. In such a situation, the child shall be eligible to enroll in the district in which he is being kept, and no tuition shall be charged by the district. Following the return of the child's parent or guardian from active military service, the child's eligibility for enrollment without tuition in the district in which he or she is being kept shall cease at the end of the current school year;

c. Any person who fraudulently allows a child of another person to use his residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his child to a person in another district commits a disorderly persons offense;

d. Any person whose parent or guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section;

e. Any person for whom the Division of Youth and Family Services in the Department of Children and Families is acting as guardian and who is placed in the district by the division;

f. Any person whose parent or guardian moves from one school district to another school district as a result of being homeless and whose district of residence is determined pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12).

95. Section 1 of P.L.2000, c.138 (C.18A:44-5) is amended to read as follows:

C.18A:44-5 Commission on Early Childhood Education.

1. a. There is established a Commission on Early Childhood Education in, but not of, the Department of Education. The commission shall consist of 24 members, including the Commissioners of Education, Human Services and Children and Families and the State Treasurer, or their designees, who shall serve as ex officio members, and 20 public members who shall be appointed by the Governor, including two representatives of higher education and one representative of each of the following organizations: the New Jersey Child Care Advisory Council; the Association for Children of New Jersey; the Center for Early Education at Rutgers, the State University; the New Jersey Association for the Education of Young Children; the New Jersey Association of Child Care Resources and Referral Agencies; the New Jersey Association of Early Childhood Teacher Educators; the New Jersey Association of School Administrators; the New Jersey Child Care Association; the New Jersey Congress of Parents and Teachers; the Statewide Parent Advocacy Network; the New Jersey Education Association; the New Jersey State Federation of Teachers; the New Jersey School Boards Association; the New Jersey Head Start Association; the New Jersey Policy Development Board; the New Jersey Principals and Supervisors Association; the Advisory Committee for Nonpublic Schools of the Department of Education; and the New Jersey Professional Development Center of New Jersey.

Within 60 days of the effective date of this act, and at least one month prior to the expiration of the term of a member nominated by an organization listed above, that organization shall submit to the Governor three nominees for consideration, from which the Governor may choose. If any organization does not submit three nominees for consideration at any time required, the Governor may appoint a member of his choice.

Of the 20 public members appointed by the Governor, no more than 10 shall be of the same political party. Of the 20 public members appointed by the Governor, at least six shall represent the northern region of the State and reside in one of the following counties: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union or Warren. Of the 20 public members appointed by the Governor, at least six shall represent the central region of the State and reside in one of the following counties: Hunterdon, Somerset, Middlesex, Mercer, Monmouth or Ocean. Of the 20 public members appointed by the Governor, at least six shall represent the southern region of the State and

reside in one of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester or Salem.

The public members shall serve for three-year terms, but of the members first appointed, six shall be appointed for a term of one year, seven shall be appointed for a term of two years and seven shall be appointed for a term of three years. A member shall hold office for the term of his appointment and until his successor has been appointed.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments are made and a member may be eligible for reappointment. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.

The members of the commission shall serve without compensation but shall be reimbursed for the reasonable expenses necessarily incurred in the performance of their duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.

b. The commission shall organize no later than 30 days after the appointment of all the members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

c. The department shall provide such stenographic, clerical and other administrative assistants, and such professional staff, as the commission requires to carry out its work.

d. It shall be the responsibility of the commission to provide advice on early childhood education issues, including, but not limited to:

(1) the appropriate staff credentials for pre-school educators;

(2) appropriate Statewide standards for early childhood education program design, implementation and assessment;

(3) the development of standards for appropriate facilities for early childhood education programs;

(4) coordination of early childhood programs and services across State agencies;

(5) the identification and dissemination of information on model early childhood programs;

(6) the funding levels necessary to support high quality early childhood education programs, including funding for certified, well-trained teachers, developmentally appropriate curriculum and materials, appropriate facilities and particularized needs.

96. N.J.S.18A:46-13 is amended to read as follows:

Types of facilities and programs.

18A:46-13. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as handicapped under this chapter. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

The Department of Human Services, and the Department of Children and Families, as applicable, shall provide transportation for all children who attend day training centers operated by the department.

A board of education is not required to provide any further educational program for children who have been admitted to the Marie H. Katzenbach School for the Deaf but shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation. Any special education facility or program authorized and provided for a child attaining age 20 during a school year shall be continued for the remainder of that school year.

97. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to read as follows:

C.18A:46-18.3 Notice to parents.

2. a. The multidisciplinary treatment team at a State facility shall provide written notice to the parent or legal guardian of a child who is placed in the facility, when the child attains the age of 18, or, if the child is over the age of 18 when placed in the facility, at the time of placement, that the child is not entitled to receive tuition free educational services after the age of 21.

b. Written notice given pursuant to this section shall describe in detail the parent's or guardian's opportunity to consent to having the child's name or other relevant information forwarded in a report to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, for the purposes of determining whether the child will likely need services after the age of 21 and, if so, recommending possible adult educational services. For the purposes of this subsection, "relevant information" means that information in the possession of and used by the multidisciplinary treatment team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the child's handicapping condition, including but not limited to: (1) results

of physical and psychological examinations performed by private and school district physicians and psychologists; (2) relevant information presented by the parent or legal guardian and teacher; (3) school data which bear on the child's progress, including the child's most recent individualized educational program; (4) results of the most recent examinations and evaluations performed; and (5) results of other suitable evaluations and examinations possessed by the team. Nothing in this subsection shall be construed to require a multidisciplinary treatment team to perform any examination or evaluation not otherwise required by law.

c. Upon the written consent of the parent or legal guardian, the multidisciplinary treatment team shall forward the child's name and other relevant information in a report to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, for the development of a recommendation for adult educational services. A copy of the report shall also be submitted to the Commissioner of Education at the same time that the report is submitted to the Commissioner of Human Services, the Commissioner of Children and Families or the Commissioner of Corrections, as applicable.

98. Section 3 of P.L.1986, c.32 (C.18A:46-18.4) is amended to read as follows:

C.18A:46-18.4 Recommendation for adult educational services.

3. a. The Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, or their designees, in consultation with the Commissioner of Education, or his designee, shall determine whether a child, whose report is submitted to the Department of Human Services, Department of Children and Families, or the Department of Corrections, as appropriate, pursuant to subsection c. of section 2 of this act, will likely need adult educational services and, if the need will likely exist, develop a recommendation of all appropriate educational programs operated or approved by the Department of Human Services, Department of Children and Families, Department of Corrections or Department of Education which may be available when the child attains the age of 21. If necessary and appropriate, the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, may conduct an evaluation of the child to determine if adult educational services will be needed. The recommendation of all programs shall be made available to the parent or guardian of the child as soon as practicable but not later than six months before the child attains the age of 21.

b. If the Commissioner of Human Services, Commissioner of Children and Families, or Commissioner of Corrections, as appropriate, determines, pursuant to subsection a. of this section, that the child will not require adult educational services, the commissioner shall notify the child's parent or guardian in writing of the determination. The notice shall be given as soon as practicable but no later than six months before the child attains the age of 21.

99. Section 4 of P.L.1986, c.32 (C.18A:46-18.5) is amended to read as follows:

C.18A:46-18.5 Annual report.

4. The multidisciplinary treatment team shall prepare and submit an annual report to the Departments of Education, Corrections, Children and Families, and Human Services on October 1, 1986 and thereafter on or before October 1 of each year. The annual report shall contain the number of cases submitted to the Commissioner of Human Services, the Commissioner of Children and Families, and the Commissioner of Corrections pursuant to subsection c. of section 2 of this act, the type and severity of the handicapping condition involved with each case, and other necessary information. The annual report shall not contain individually identifying information.

100. Section 5 of P.L.1986, c.32 (C.18A:46-18.6) is amended to read as follows:

C.18A:46-18.6 Rules, regulations.

5. The Commissioner of Human Services, the Commissioner of Children and Families, and the Commissioner of Corrections shall adopt, within six months from the date that this act takes effect, rules and regulations in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) that are appropriate to implement this act.

101. N.J.S.18A:60-1 is amended to read as follows:

Requirements for tenure.

18A:60-1. The services of all professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed in a teaching capacity, who are or shall hereafter be employed by the commissioner in the Marie H. Katzenbach School for the Deaf or in any other educational institution, or employed in any State college or in any county college, and teachers and other certified persons employed in State institutions within the Department of Corrections, the Department of Chil-

dren and Families, or the Department of Human Services, with the exception of the Director of Educational Services, shall be under tenure during good behavior and efficiency:

a. after the expiration of a period of employment of three consecutive calendar years in any such institution or institutions; or

b. after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year in any such institution or institutions; or

c. after employment in any such institution or institutions, within a period of any four consecutive academic years, for the equivalent of more than three academic years.

An academic year, for the purpose of this section, means the period between the time school opens in the institution after the general summer vacation until the next succeeding summer vacation.

The provisions of this section shall not apply to any faculty member employed by a State or county college who begins employment after the 1973-74 school year.

102. Section 1 of P.L.1986, c.158 (C.18A:60-1.1) is amended to read as follows:

C.18A:60-1.1 Findings, declarations.

1. The Legislature hereby finds that it is in the best interests of the State of New Jersey to provide job security during good behavior and efficiency for the teachers and other certified professional educators employed in State institutions within the Department of Corrections, the Department of Children and Families, and the Department of Human Services. To accomplish this goal it is appropriate to provide tenure protection for such professionals teaching in such State institutions, subject to the provisions set forth in this act.

103. Section 3 of P.L.1986, c.158 (C.18A:60-1.2) is amended to read as follows:

C.18A:60-1.2 Tenure after 3 years' service.

3. Any teacher or other certified individual serving in a teaching capacity in a State institution within the Department of Corrections, the Department of Children and Families, or the Department of Human Services as of July 1, 1986, who has completed at least two academic years of teaching service or its equivalent within three calendar years with satisfactory evaluations, shall acquire tenure under this act upon the completion of one additional calendar year of satisfactory service in such capacity.

104. N.J.S.18A:60-3 is amended to read as follows:

Reduction in staff.

18A:60-3. Nothing contained in this chapter shall be held to limit the right of the commissioner, in the case of any educational institution conducted under his jurisdiction, supervision or control; or the Commissioner of Corrections, the Commissioner of Children and Families, or the Commissioner of Human Services, in the case of any State institution conducted under their jurisdiction, supervision or control; or of the board of trustees of a college, in the case of a college, to reduce the number of professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity in any such institution or institutions when the reduction is due to natural diminution of the number of students or pupils in the institution or institutions. Dismissals resulting from such reduction shall not be by reason of residence, age, sex, marriage, race, religion, or political affiliation. When such professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity under tenure are dismissed by reason of such reduction, those professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity having the least number of years of service to their credit shall be dismissed in preference to those having longer terms of service. Should any such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity under tenure be dismissed as a result of such reduction, such person shall be and remain upon a preferred eligible list in the order of years of service for reemployment, whenever vacancies occur, and shall be reemployed by the commissioner in such order, when, and if, a vacancy in a position for which such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity shall be qualified. Such reemployment shall give full recognition to previous years of service.

105. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to read as follows:

C.26:2-151 Catastrophic Illness in Children Relief Fund Commission.

4. There is established in, but not of, the State Department of Human Services the Catastrophic Illness in Children Relief Fund Commission. The commission shall consist of the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Commissioner of Children

and Families, the Commissioner of Banking and Insurance, and the State Treasurer, who shall be members ex officio, and seven public members who are residents of this State, appointed by the Governor with the advice and consent of the Senate for terms of five years, two of whom are appointed upon the recommendation of the President of the Senate, one of whom is a provider of health care services to children in this State and two of whom are appointed upon the recommendation of the Speaker of the General Assembly, one of whom is a provider of health care services to children in this State. The five public members first appointed by the Governor shall serve for terms of one, two, three, four and five years, respectively.

Each member shall hold office for the term of his appointment and until his successor has been appointed and qualified. A member of the commission is eligible for reappointment.

Each ex officio member of the commission may designate an officer or employee of his department to represent him at meetings of the commission, and each designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any designation shall be in writing delivered to the commission and filed with the office of the Secretary of State and shall continue in effect until revoked or amended in the same manner as provided for designation.

106. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to read as follows:

C.26:2-171 Advisory Council on Adolescent Pregnancy established.

2. a. There is established in the Executive Branch of the State Government an Advisory Council on Adolescent Pregnancy. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the advisory council is allocated within the Department of Health and Senior Services, but notwithstanding that allocation, the advisory council shall be independent of any supervision or control by the department or by any board or officer thereof.

b. The advisory council shall consist of 24 members as follows: the Commissioners of the Departments of Health and Senior Services, Human Services, Children and Families, Education, Community Affairs, and Labor and Workforce Development, who shall serve as ex officio members, and 18 public members, four of whom shall be teenagers, including two teenage parents and two teenagers who are not parents, and fourteen of whom shall be representatives of community based religious, health and social service organizations which serve adolescents and health professionals and educa-

tors with recognized expertise in the field of adolescent pregnancy. Of the public members, three shall be appointed by the President of the Senate, no more than two of whom shall be of the same political party; three shall be appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party; and 12 shall be appointed by the Governor with the advice and consent of the Senate, no more than six of whom shall be of the same political party. The advisory council shall organize within 30 days after the appointment of its members. The members shall select one person from among them to serve as the chairperson and the members shall select a secretary, who need not be a member of the advisory council.

c. Each ex officio member may designate an employee of the member's department to represent the member at hearings of the advisory council. All designees may lawfully vote and otherwise act on behalf of the member for whom they constitute the designee.

d. Each public member shall be appointed for a term of three years, but of the members first appointed, six shall serve for a term of one year, six for a term of two years and six for a term of three years. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled in the same manner as the original appointments were made.

e. Members of the advisory council shall serve without compensation but, within the limits of funds appropriated or otherwise made available to it, shall be eligible for reimbursement of necessary expenses incurred in the performance of their duties.

f. The Department of Health and Senior Services shall provide such staff as the advisory council requests to carry out the purposes of this act.

107. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to read as follows:

C.26:2BB-2 Governor's Council on Alcoholism and Drug Abuse.

2. There is created a 26-member council in, but not of, the Department of the Treasury which shall be designated as the Governor's Council on Alcoholism and Drug Abuse. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Governor's Council on Alcoholism and Drug Abuse is allocated to the Department of the Treasury, but, notwithstanding the allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

The council shall consist of 12 ex officio members and 14 public members.

a. The ex officio members of the council shall be: the Attorney General, the Commissioners of the Departments of Labor and Workforce Development, Education, Human Services, Health and Senior Services, Children and Families, Community Affairs, Personnel and Corrections, the chair of the executive board of the New Jersey Presidents' Council, the Administrative Director of the Administrative Office of the Courts and the Adjutant General. An ex officio member may designate an officer or employee of the department or office which he heads to serve as his alternate and exercise his functions and duties as a member of the Governor's Council on Alcoholism and Drug Abuse.

b. The 14 public members shall be residents of the State who are selected for their knowledge, competence, experience or interest in connection with alcoholism or drug abuse. They shall be appointed as follows: two shall be appointed by the President of the Senate, two shall be appointed by the Speaker of the General Assembly and 10 shall be appointed by the Governor, with the advice and consent of the Senate. At least two of the public members appointed by the Governor shall be rehabilitated alcoholics and at least two of the public members appointed by the Governor shall be rehabilitated drug abusers.

c. The term of office of each public member shall be three years; except that of the first members appointed, four shall be appointed for a term of one year, five shall be appointed for a term of two years and five shall be appointed for a term of three years. Each member shall serve until his successor has been appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. A public member is eligible for reappointment to the council.

d. The chairman of the council shall be appointed by the Governor from among the public members of the council and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chairman's successor. The members of the council shall elect a vice-chairman from among the members of the council. The Governor may remove any public member for cause, upon notice and opportunity to be heard.

e. The council shall meet at least monthly and at such other times as designated by the chairman. Fourteen members of the council shall constitute a quorum. The council may establish any advisory committees it deems advisable and feasible.

f. The chairman shall be the request officer for the council within the meaning of such term as defined in section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15).

g. The public members of the council shall receive no compensation for their services, but shall be reimbursed for their expenses incurred in the discharge of their duties within the limits of funds appropriated or otherwise made available for this purpose.

108. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to read as follows:

C.26:2H-5.7 State Health Planning Board established.

33. There is established in the Department of Health and Senior Services a State Health Planning Board. The members of the board shall include: the Commissioners of Health and Senior Services, Children and Families and Human Services, or their designees, who shall serve as ex officio, nonvoting members; the chairmen of the Health Care Administration Board and the Public Health Council, or their designees, who shall serve as ex officio members; and nine public members appointed by the Governor with the advice and consent of the Senate, five of whom are consumers of health care services who are neither providers of health care services or persons with a fiduciary interest in a health care service.

Of the additional public members first appointed pursuant to P.L.1998, c.43, two shall serve for a term of two years and two shall serve for a term of three years. Following the expiration of the original terms, the public members shall serve for a term of four years and are eligible for reappointment. Public members serving on the board on the effective date of P.L.1998, c.43 shall continue to serve for the term of their appointment. Any vacancy shall be filled in the same manner as the original appointment, for the unexpired term. Public members shall continue to serve until their successors are appointed. The public members shall serve without compensation but may be reimbursed for reasonable expenses incurred in the performance of their duties, within the limits of funds available to the board.

a. A member or employee of the State Health Planning Board shall not, by reason of his performance of any duty, function or activity required of, or authorized to be undertaken by the board, be held civilly or criminally liable if that person acted within the scope of his duty, function or activity as a member or employee of the board, without gross negligence or malice toward any person affected thereby.

b. A member of the State Health Planning Board shall not vote on any matter before the board concerning an individual or entity with which the member has, or within the last 12 months has had, any substantial ownership, employment, medical staff, fiduciary, contractual, creditor or consultative relationship. A member who has or has had such a relationship with an individual or entity involved in any matter before the board shall make a written disclosure of the relationship before any action is taken by the board with respect to the matter and shall make the relationship public in any meeting in which action on the matter is to be taken.

109. Section 1 of P.L.1998, c.136 (C.26:2H-12.6a) is amended to read as follows:

C.26:2H-12.6a Preparation, distribution of pamphlet providing information on child abuse, neglect.

1. a. The Department of Children and Families, in consultation with the Department of Health and Senior Services, shall prepare a pamphlet which provides information on child abuse and neglect to all parents of newborn infants born in this State. The pamphlet shall be distributed to each parent present during the infant's birth, by the personnel at a hospital or birthing facility at the time of the mother's discharge, as part of the hospital or birthing facility's discharge procedures.

b. The pamphlet shall include information on the signs of child abuse and neglect, the services provided by the State which help in preventing child abuse and neglect and the legal ramifications of abusing or neglecting a child.

c. The department shall distribute the pamphlet, at no charge, to all the hospitals and birthing facilities in the State. The department shall update the pamphlet as necessary, and shall make additional copies of the pamphlet available to health care providers upon request.

110. R.S.26:3-31 is amended to read as follows:

Public health regulations.

26:3-31. The local board of health shall have power to pass, alter or amend ordinances and make rules and regulations in regard to the public health within its jurisdiction, for the following purposes:

a. To protect the public water supply and prevent the pollution of any stream of water or well, the water of which is used for domestic purposes, and to prevent the use of or to close any well, the water of which is polluted or detrimental to the public health.

b. (1) To prohibit the cutting, sale or delivery of ice in any municipality without obtaining a permit from the local board. No person shall cut, sell or deliver ice in any municipality without obtaining such permit.

(2) To refuse such permit or revoke any permit granted by it when in its judgment the use of any ice cut, sold or delivered under the permit would be detrimental to the public health. Upon the refusal or revocation of a permit by the local board, an appeal may be taken to the State department. Upon order of the State department a permit shall be granted or the revocation set aside.

(3) To prohibit the importation, distribution or sale of any impure ice which would be detrimental to the public health.

c. To license and regulate the sanitary conditions of hotels, restaurants, cafes, and other public eating houses and to provide for the posting of ratings or score cards setting forth the sanitary condition of any public eating house after inspection of the same and to post the rating or score card in some conspicuous or public place in such eating house.

d. To compel any owner of property along the line of any sewer to connect his house or other building therewith. This paragraph shall be enforced by the local board within its jurisdiction and it shall by ordinance provide a fine of $25 to be imposed upon any person who shall not comply with any order issued under the authority of this paragraph, within 30 days after notice by the proper officer of the board to make the required connections. An additional fine of $10 shall be provided for each day of delay, after the expiration of the 30 days, in which the provisions of the order or notice are not complied with. Such notice may be served upon the owner personally or by leaving it at his usual place of abode with a member of his family above the age of 18 years.

e. (Deleted by amendment, P.L.1987, c.442.)

f. To regulate, control, and prohibit the accumulation of offal and any decaying or vegetable substance.

g. (1) To regulate the location, construction, maintenance, method of emptying or cleaning, and the frequency of cleaning of any privy or other place used for the reception or storage of human excrement, and to prohibit the construction or maintenance of any privy or other such place until a license therefor shall have been issued by the board, which license shall continue in force for one year from the date of issue.

(2) To fix the fee, not exceeding $5, for such license, and to use the fees so collected in supervising and maintaining said privies or other places and in removing and disposing of the excrement therefrom.

(3) To revoke such license at any time if the owner or tenant of the property on which any privy or other such place is located, maintains the

same in violation of law, or of the State sanitary code, or any ordinance or rule of the board.

h. To regulate, control, or prohibit the cleaning of any sewer, the dumping of garbage, the filling of any sunken lot or marsh land, and to provide for the filling up of any such lot or land, which has become filled with stagnant water and is located in any built-up area.

i. (1) To license and regulate the business of cleaning cesspools and privies, which license shall continue for the term of one year from the date of granting, and to fix the fee that shall be charged for such license, not exceeding $20 for each vehicle or conveyance.

(2) To prohibit unlicensed persons from engaging in such business.

(3) To require any vehicle or conveyance used in such business within its jurisdiction to be approved by it.

(4) To revoke such license if any licensee or his employee or agent shall violate any ordinance or rule of the board in cleaning any cesspool or privy, or in removing the contents thereof.

j. To aid in the enforcement of laws as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any meat or vegetable that is unwholesome or unfit for food.

k. To regulate, control, or prohibit the keeping or slaughtering of animals.

l. To license and regulate the keeping of boarding houses for infants and children and to fix a license fee for the same and to prevent unlicensed persons from keeping such boarding houses. This paragraph shall not apply to:

(1) The Department of Children and Families.

(2) Any children's home, orphan asylum, or children's aid society incorporated under the laws of this State.

(3) Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief to its members.

(4) Any charitable society incorporated under the laws of this State having as one of its objects the prevention of cruelty to children or the care and protection of children.

m. To require in buildings, designed to be occupied, or occupied, as residences by more than two families and when the owners have agreed to supply heat, that from October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at least at 68 degrees F. whenever the outside temperature falls below 55 degrees during daytime hours from 6 a.m. to 11 p.m. At times other than those specified interiors of units of dwelling space shall be maintained at least at 55 degrees F. whenever the outside temperature falls below 40 degrees.

In meeting the aforesaid standards, the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of action by the occupants in leaving windows or doors open to the exterior of the building. The owner shall be obligated to supply required fuel or energy and maintain the heating system in good operating condition so that it can supply heat as required herein notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed.

n. To regulate the practice of midwifery, but the exercise of such authority shall not conflict with the provisions of chapter 10 of Title 45 of the Revised Statutes (R.S.45:10-1 et seq.).

o. To enforce the making of returns or reports to the local board on the part of any person charged with such duty under any law and to take cognizance of any failure to make such returns and deal with the same in an effective manner.

p. To act as the agent for a landlord in the engaging of repairmen and the ordering of any parts necessary to restore to operating condition the furnace, boiler or other equipment essential to the proper heating of any residential unit rented by said landlord, provided, however, that at least 24 hours have elapsed since the tenant has lodged a complaint with the local board of health, prior to which a bona fide attempt has been made by the tenant to notify the landlord of the failure of the heating equipment, and the landlord has failed to take appropriate action, and the outside air temperature is less than 55 degrees F.

Any person who supplies material or services in accordance with this section shall bill the landlord directly and by filing a notice approved by the local board of health, with the county clerk, shall have a lien on the premises where the materials were used or services supplied.

111. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to read as follows:

C.30:1-1.1 Comprehensive social services information toll-free hotline service established.

1. a. The Commissioner of Human Services, in consultation with the Commissioners of Community Affairs, Health and Senior Services, Children and Families and Labor and Workforce Development, shall establish

and maintain on a 24-hour daily basis a comprehensive social services information toll-free telephone hotline service, operating through one of the existing telephone hotline services of the department. The hotline service shall use a computerized Statewide social services data bank to be developed by the Department of Human Services and shall include among its staff persons who speak English and Spanish. The hotline service shall receive and respond to calls from persons seeking information and referrals concerning agencies and programs which provide various social services, including but not limited to: child care, child abuse emergency response job skills training, services for victims of domestic violence, alcohol and drug abuse, home health care, senior citizen programs, rental assistance, services for persons with developmental disabilities, mental health programs, emergency shelter assistance, family planning, legal services, assistance for runaways and services for the deaf and hearing impaired, as well as information about public assistance, Medicaid, Pharmaceutical Assistance to the Aged and Disabled, Lifeline, Hearing Aid Assistance for the Aged and Disabled, food stamps and home energy assistance.

b. The Commissioner of Human Services, in conjunction with the Commissioners of Community Affairs, Health and Senior Services, Children and Families and Labor and Workforce Development, shall take such actions as are necessary to consolidate existing State telephone hotline services into the comprehensive social services information toll-free telephone hotline service, and thereby eliminate duplicative telephone hotline services.

c. Notwithstanding the provisions of subsection b. of this section to the contrary, the Commissioner of Human Services shall also establish and maintain a toll-free telephone hotline service for persons who are receiving institutional or community-based services from, or through an agency contracting with, the Division of Mental Health Services or the Division of Developmental Disabilities, or their parents, guardians or other responsible persons, to register complaints, request information or assistance, or discuss issues and problems, regarding those services in a confidential manner.

112. Section 1 of P.L.2004, c.130 (C.30:4C-1.1) is amended to read as follows:

C.30:4C-1.1 Findings, declarations relative to child protective services.

1. The Legislature finds and declares that:

a. New Jersey must improve the ability of its child welfare system to protect children from abuse and neglect, and to provide services to at-risk children and families in order to prevent harm to their children;

b. Recent data and assessments of the child welfare system in this State demonstrate the need for a new approach to delivering services to this vulnerable population, and the system must therefore be reformed;

c. Because the safety of children must always be paramount, allegations of child abuse and neglect must be investigated quickly and thoroughly and protective actions must be taken immediately if necessary;

d. Concerns about the safety, permanency and well-being of children require significant changes in: the organization of the child welfare system, the ability to implement best practices within the system; the development of effective services to meet the needs of children and families; and the elimination of impediments to the quick and efficient management of abuse and neglect cases;

e. Children need safe, stable and positive relationships with caring adults in order to thrive; and, if their parents are incapable of providing such a caring relationship, the State must look to other families to provide this kind of relationship;

f. To ensure the best outcomes for children and their families, these substitute families must be viewed and treated as "resource families" and provided with appropriate support, training and responsibilities, which will include: expedited licensure for this purpose, equalized payment rates for care among the various types of resource families, and enhanced access to necessary support services tailored to their respective needs;

g. Youths must be provided with supports and services in their communities that will enable them to grow into healthy and productive adults; and those youths who previously received child welfare services must continue to receive those services beyond the age of 18, up to age 21, as appropriate; and

h. (Deleted by amendment, P.L.2006, c.47).

i. (Deleted by amendment, P.L.2006, c.47).

j. (Deleted by amendment, P.L.2006, c.47).

k. (Deleted by amendment, P.L.2006, c.47).

l. This act will otherwise enhance the quality of the child welfare system in New Jersey by facilitating the transition to other needed long-term systemic changes with regard to out-of-home placements and permanency options for children who cannot live with their birth families.

113. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to read as follows:

C.30:4C-2 Definitions.

2. For the purposes of this act the following words and terms shall, unless otherwise indicated, be deemed and taken to have the meanings herein given to them:

(a) The term "Division of Youth and Family Services," or "division," successor to the "Bureau of Children's Services" means the State agency for the care, custody, guardianship, maintenance and protection of children, as more specifically described by the provisions of this act, and succeeding the agency heretofore variously designated by the laws of this State as the State Board of Child Welfare or the State Board of Children's Guardians.

(b) The word "child" includes stepchild and illegitimate child, and further means any person under the age of 18 years.

(c) The term "care" means cognizance of a child for the purpose of providing necessary welfare services, or maintenance, or both.

(d) The term "custody" means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both.

(e) The term "guardianship" means control over the person and property of a child as established by the order of a court of competent jurisdiction, and as more specifically defined by the provisions of this act. Guardianship by the Division of Youth and Family Services shall be treated as guardianship by the Commissioner of Children and Families exercised on his behalf wholly by and in the name of the Division of Youth and Family Services, acting through the chief executive officer of the division or his authorized representative. Such exercise of guardianship by the division shall be at all times and in all respects subject to the supervision of the commissioner.

(f) The term "maintenance" means moneys expended by the Division of Youth and Family Services to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child pursuant to the provisions of this act; maintenance also includes but is not limited to moneys expended for shelter, utilities, food, repairs, essential household equipment, and other expenditures to remedy situations of an emergent nature to permit, as far as practicable, children to continue to live with their families.

(g) The term "welfare services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endan-

gering the welfare of a child, and for the purpose of promoting his proper development and adjustment in the family and the community.

(h) The term "resource family parent" means any person other than a natural or adoptive parent with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care, and shall include any person with whom a child is placed by the division for the purpose of adoption until the adoption is finalized.

(i) The term "resource family home" means and includes private residences wherein any child in the care, custody or guardianship of the Department of Children and Families may be placed by the department, or with its approval, for care, and shall include any private residence maintained by persons with whom any such child is placed by the division for the purpose of adoption until the adoption is finalized.

(j) The singular includes the plural form.

(k) The masculine noun and pronoun include the feminine.

(l) The word "may" shall be construed to be permissive.

(m) The term "group home" means and includes any single family dwelling used in the placement of 12 children or less pursuant to law, recognized as a group home by the Department of Children and Families in accordance with rules and regulations adopted by the Commissioner of Children and Families; provided, however, that no group home shall contain more than 12 children.

(n) The term "youth facility" means a facility within this State used to house or provide services to children under this act, including but not limited to group homes, residential facilities, day care centers, and day treatment centers.

(o) The term "youth facility aid" means aid provided by the Division of Youth and Family Services to public, private or voluntary agencies to purchase, construct, renovate, repair, upgrade or otherwise improve a youth facility in consideration for an agreement for the agency to provide residential care, day treatment or other youth services for children in need of such services.

(p) The term "day treatment center" means a facility used to provide counseling, supplemental educational services, therapy, and other related services to children for whom it has been determined that such services are necessary, but is not used to house these children in a residential setting.

(q) The term "residential facility" means a facility used to house and provide treatment and other related services on a 24-hour basis to children determined to be in need of such housing and services.

(r) The term "legally responsible person" means the natural or adoptive parent, or the spouse of a child receiving maintenance from or through the Division of Youth and Family Services.

(s) "Commissioner" means the Commissioner of Children and Families.

(t) "Department" means the Department of Children and Families.

114. Section 3 of P.L.2004, c.130 (C.30:4C-2.3) is amended to read as follows:

C.30:4C-2.3 Provision of services to certain individuals aged 18 to 21.

3. Notwithstanding any provision of law to the contrary, the Department of Children and Families shall provide services to individuals who are between 18 and 21 years of age and meet the following conditions:

a. The individual was receiving services from the department, on or after the individual's 16th birthday;

b. The individual, on or after the individual's 18th birthday, has not refused or requested that these services be terminated, as applicable; and

c. The commissioner determines that a continuation of services would be in the individual's best interest and would assist the individual to become an independent and productive adult.

115. Section 4 of P.L.2004, c.130 (C.30:4C-2.4) is amended to read as follows:

C.30:4C-2.4 New Jersey Child Welfare Training Academy.

4. a. There is established the New Jersey Child Welfare Training Academy in the Department of Children and Families for the purpose of providing a training program to meet the needs of the child welfare system Statewide. The training program shall provide:

(1) pre-service and in-service training for public employees of the child welfare system;

(2) training opportunities for community-based entities and other child welfare system stakeholders as designated by the commissioner; and

(3) pre-service and in-service training for resource families.

b. The academy shall be responsible for developing and managing the training activities provided under this program, for which purpose it shall:

(1) administer, coordinate and evaluate all training activities under the program;

(2) seek to partner with social work and other professionals to ensure that the training provided under the program reflects best practices;

(3) develop training curricula, resources and products;

(4) schedule and provide notice of training events and provide training materials for those events;

(5) employ and compensate training event instructors as necessary;

(6) create mechanisms and processes to assess, identify and monitor training needs for public employees of the child welfare system, including competency-based training;

(7) create mechanisms and processes to evaluate the effectiveness of the training provided under the program;

(8) provide for the development of multimedia training tools to inform, educate and train public agency staff, resource families and others in the child welfare system;

(9) determine the minimum number of pre-service and in-service training hours required of, and ensure the availability of sufficient training opportunities for, public agency staff Statewide; and

(10) conduct any other activities necessary to develop, implement and manage the training program.

c. The training provided to resource families pursuant to this section shall include courses in the role of caregivers as part of the care and treatment of children requiring out-of-home placement. A resource family parent shall be required to complete the number of hours of pre-service and in-service training prescribed under the training program as a condition of licensure under P.L.2001, c.419 (C.30:4C-27.3 et seq.).

116. Section 126 of P.L.2004, c.130 (C.30:4C-2.5) is amended to read as follows:

C.30:4C-2.5 Rules, regulations.

126. The Commissioner of Children and Families, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to carry out the provisions of this act.

117. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to read as follows:

C.30:4C-3.7 Photographing, fingerprinting of child under custody of DYFS.

1. a. The Division of Youth and Family Services in the Department of Children and Families shall provide for the photographing of each child under its custody no later than two months after the division assumes custody of the child. A child who is under the custody of the division on the effective date of this act shall be photographed for the purposes of this act no later than one year after its effective date.

The division shall, in addition, provide for the fingerprinting of any child under its custody with respect to whom the division determines, in accordance with criteria as the Commissioner of Children and Families shall establish by regulation, that the availability of a fingerprint record would be appropriate; the fingerprints of any child with respect to whom such a determination is made shall be taken no later than two months after the division has made that determination.

b. The division shall update the photograph of each child taken pursuant to subsection a. of this section at least every two years. In addition, the division shall retain the fingerprint information and photograph of each child for whom such records are taken for at least one year after the date that the child is no longer under the custody of the division.

c. The division shall be entitled to receive the assistance of any other State department, division or agency as it may deem necessary and may receive the assistance of any county or municipal government agency, as may be available, in carrying out the provisions of this act.

118. Section 2 of P.L.2003, c.40 (C.30:4C-3.8) is amended to read as follows:

C.30:4C-3.8 Rules, regulations.

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

119. Section 4 of P.L.1951, c.138 (C.30:4C-4) is amended to read as follows:

C.30:4C-4 Powers of Department of Children and Families, other designated entity.

4. The Department of Children and Families shall have the requisite powers to:

(a) Exercise general supervision over children for whom care, custody or guardianship is provided in accordance with Article II of this act;

(b) Administer the powers and duties provided in chapter 3 of Title 9 of the Revised Statutes (Adoption), as amended and supplemented, as the same may be delegated and assigned by the department;

(c) Administer the powers and duties as provided in chapter 7 of Title 9 of the Revised Statutes (dependent children; bringing into State), as amended and supplemented, as the same may be delegated and assigned by the commissioner;

(d) Administer the powers and duties provided in R.S.30:1-14 through 30:1-17 of chapter 1 of Title 30 of the Revised Statutes (visitation and inspection), as amended and supplemented with respect to institutions, organizations and noninstitutional agencies for the care, custody and welfare of children;

(e) Provide care and exercise supervision over children paroled or released from State correctional institutions for juveniles in accordance with rules and regulations established by the State Board of Human Services;

(f) Make investigations or provide supervision of any child in this State at the request and on behalf of a public or private agency or institution of any other State;

(g) Meet and confer, as the unmet needs of New Jersey's children may require, with representatives of the public welfare boards and the private agencies and institutions for the care of children in this State in order that the programs of such boards, agencies and institutions may be developed and fully utilized and that there may be a coordination of all public and private facilities for the protection and care of children;

(h) Issue such reasonable rules and regulations as may be necessary for the purpose of carrying into effect the meaning of this act, which rules and regulations shall be binding so far as they are consistent with such purpose;

(i) Promulgate rules and regulations as may be necessary as a basis for the provision for payment for services rendered by privately sponsored agencies or institutions to children under the care, custody or guardianship of the division. Such rules and regulations shall include, but shall not be limited to, standards of professional training, experience and practices, and requirements relating to the moral responsibility of the trustees, officers or other persons supervising or conducting the program, the adequacy of the facilities, the maintenance of adequate casework records, and the furnishing of comprehensive reports;

(j) Enter into written agreements with public, private or voluntary agencies to provide maintenance, related services, and youth facility aid to such agencies, subject to a preaward qualification review of the agency's fiscal and programmatic abilities and periodic reviews.

120. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to read as follows:

C.30:4C-4.1 Consent and approval of actions or proceedings.

1. Notwithstanding the provisions of any other law, no action or proceeding, including an application for a writ of habeas corpus, in any court which the Division of Youth and Family Services is authorized by law to

commence or maintain shall be commenced or maintained by the division, without the consent and approval of the Commissioner of Children and Families, as hereinafter provided.

121. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to read as follows:

C.30:4C-4.2 Nature of consent and approval to defend or oppose action or proceeding.

2. In no case shall the Division of Youth and Family Services, defend against any action or proceeding or make or oppose any application for a writ of habeas corpus without the express consent and approval of the Commissioner of Children and Families.

122. Section 12 of P.L.1951, c.138 (C.30:4C-12) is amended to read as follows:

C.30:4C-12 Filing complaint; investigation; application for court order; hearing.

12. Whenever it shall appear that the parent or parents, guardian, or person having custody and control of any child within this State is unfit to be entrusted with the care and education of such child, or shall fail to provide such child with proper protection, maintenance and education, or shall fail to ensure the health and safety of the child, or is endangering the welfare of such child, a written or oral complaint may be filed with the division, or other entity designated by the commissioner, by any person or by any public or private agency or institution interested in such child. When such a complaint is filed by a public or private agency or institution, it shall be accompanied by a summary setting forth the reason for such complaint and other social history of the child and his family's situation which justifies such complaint; or, if this is not feasible, such summary shall be made available to the division, or other entity within the department that is investigating the complaint, as soon thereafter as possible. Upon receipt of a complaint as provided in this section, the division, or other entity designated by the commissioner, shall investigate, or shall cause to be investigated, the statements set forth in such complaint. If the circumstances so warrant, the parent, parents, guardian, or person having custody and control of the child may be afforded an opportunity to file an application for care, as provided in section 11 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian, or person having custody and control of the child refuses to permit or in any way impedes an investigation, and the department determines that further investigation is necessary in the best interests of the child, the division may thereupon apply to the Family Part of the Chancery

Division of the Superior Court in the county where the child resides, for an order directing the parent, parents, guardian, or person having custody and control of the child to permit immediate investigation. The court, upon such application, may proceed to hear the matter in a summary manner and if satisfied that the best interests of the child so require may issue an order as requested.

If, after such investigation has been completed, it appears that the child requires care and supervision by the division or other action to ensure the health and safety of the child, the division may apply to the Family Part of the Chancery Division of the Superior Court in the county where the child resides for an order making the child a ward of the court and placing the child under the care and supervision or custody of the division.

The court, at a summary hearing held upon notice to the division, and to the parent, parents, guardian, or person having custody and control of the child, if satisfied that the best interests of the child so require, may issue an order as requested, which order shall have the same force and effect as the acceptance of a child for care by the division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11); provided, however, that such order shall not be effective beyond a period of six months from the date of entry unless the court, upon application by the division, at a summary hearing held upon notice to the parent, parents, guardian, or person having custody of the child, extends the time of the order.

Immediately after the court's order and while the child is in the division's care, the division shall initiate a search for the child's mother or father, if they are not known to the division. The search shall be initiated within 30 days of the court order. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The results shall be valid for six months after the date it was completed.

123. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to read as follows:

C.30:4C-12.1 Search for relatives; assessment of abilities.

6. a. In any case in which the Department of Children and Families accepts a child in its care or custody, including placement, the department shall initiate a search for relatives who may be willing and able to provide the care and support required by the child. The search shall be initiated within 30 days of the department's acceptance of the child in its care or custody. The search will be completed when all sources contacted have either

responded to the inquiry or failed to respond within 45 days. The department shall complete an assessment of each interested relative's ability to provide the care and support, including placement, required by the child.

b. If the department determines that the relative is unwilling or unable to assume the care of the child, the department shall not be required to re-evaluate the relative. The department shall inform the relative in writing of:

(1) the reasons for the department's determination;

(2) the responsibility of the relative to inform the department if there is a change in the circumstances upon which the determination was made;

(3) the possibility that termination of parental rights may occur if the child remains in resource family care for more than six months; and

(4) the right to seek review by the department of such determination.

c. The department may decide to pursue the termination of parental rights if the department determines that termination of parental rights is in the child's best interests.

124. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to read as follows:

C.30:4C-15.7 Designated sites for voluntary relinquishment of child; assumption of care, custody, control by DYFS.

4. a. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at a State, county or municipal police station and does not express an intent to return for the child, a State, county or municipal police officer shall take the child to the emergency department of a licensed general hospital in this State and the hospital shall proceed as specified in subsection b. of this section.

b. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at an emergency department of a licensed general hospital in this State and does not express an intent to return for the child, or, if a State, county or municipal police officer brings a child to a licensed general hospital under the circumstances set forth in subsection a. of this section, the hospital shall:

(1) take possession of the child without a court order;

(2) take any action or provide any treatment necessary to protect the child's physical health and safety; and

(3) no later than the first business day after taking possession of the child, notify the Division of Youth and Family Services in the Department of Children and Families that the hospital has taken possession of the child.

c. The Division of Youth and Family Services shall assume the care, custody and control of the child immediately upon receipt of notice from a licensed general hospital pursuant to paragraph (3) of subsection b. of this section. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

d. A child for whom the Division of Youth and Family Services assumes care, custody and control pursuant to subsection c. of this section shall be treated as a child taken into possession without a court order.

e. It shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to and left the child at, or voluntarily arranged for another person to deliver the child to and leave the child at, a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section. Nothing in this subsection shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as described herein, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect committed prior to the delivery of the child to a State, county or municipal police station as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section.

f. A State, county or municipal police officer and the governmental jurisdiction employing that officer or an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital or a police station in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital or police station, or provide background or medical information about the child, but may voluntarily do so.

125. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to read as follows:

C.30:4C-15.9 Educational and public information program, toll free hotline.

6. a. The Commissioner of Children and Families, in consultation with the Commissioner of Health and Senior Services, shall establish an educa-

tional and public information program to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures. This campaign shall include the establishment of a 24-hour, toll free hotline to assist in making information about the safe haven procedures established by P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible.

b. The Department of Children and Families shall provide to licensed general hospitals in this State and State, county or municipal police stations information about relevant social service agencies which may be made available to any person voluntarily delivering a child as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7).

126. Section 9 of P.L.2000, c.58 (C.30:4C-15.10) is amended to read as follows:

C.30:4C-15.10 Rules, regulations.

9. The Commissioner of Children and Families, in consultation with the Commissioner of Health and Senior Services and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

127. Section 1 of P.L.2005, c.294 is amended to read as follows:

1. The Legislature finds and declares that:

a. The "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.) is intended to provide for the emergency possession of certain abandoned newborn infants in such a manner as to ensure the anonymity, confidentiality and freedom from prosecution that may encourage a parent who may be under severe emotional stress to leave an infant at a safe haven and thereby save that infant's life;

b. This statute requires the Commissioner of Children and Families to establish an educational and public information program to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures;

c. Pursuant to the Safe Haven law, the Department of Children and Families established a multifaceted media campaign to inform the public about its provisions, and this effort has included: a 24-hour toll-free telephone hotline; public service announcements on radio and cable television; posters for display in social service agencies, high schools, stores and churches; pocket cards and brochures in both English and Spanish; and advertising in local and college newspapers and on billboards and buses;

d. Despite these efforts to promote public awareness of the Safe Haven law, unlawful abandonment of newborn infants continues to be a problem in New Jersey, as evidenced by the finding of three newborn infants who were unlawfully abandoned during a three-week period in January 2004, instead of being dropped off safely as provided under P.L.2000, c.58, with the consequent loss of life for one of those infants; and

e. The indications of this continuing problem raise questions about whether the existing efforts to disseminate information about the provisions of the Safe Haven law can create sufficient public awareness to alleviate the problem of unlawful baby abandonment and thereby achieve the intent of the "New Jersey Safe Haven Infant Protection Act."

128. Section 2 of P.L.2005, c.294 is amended to read as follows:

2. There is established the Safe Haven Awareness Promotion Task Force in the Department of Children and Families. The purpose of the task force shall be to study and evaluate the efficacy of existing efforts to promote awareness among the general public of the provisions of the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.), and develop recommendations relating to specific actionable measures to support and enhance efforts that would improve the effectiveness of the campaign to promote public awareness of the Safe Haven law.

129. Section 3 of P.L.2005, c.294 is amended to read as follows:

3. a. The task force shall consist of 19 members as follows:

(1) the Commissioners of Health and Senior Services, Children and Families and Education, the Director of the Division on Women in the Department of Community Affairs and the Child Advocate, or their designees, who shall serve ex officio; and

(2) 14 public members, who shall be appointed by the Governor no later than the 30th day after the effective date of this act, as follows: one person upon the recommendation of the Association for Children of New Jersey; one person upon the recommendation of the New Jersey Chapter of the National Association of Social Workers; one person upon the recommendation of the School of Social Work at Rutgers, The State University of New Jersey; one person upon the recommendation of Foster and Adoptive Family Services; one person upon the recommendation of the American Academy of Pediatrics-New Jersey Chapter; one person upon the recommendation of the New Jersey Education Association; one person upon the

recommendation of the New Jersey State School Nurses Association; one person upon the recommendation of the New Jersey Hospital Association; one person upon the recommendation of the Mental Health Association in New Jersey; one person upon the recommendation of the New Jersey Task Force on Child Abuse and Neglect, one person upon the recommendation of the New Jersey Catholic Conference; one person upon the recommendation of New Jersey Right to Life; and two members of the public with a demonstrated expertise in issues relating to the work of the task force.

Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

b. The Commissioner of Children and Families or the commissioner's designee shall serve as chairperson of the task force. The task force shall organize as soon as practicable following the appointment of its members and shall select a vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the task force.

c. 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.

d. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

e. The task force may meet and hold hearings at the places it designates during the sessions or recesses of the Legislature.

f. The Department of Children and Families shall provide staff support to the task force.

130. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to read as follows:

C.30:4C-26 Placing child in resource family home, group home or institution.

26. a. Whenever the circumstances of a child are such that his needs cannot be adequately met in his own home, the division may effect his placement in a resource family home, with or without payment of board, in a group home, or in an appropriate institution if such care is deemed essential for him. The division shall make every reasonable effort to select a resource family home, a group home or an institution of the same religious faith as the parent or parents of such child.

b. Whenever the division shall place any child, as provided by this section, in any municipality and county of this State, the child shall be deemed a

resident of such municipality and county for all purposes except school funding, and he shall be entitled to the use and benefit of all health, recreational, vocational and other facilities of such municipality and county in the same manner and extent as any other child living in such municipality and county.

c. Whenever the division shall place any child, as provided by this section, in any school district, the child shall be entitled to the educational benefits of such district; provided, however, that the district of residence, as determined by the Commissioner of Education pursuant to law, shall be responsible for paying tuition for such child to the district in which he is placed.

d. No municipality shall enact a planning or zoning ordinance governing the use of land by, or for, single family dwellings which shall, by any of its terms or provisions or by any rule or regulation adopted in accordance therewith, discriminate between children who are members of such single families by reason of their relationship by blood, marriage or adoption, children placed with such families in such dwellings by the division or other entity designated by the Commissioner of Children and Families, and children placed pursuant to law with families in single family dwellings known as group homes.

Any planning or zoning ordinance, heretofore or hereafter enacted by a municipality, which violates the provisions of this section, shall be invalid and inoperative.

131. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to read as follows:

C.30:4C-26.1 "Resource family home" defined.

1. As used in this act "resource family home" means and includes private residences wherein any child in the care, custody or guardianship of the Department of Children and Families may be placed by the department, or with its approval, for care, and shall include any private residence maintained by persons with whom any such child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

132. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to read as follows:

C.30:4C-26.2 Child care centers; establishment and maintenance.

2. The Division of Youth and Family Services, shall establish and maintain, within the limits of available appropriations, child care shelters in

such numbers and at such locations throughout the State as the Commissioner of Children and Families shall deem to be necessary.

133. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to read as follows:

C.30:4C-26.4 "Resource family parent" defined.

1. As used in this act "resource family parent" shall mean any person with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

134. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to read as follows:

C.30:4C-26.6 "Resource family parent" defined.

1. As used in this act "resource family parent" shall mean any person with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

135. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to read as follows:

C.30:4C-26.8 Adoptive, resource family parent; investigation.

1. a. A person, in addition to meeting other requirements as may be established by the Department of Children and Families, shall become a resource family parent or eligible to adopt a child only upon the completion of an investigation to ascertain if there is a State or federal record of criminal history for the prospective adoptive or resource family parent or any other adult residing in the prospective parent's home. The investigation shall be conducted by the Division of State Police in the Department of Law and Public Safety and shall include an examination of its own files and the obtaining of a similar examination by federal authorities.

b. If the prospective resource family parent or any adult residing in the prospective parent's home has a record of criminal history, the Department of Children and Families shall review the record with respect to the type and date of the criminal offense and make a determination as to the

suitability of the person to become a resource family parent or the suitability of placing a child in that person's home, as the case may be.

c. For the purposes of this section, a conviction for one of the offenses enumerated in subsection d. or e. of this section has occurred if the person has been convicted under the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in these subsections.

d. A person shall be disqualified from being a resource family parent or shall not be eligible to adopt a child if that person or any adult residing in that person's household ever committed a crime which resulted in a conviction for:

(1) a crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.2C:24-4; or child abuse, neglect, or abandonment pursuant to R.S.9:6-3;

(2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(3) aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(5) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

(6) sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(7) robbery which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(8) burglary which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(10) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.2C:24-8;

(11) terrorist threats pursuant to N.J.S.2C:12-3;

(12) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2; or

(13) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (12) of this subsection.

e. A person shall be disqualified from being a resource family parent if that person or any adult residing in that person's household was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

(1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

(2) aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

(3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1 et seq.);

(4) robbery which would constitute a crime of the second degree pursuant to N.J.S.2C:15-1;

(5) burglary which would constitute a crime of the third degree pursuant to N.J.S.2C:18-2; or

(6) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (5) of this subsection.

For the purposes of this subsection, the "date of release from confinement" means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

For purposes of this section, "resource family parent" means any person with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

136. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to read as follows:

C.30:4C-26.9 Provisional approval for resource family parent; definition.

1. The Department of Children and Families may grant approval to a prospective resource family parent for a period not to exceed six months, upon completion of the State portion of the criminal history record investigation required pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion and review of the federal portion of the criminal history record investigation required pursuant to that act, if (1) the State portion of the criminal history record investigation indicates no information which would disqualify the person, (2) the prospective resource family parent and any adult residing in the prospective resource family parent's home submit a sworn statement to the Department of Children and Families attesting that the person does not have a record of criminal history which would disqual-

ify the person and (3) there is substantial compliance with department standards for resource family homes indicating there is no risk to a child's health or safety.

For purposes of this section, "resource family parent" means any person with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

137. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to read as follows:

C.30:4C-27.1 "Resource family parent" defined.

1. As used in this act "resource family parent" shall mean any person with whom a child in the care, custody or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Youth and Family Services for the purpose of adoption until the adoption is finalized.

138. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to read as follows:

C.30:4C-27.5 Definitions relative to resource family care.

3. As used in this act:

"Child" means a person who: is either under the age of 18 or meets the criteria set forth in subsection f. of section 2 of P.L.1972, c.81 (C.9:17B-2); and is under the care or custody of the division or another public or private agency authorized to place children in New Jersey.

"Commissioner" means the Commissioner of Children and Families.

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Resource family home" or "home" means a private residence, other than a children's group home or shelter home, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis to a child under the auspices of the division or any public or private agency authorized to place children in New Jersey.

"Resource family parent" means a person who has been licensed pursuant to this act to provide resource family care to five or fewer children, including a child who has been placed by the division with the person for the purpose of adoption, except that the department may license a resource family parent to provide care for more than five children, if necessary, to keep sibling groups intact or to serve the best interests of the children in the home.

"License" means a document issued by the department to a person who meets the requirements of this act to provide resource family care to children in the person's home.

139. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended to read as follows:

C.30:4C-27.16 Definitions relative to background checks for residential child care staff.

1. As used in sections 1 through 6 and 8 through 11 of this act:

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Residential child care facility" or "facility" means any public or private establishment subject to the regulatory authority of the department that provides room, board, care, shelter or treatment services for children on a 24-hour-a-day basis. The term shall include: residential facilities operated by or under contract or agreement with the division to serve 13 or more children with emotional or behavioral problems as defined pursuant to section 2 of P.L.1951, c.138 (C.30:4C-2); State-operated children's psychiatric facilities providing inpatient treatment; group homes, treatment homes, teaching family homes, alternative care homes and supervised transitional living homes operated by or under contract or agreement with the division to serve 12 or fewer children with emotional or behavioral problems as defined pursuant to N.J.A.C.10:128-1.2; and shelter care facilities and homes, including shelters serving children in juvenile-family crisis and in need of temporary shelter care, as defined pursuant to section 3 of P.L.1982, c.77 (C.2A:4A-22).

"Staff member" means an individual 18 years of age or older who is an administrator of, employed by, or works in a facility on a regularly scheduled basis during the facility's operating hours, including full-time, part-time, voluntary, contract, consulting and substitute staff, whether compensated or not.

140. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to read as follows:

C.30:4C-29.1 Liability for maintenance costs.

1. a. In any case in which the Department of Children and Families, through the Division of Youth and Family Services, is providing care or custody for any child when the child is in a resource family home, any legally responsible person of the child, if of sufficient financial ability, is liable for the full costs of maintenance of the child incurred by the division. If the legally responsible person is of insufficient financial ability, the person is liable in an amount which a court of competent jurisdiction directs according to a scheduled rate approved by the division. Nothing contained herein shall prevent the legally responsible person from voluntarily executing an agreement for payment to the division for the costs of maintenance of the child receiving care or custody when the child is in a resource family home.

b. The division shall have a lien against the property of the legally responsible person in an amount equal to the amount to be paid, which lien shall have priority over all unrecorded encumbrances.

c. If the legally responsible person fails to reimburse the department, through the division, for the costs of maintenance of a child incurred by the division when the child is in a resource family home, a court of competent jurisdiction, upon the complaint of the Commissioner of Children and Families, may summon the legally responsible person and other witnesses, and may order the legally responsible person to pay an amount to the department, according to a scheduled rate approved by the division.

d. In any case in which the department, through the division, has agreed to provide youth facilities aid to a public, private or voluntary agency pursuant to this act, the division shall have a lien against the property of any person, persons or agency so contracting, in an amount equal to the amount or amounts so contracted to be paid, which lien shall have priority over all unrecorded encumbrances. Such lien shall be reduced for each year of service provided by the agency at a rate to be negotiated by the division and the agency, but in no case more than 20% a year; provided, however, that annual reductions shall not exceed $10,000.

141. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to read as follows:

C.30:4C-52 Definitions.

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

a. "Child" means any person less than 18 years of age;

b. "Child placed outside his home" means a child under the care, custody or guardianship of the division who resides in a resource family home,

group home, residential treatment facility, shelter for the care of abused or neglected children or juveniles considered as juvenile-family crisis cases, or independent living arrangement operated by or approved for payment by the division, or a child who has been placed by the division in the home of a person who is not related to the child and does not receive any payment for the care of the child from the division, or a child placed by the court in juvenile-family crisis cases pursuant to P.L.1982, c.77 (C.2A:4A-20 et seq.), but does not include a child placed by the court in the home of a person related to the child who does not receive any payment from the division for the care of the child;

c. "County of supervision" means the county in which the division has established responsibility for supervision of the child;

d. "Division" means the Division of Youth and Family Services in the Department of Children and Families;

e. "Temporary caretaker" means a resource family parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director of a group home or residential treatment facility;

f. "Designated agency" means an agency designated by the court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a family services plan.

142. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to read as follows:

C.30:4C-53.1 Findings, declarations.

1. The Legislature finds and declares that it is in the public interest, whereby the safety of children shall be of paramount concern, to afford every child placed outside his home by the Division of Youth and Family Services in the Department of Children and Families with permanency through return to his own home, if the child can be returned home without endangering the child's health or safety; through adoption, if family reunification is not possible; or through an alternative permanent placement, if termination of parental rights is not appropriate:

a. Due to the severity of health and social problems such as AIDS, drug abuse and homelessness, the division often works with families over a period of many years, and the children of these families often spend a majority of their young lives in resource family care; and

b. Research has shown that the longer children remain in the resource family care system, the greater number of placements they experience. As a result of these multiple placements, from birth family to resource family home and from one resource family home to another resource family home,

children develop emotional and psychological problems, making it more difficult for them to develop a positive self-image; and

c. (Deleted by amendment, P.L.2004, c.130).

d. The obligation of the State to recognize and protect the rights of children in the child welfare system should be fulfilled in the context of a clear and consistent policy which limits the repeated placement of children in resource family care and promotes the eventual placement of these children in stable and safe permanent homes.

143. Section 5 of P.L.1991, c.448 (C.30:4C-53.5) is amended to read as follows:

C.30:4C-53.5 Rules, regulations.

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

144. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to read as follows:

C.30:4C-69 Development of interdepartmental plan.

4. The Commissioner of Children and Families shall develop an interdepartmental plan for the implementation of an individualized, appropriate child and family driven care system for children with special emotional needs and for the reduction of inappropriate use of out-of-home placements of these children. The plan shall first address children ready to be returned from in-State and out-of-State residential facilities, and those at imminent risk of extended out-of-home placement. The commissioner shall consult with appropriate representatives from the State departments of Education, Human Services, Corrections, Health and Senior Services, Community Affairs and the Public Advocate, the Child Advocate, the private entity, if any, designated by the Governor as the State's mental health protection and advocacy agency, the Statewide Children's Coordinating Council in the Department of Children and Families, the Administrative Office of the Courts, and Statewide family advocacy groups, in the development of the plan.

145. Section 5 of P.L.1992, c.111 (C.30:4C-70) is amended to read as follows:

C.30:4C-70 Establishment of CART, CIACC.

5. A county may establish a CART and CIACC in accordance with the provisions of this act. In the event that a county does not establish a CART or CIACC, the Department of Children and Families may establish a CART or CIACC for that county.

146. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to read as follows:

C.30:4C-71 Contents of plan.

6. The plan shall:

a. Assess current policies and activities of all divisions in the Department of Children and Families in the implementation of the individualized, appropriate child and family driven care system;

b. Assess the implementation of the policies and procedures of the Case Assessment Resource Teams (CARTs) and the County Inter-Agency Coordinating Councils (CIACCs) sanctioned by the Department of Children and Families to be certain, among other things, that a family using the services is a full participant in the CART/CIACC process;

c. Be consistent with principles set forth in section 7 of this act;

d. Set forth specific timelines and procedures for the implementation of new policies and practices that shall be undertaken to develop a system of care which is integrated across divisional and departmental lines;

e. Specify the role and function of the CARTs and CIACCs in developing the individualized, appropriate child and family driven care system;

f. Recommend departmental or divisional organizational changes required to execute the system of care;

g. Specify the interdepartmental amounts and sources of financial resources required to implement and maintain a coordinated system of care;

h. Develop a mechanism to guarantee that savings accrued through implementation of this plan be applied to community-based children's services;

i. Identify funding mechanisms compatible with individual county needs to carry out the purposes of this act;

j. Develop a system to monitor and evaluate the outcomes for children with special emotional needs who have received community-based services as a result of the implementation of an individualized, appropriate child and family driven care system;

k. Develop an independent evaluation mechanism to report at least quarterly, which is designed to enhance and evaluate the CART/CIACC inter-agency system at both the local and Statewide levels;

l. Describe all services, both public and private, including rehabilitation services, vocational services, substance abuse services, housing services, educational services, medical and dental care to be provided by local school systems under the "Education of the Handicapped Act," (20 U.S.C. s.1401 et seq.); and

m. Describe how parents will be involved in the development of the plan and how the plan will insure their full participation in the CART/CIAAC process.

147. Section 8 of P.L.1992, c.111 (C.30:4C-73) is amended to read as follows:

C.30:4C-73 Use of monies saved.

8. Any monies saved by the Department of Children and Families in preventing the out-of-home placement of children pursuant to this act shall be used by the department to provide services pursuant to the interdepartmental plan developed pursuant to this act.

148. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to read as follows:

C.30:4C-76 Establishment of family preservation services program; objectives.

3. a. The Department of Children and Families may establish, through purchase of service contracts with community-based organizations, at least one family preservation services program in each county in the State. The program shall provide services to families whose children are at imminent risk of placement as determined by agencies authorized to place children, or whose children are being prepared for reunification.

b. The family preservation services program shall be based on the following objectives:

(1) The prevention of out-of-home placement by enhancing family functioning and problem solving;

(2) The development of appropriate crisis management and parenting skills;

(3) The provision of services to families, as needed, including transportation, emergency financial assistance for food, clothing and housing, family counseling and substance abuse treatment; and

(4) The development of linkages with service networks and community resources.

149. Section 6 of P.L.1993, c.157 (C.30:4C-79) is amended to read as follows:

C.30:4C-79 Development of manual of standards.

6. The Department of Children and Families shall develop a manual of standards on the operation and programmatic aspects of family preservation services.

150. Section 7 of P.L.1993, c.157 (C.30:4C-80) is amended to read as follows:

C.30:4C-80 Family Preservation Services Coordinating Unit established.

7. There is established a Family Preservation Services Coordinating Unit in the Department of Children and Families. The unit shall consist of persons with knowledge of and experience with the family preservation services program in the State and in all facets of the operation of the program. The coordinating unit personnel shall be appointed by the Commissioner of Children and Families. The coordinating unit shall develop, monitor and implement all phases of the family preservation services initiative and its activities will include the provision of technical support and the establishment and the monitoring of all family preservation services programs throughout the State.

151. Section 8 of P.L.1993, c.157 (C.30:4C-81) is amended to read as follows:

C.30:4C-81 Annual report to Governor, Legislature.

8. The Commissioner of Children and Families shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31 of each year, on the family preservation services program. The annual report shall contain, but not be limited to:

a. The number of families receiving services through the program;

b. The number of children placed in resource family care, group homes and residential treatment facilities, both in-State and out-of-State;

c. The average cost of providing services to a family through the program;

d. The number of children who remain with their families for one year after receiving services through the program; and

e. Any recommendations needed to improve the delivery of family preservation services in the State.

152. Section 9 of P.L.1993, c.157 (C.30:4C-82) is amended to read as follows:

C.30:4C-82 Use of federal funding, maximize.

9. The Department of Children and Families shall seek to maximize any available federal funding which may be used for the purposes of administering or providing family preservation services. Any federal funding made available under this section shall be used to supplement and shall not supplant State funds used to carry out the purposes of this act.

153. Section 10 of P.L.1993, c.157 (C.30:4C-83) is amended to read as follows:

C.30:4C-83 Transfer of funds.

10. The Commissioner of Children and Families, following prior review and approval from the Office of Management and Budget, may transfer funds appropriated for substitute care services to purchase family preservation services established pursuant to this act.

154. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to read as follows:

C.30:4C-84 Definitions relative to kinship legal guardianship and State agency action.

7. As used in sections 7 through 10 of P.L.2001, c.250 (C.30:4C-84 et seq.):

"Caregiver" means a person over 18 years of age, other than a child's parent, who has a kinship relationship with the child and has been providing care and support for the child, while the child has been residing in the caregiver's home, for either the last 12 consecutive months or 15 of the last 22 months. "Caregiver" includes a resource family parent as defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4).

"Child" means a person under 18 years of age, except as otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

"Commissioner" means the Commissioner of Children and Families.

"Court" means the Superior Court, Chancery Division, Family Part.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Family friend" means a person who is connected to a child or the child's parent by an established, positive psychological or emotional relationship that is not a biological or legal relationship.

"Kinship caregiver assessment" means a written report prepared in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations adopted by the commissioner.

"Kinship legal guardian" means a caregiver who is willing to assume care of a child due to parental incapacity, with the intent to raise the child to adulthood, and who is appointed the kinship legal guardian of the child by the court pursuant to P.L.2001, c.250 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible for the care and protection of the child and for providing for the child's health, education and maintenance.

"Kinship relationship" means a family friend or a person with a biological or legal relationship with the child.

155. Section 11 of P.L.2001 c.250 (C.30:4C-88) is amended to read as follows:

C.30:4C-88 Rules, regulations.

11. The Commissioner of Children and Families, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

156. Section 2 of P.L.2003, c.132 (C.30:4C-102) is amended to read as follows:

C.30:4C-102 "Statewide Tuition Waiver Program."

2. There is created in the Department of Children and Families the "Statewide Tuition Waiver Program." The purpose of the program is to provide State-paid tuition to children who have been under the care and custody of the Division of Youth and Family Services pursuant to section 11 of P.L.1951, c.138 (C.30:4C-11), and who are interested in pursuing a college or post-secondary vocational education at a public institution of higher education or county vocational school in this State.

157. Section 3 of P.L.2003, c.132 (C.30:4C-103) is amended to read as follows:

C.30:4C-103 Eligibility requirements for program.

3. a. A child shall be eligible to qualify for the program if the child meets the following requirements at the time of the initial application to the Commissioner of Children and Families for a tuition waiver pursuant to subsection b. of this section:

(1) the child is 16 to 23 years of age;

(2) the child:

(a) has been in the care and custody of the Division of Youth and Family Services in the Department of Children and Families for a period of nine months or more following the child's sixteenth birthday;

(b) is or has been residing in an independent living arrangement, or a transitional living program established pursuant to P.L.1999, c.224 (C.9:12A-2 et seq.), operated or approved for payment by the division; or

(c) is or has been residing in a transitional living program located in the State of New Jersey and approved for payment by the federal government pursuant to the federal "Runaway and Homeless Youth Act," Title III of Pub.L.93-415 (42 U.S.C.A. s.5701 et seq.);

(3) the child has received a high school diploma or a certificate of high school equivalency; and

(4) the child has been granted admission to a New Jersey public institution of higher education or county vocational school.

b. A child who meets the eligibility requirements listed in this section may apply to the Commissioner of Children and Families for a tuition waiver in a form and manner prescribed by the commissioner.

c. Upon receipt of an application, the Commissioner of Children and Families shall review the application and if the child meets the program eligibility requirements, the commissioner shall approve the application and notify the appropriate New Jersey public institution of higher education or county vocational school that the child qualifies for a tuition waiver.

d. Eligibility for the program shall be limited to five years from the date the child applied to the Commissioner of Children and Families for a tuition waiver pursuant to subsection b. of this section.

e. Each child approved for the program shall be required to enroll in a full-time degree, diploma or certificate program or course of undergraduate study and retain satisfactory academic progress during the time the child qualifies for a tuition waiver.

158. Section 5 of P.L.2003, c.132 (C.30:4C-105) is amended to read as follows:

C.30:4C-105 Rules, regulations.

5. Subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Children and Families, in consultation with the Higher Education Student Assistance Authority shall adopt rules and regulations to effectuate the purposes of this act.

159. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

C.30:4D-3 Definitions.

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

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under this act.

h. "Provider" means any person, public or private institution, agency or business concern approved by the division lawfully providing medical care, services, goods and supplies authorized under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this State, and either a citizen of the United States or an eligible alien, and is determined to need medical care and services as provided under this act, with respect to whom the period for which eligibility to be a recipient is determined shall be the maximum period permitted under federal law, and who:

(1) Is a dependent child or parent or caretaker relative of a dependent child who would be, except for resources, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996;

(2) Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act;

(3) Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration;

(4) Would be eligible to receive Supplemental Security Income under Title XVI of the federal Social Security Act or, without regard to resources, would be eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;

(5) (Deleted by amendment, P.L.2000, c.71).

(6) Is an individual under 21 years of age who, without regard to resources, would be, except for dependent child requirements, eligible for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, or groups of such individuals, including but not limited to, children in resource family placement under supervision of the Division of Youth and Family Services in the Department of Children and Families whose maintenance is being paid in whole or in part from public funds, children placed in a resource family home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including developmental centers for the developmentally disabled, or in psychiatric hospitals;

(7) Would be eligible for the Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only;

(8) Is determined to be medically needy and meets all the eligibility requirements described below:

(a) The following individuals are eligible for services, if they are determined to be medically needy:

(i) Pregnant women;

(ii) Dependent children under the age of 21;

(iii) Individuals who are 65 years of age and older; and

(iv) Individuals who are blind or disabled pursuant to either 42 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

(b) The following income standard shall be used to determine medically needy eligibility:

(i) For one person and two person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133 1/3% of the State's payment level to two person households under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996; and

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households

under the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act in effect as of July 16, 1996.

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. s.1382(1)(B);

(ii) For two person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. s.1382(2)(B);

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by $100.00 for each additional person; and

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services.

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C.F.R.435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six-month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies and other entities designated by the commissioner are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the medically needy program and the program's general requirements. The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients; and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9) (a) Is a child who is at least one year of age and under 19 years of age and, if older than six years of age but under 19 years of age, is uninsured; and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a);

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L.99-509 (42 U.S.C. s.1396a(a));

(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42 U.S.C. s.1382c), whose income does not exceed 100% of the poverty level, adjusted for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection;

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P.L.1973, c.256 (C.44:7-85 et seq.);

(13) Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. s.1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy;

(14) (Deleted by amendment, P.L.1997, c.272).

(15) (a) Is a specified low-income Medicare beneficiary pursuant to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January 1, 1993 do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level.

(b) An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)), disposed of resources or income for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)). The period of the ineligibility shall be the number of months resulting from dividing the uncompensated value of the transferred resources or income by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner. In the case of multiple resource or income transfers, the resulting penalty periods shall be imposed sequentially. Application of this requirement shall be governed by 42 U.S.C. s.1396p(c). In accordance with federal law, this provision is effective for all transfers of resources or income made on or after August 11, 1993. Notwithstanding the provisions of this subsection to the contrary, the State eligibility requirements concerning resource or income transfers shall not be more restrictive than those enacted pursuant to 42 U.S.C. s.1396p(c).

(c) An individual seeking nursing facility services or home or community-based services and who has a community spouse shall be required to expend those resources which are not protected for the needs of the community spouse in accordance with section 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c)) on the costs of long-term care, burial arrangements, and any other expense deemed appropriate and authorized by the commissioner. An individual shall be ineligible for Medicaid services in a nursing facility or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if the individual expends funds in violation of this subparagraph. The period of ineligibility shall be the number of months resulting from dividing the uncompensated value of transferred resources and income by the average

monthly private payment rate for nursing facility services in the State as determined by the commissioner. The period of ineligibility shall begin with the month that the individual would otherwise be eligible for Medicaid coverage for nursing facility services or home or community-based services.

This subparagraph shall be operative only if all necessary approvals are received from the federal government including, but not limited to, approval of necessary State plan amendments and approval of any waivers;

(16) Subject to federal approval under Title XIX of the federal Social Security Act, is a dependent child, parent or specified caretaker relative of a child who is a qualified applicant, who would be eligible, without regard to resources, for the aid to families with dependent children program under the State Plan for Title IV-A of the federal Social Security Act as of July 16, 1996, except for the income eligibility requirements of that program, and whose family earned income,

(a) if a dependent child, does not exceed 133% of the poverty level; and

(b) if a parent or specified caretaker relative, beginning September 1, 2005 does not exceed 100% of the poverty level, beginning September 1, 2006 does not exceed 115% of the poverty level and beginning September 1, 2007 does not exceed 133% of the poverty level,

plus such earned income disregards as shall be determined according to a methodology to be established by regulation of the commissioner;

The commissioner may increase the income eligibility limits for children and parents and specified caretaker relatives, as funding permits;

(17) Is an individual from 18 through 20 years of age who is not a dependent child and would be eligible for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to income or resources, who, on the individual's 18th birthday was in resource family care under the care and custody of the Division of Youth and Family Services in the Department of Children and Families and whose maintenance was being paid in whole or in part from public funds;

(18) Is a person between the ages of 16 and 65 who is permanently disabled and working, and:

(a) whose income is at or below 250% of the poverty level, plus other established disregards;

(b) who pays the premium contribution and other cost sharing as established by the commissioner, subject to the limits and conditions of federal law; and

(c) whose assets, resources and unearned income do not exceed limitations as established by the commissioner;

(19) Is an uninsured individual under 65 years of age who:

(a) has been screened for breast or cervical cancer under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program;

(b) requires treatment for breast or cervical cancer based upon criteria established by the commissioner;

(c) has an income that does not exceed the income standard established by the commissioner pursuant to federal guidelines;

(d) meets all other Medicaid eligibility requirements; and

(e) in accordance with Pub.L.106-354, is determined by a qualified entity to be presumptively eligible for medical assistance pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established by the commissioner pursuant to section 1920B of the federal Social Security Act (42 U.S.C. s.1396r-1b); or

(20) Subject to federal approval under Title XIX of the federal Social Security Act, is a single adult or couple, without dependent children, whose income in 2006 does not exceed 50% of the poverty level, in 2007 does not exceed 75% of the poverty level and in 2008 and each year thereafter does not exceed 100% of the poverty level; except that a person who is a recipient of Work First New Jersey general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), shall not be a qualified applicant.

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

m. "Third party" means any person, institution, corporation, insurance company, group health plan as defined in section 607(1) of the federal "Employee Retirement and Income Security Act of 1974," 29 U.S.C. s.1167(1), service benefit plan, health maintenance organization, or other prepaid health plan, or public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L.1968, c.413 (C.30:4D-6).

p. "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. s.9902(2)).

q. "Eligible alien" means one of the following:

(1) an alien present in the United States prior to August 22, 1996, who is:

(a) a lawful permanent resident;

(b) a refugee pursuant to section 207 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1157);

(c) an asylee pursuant to section 208 of the federal "Immigration and Nationality Act" (8 U.S.C. s.1158);

(d) an alien who has had deportation withheld pursuant to section 243(h) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1253 (h));

(e) an alien who has been granted parole for less than one year by the U.S. Citizenship and Immigration Services pursuant to section 212(d)(5) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1182(d)(5));

(f) an alien granted conditional entry pursuant to section 203(a)(7) of the federal "Immigration and Nationality Act" (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

(g) an alien who is honorably discharged from or on active duty in the United States armed forces and the alien's spouse and unmarried dependent child.

(2) An alien who entered the United States on or after August 22, 1996, who is:

(a) an alien as described in paragraph (1)(b), (c), (d) or (g) of this subsection; or

(b) an alien as described in paragraph (1)(a), (e) or (f) of this subsection who entered the United States at least five years ago.

(3) A legal alien who is a victim of domestic violence in accordance with criteria specified for eligibility for public benefits as provided in Title V of the federal "Illegal Immigration Reform and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

160. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to read as follows:

C.30:4G-10 Advisory Council on Personal Attendant Services.

a. There is established in the department an Advisory Council on Personal Attendant Services which consists of 19 members as follows: the Commissioner of Health and Senior Services, the Director of the Division of Youth and Family Services in the Department of Children and Families, the Director of the Division of Developmental Disabilities, and the Director of the Division of Medical Assistance and Health Services in the Department of Human Services, the Director of the Division of Veterans' Services in the Department of Military and Veterans' Affairs, and the Director of the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development, or their designees, who shall serve ex officio, and 13 members appointed by the commissioner who are residents of this State, one of whom is a member of the New Jersey Association of County Representatives of Disabled Persons, four of whom represent providers of personal attendant services, five of whom represent consumers of personal attendant services and three of whom represent advocacy groups or agencies for the physically disabled.

A vacancy in the membership of the council shall be filled in the same manner as the original appointment.

The members of the council shall serve without compensation, but the department shall reimburse the members for the reasonable expenses incurred in the performance of their duties.

b. The council shall hold an organizational meeting within 30 days after the appointment of its members. The members of the council shall elect from among them a chairman, who shall be the chief executive officer of the council and the members shall elect a secretary, who need not be a member of the council.

c. The council shall:

(1) Advise the commissioner on matters pertaining to personal attendant services and the development of the personal attendant program, upon the request of the commissioner;

(2) Review the rules and regulations promulgated for the implementation of the personal attendant program and make recommendations to the commissioner, as appropriate;

(3) Evaluate the effectiveness of the personal attendant program in achieving the purposes of this act; and

(4) Assess the Statewide need for personal attendant services and the projected cost for providing these services Statewide.

161. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read as follows:

C.30:5B-3 Definitions.

3. As used in this act:

a. "Child" means any person under the age of 13.

b. "Child care center" or "center" means any facility which is maintained for the care, development or supervision of six or more children who attend the facility for less than 24 hours a day. In the case of a center operating in a sponsor's home, children who reside in the home shall not be included when counting the number of children being served. This term shall include, but shall not be limited to, day care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child care programs, employer supported centers, centers that had been licensed by the Department of Human Services prior to the enactment of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth. This term shall not include:

(1) (Deleted by amendment, P.L.1992, c.95).

(2) A program operated by a private school which is run solely for educational purposes. This exclusion shall include kindergartens, prekindergarten programs or child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth;

(3) Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services;

(4) A program of specialized activity or instruction for children that is not designed or intended for child care purposes, including, but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior Achievement, and single activity programs such as athletics, gymnastics, hobbies, art, music, and dance and craft instruction, which are supervised by an adult, agency or institution;

(5) Youth camps required to be licensed under the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health and Senior Services. A youth camp sponsor who also operates a child care center shall secure a license from the Department of Children and Families for the center;

(6) Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services;

(7) Programs operated by the board of education of the local public school district that is responsible for their implementation and management;

(8) A program such as that located in a bowling alley, health spa or other facility in which each child attends for a limited time period while the parent is present and using the facility;

(9) A child care program operating within a geographical area, enclave or facility that is owned or operated by the federal government;

(10) A family day care home that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and

(11) Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for handicapped children, pursuant to N.J.S.18A:46-1 et seq.

c. "Commissioner" means the Commissioner of Children and Families.

d. "Department" means the Department of Children and Families.

e. "Parent" means a natural or adoptive parent, guardian, or any other person having responsibility for, or custody of, a child.

f. "Person" means any individual, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

g. "Sponsor" means any person owning or operating a child care center.

162. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to read as follows:

C.30:5B-5.4 Regulations adopted by Commissioner of Children and Families relative to children's health care coverage.

5. The Commissioner of Children and Families, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to provide for the implementation by licensed child care centers, registered family day care homes, and unified child care agencies of such procedures as the commissioner deems necessary to effectuate the purposes of subsection f. of section 4 of P.L.1997, c.272 (C.30:4I-4).

163. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to read as follows:

C.30:5B-6.1 Definitions relative to child abuse record information checks.

1. As used in this act:

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Staff member" means any owner, sponsor, director or person employed by or working at a child care center on a regularly scheduled basis during the center's operating hours, including full-time, part-time, voluntary, contract, consulting, and substitute staff, whether compensated or not.

"Child care center" or "Center" means any facility which is maintained for the care, development or supervision of six or more children under 13 years of age who attend the facility for less than 24 hours a day, and which is subject to State licensure or life-safety approval, pursuant to the provisions of the "Child Care Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15).

164. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to read as follows:

C.30:5B-6.10 Definitions relative to criminal history record background checks for child care center staff.

1. As used in sections 1 through 7 and 9 through 12 of P.L.2000, c.77 (C.30:5B-6.10 et seq.):

"Child care center" or "center" means any facility which is maintained for the care, development or supervision of six or more children under 13 years of age who attend the facility for less than 24 hours a day, and which is subject to State licensure or life-safety approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Staff member" means a person 18 years of age or older who owns, sponsors, or directs a child care center, or who is employed by or works in a child care center on a regularly scheduled basis during the center's operating hours, including full-time, part-time, voluntary, contract, consulting, and substitute staff, whether compensated or not.

165. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to read as follows:

C.30:5B-14 Child Care Advisory Council.

14. a. The Director of the Division of Family Development in the Department of Human Services, a designee of the Commissioner of Children and Families, and the Director of the Division on Women in the Department of Community Affairs shall establish a Child Care Advisory Council which shall consist of at least 15 individuals who have experience, training or other interests in child care issues. To the extent possible, the directors shall designate members of existing councils or task forces heretofore established on child care in New Jersey as the advisory council.

b. The advisory council shall:

(1) Review rules and regulations or proposed revisions to existing rules and regulations governing the licensing of child care centers;

(2) Review proposed statutory amendments governing the licensing of child care centers and make recommendations to the commissioner;

(3) Advise the commissioner on the administration of the licensing responsibilities under this act;

(4) Advise the Commissioners of Human Services, Children and Families, and Community Affairs and other appropriate units of State government on the needs, priorities, programs, and policies relating to child care throughout the State;

(5) Study and recommend alternative resources for child care; and

(6) Facilitate employer supported child care through information and technical assistance.

c. The advisory council may accept from any governmental department or agency, public or private body or any other source grants or contributions to be used in carrying out its responsibilities under this act.

166. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to read as follows:

C.30:5B-18 Definitions.

3. As used in this act:

a. "Certificate of registration" means a certificate issued by the department to a family day care provider, acknowledging that the provider is registered pursuant to the provisions of this act.

b. "Department" means the Department of Children and Families.

c. "Family day care home" means a private residence in which child care services are provided for a fee to no less than three and no more than five children at any one time for no less than 15 hours per week; except that the department shall not exclude a family day care home with less than three children from voluntary registration. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

(1) The child being cared for is legally related to the provider; or

(2) Care is being provided as part of an employment agreement between the family day care provider and an assistant or substitute provider where no payment for the care is being provided.

d. "Family day care provider" means a person at least 18 years of age who is responsible for the operation and management of a family day care home.

e. "Family day care sponsoring organization" means an agency or organization which contracts with the department to assist in the registration of family day care providers in a specific geographical area.

f. "Monitor" means to visit a family day care provider to review the provider's compliance with the standards established pursuant to this act.

167. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to read as follows:

C.30:5B-25 Regulations.

10. The Commissioner of Children and Families shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement the provisions of this act.

168. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to read as follows:

C.30:5B-25.2 Definitions.

2. As used in sections 1 through 4 of P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4):

"Child abuse registry" means the child abuse registry of the Division of Youth and Family Services in the Department of Children and Families established pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

"Provider" means a family day care provider as defined by section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not limited to, a family day care provider's assistant and a substitute family day care provider.

"Family day care sponsoring organization" means an agency or organization which contracts with the Department of Human Services to assist in the registration of family day care providers in a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16 et seq.).

"Household member" means an individual over 14 years of age who resides in a family day care provider's home.

169. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to read as follows:

C.30:5B-25.3 Child abuse registry search.

3. a. The Division of Youth and Family Services in the Department of Children and Families shall conduct a search of its child abuse registry to determine if a report of child abuse or neglect has been filed, pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), involving a person registering as a prospective provider or a household member of the prospective provider or as a current provider or household member of the current provider.

b. The division shall conduct the search only upon receipt of the prospective or current provider or household member's written consent to the search. If the person refuses to provide his consent, the family day care sponsoring organization shall deny the prospective or current provider's application for a certificate or renewal of registration.

c. The division shall advise the sponsoring organization of the results of the child abuse registry search within a time period to be determined by the Department of Children and Families.

d. The department shall not issue a certificate or renewal of registration to a prospective or current provider unless the department has first determined that no substantiated charge of child abuse or neglect against the prospective or current provider or household member is found during the child abuse registry search.

170. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to read as follows:

C.30:5B-25.4 Rules, regulations.

4. In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Children and Families shall adopt rules and regulations necessary to implement the provisions of sections 1 through 4 of P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including, but not limited to:

a. Implementation of an appeals process to be used in the case of the denial of an application for a certificate or for renewal of registration based upon information obtained during a child abuse registry search; and

b. Establishment of time limits for conducting a child abuse registry search and providing a family day care sponsoring organization with the results of the search.

171. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to read as follows:

C.30:5B-32 Child abuse record information check for prospective approved home providers.

2. a. A unified child care agency contracted with the Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall request that the Division of Youth and Family Services in the Department of Children and Families conduct a child abuse record information check of the division's child abuse records, as promptly as possible, to determine if an incident of child abuse or neglect has been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:

(1) a prospective approved home provider as defined in N.J.A.C.10:15-1.2 providing child care services under the "New Jersey Cares for Kids Program" established pursuant to N.J.A.C.10:15-5.1, or to a child whose parent is receiving assistance under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but continues to receive supportive services pursuant to the provisions of section 5 of P.L.1997, c.13 (C.44:10-38); or

(2) any adult member of the prospective provider's household.

b. The division shall conduct the child abuse record information check only upon receipt of the prospective approved home provider's or any adult household member's written consent to the check. If the person refuses to provide his consent, the unified child care agency shall deny the prospective approved home provider's application to provide child care services.

c. If the division determines that an incident of child abuse or neglect by the prospective approved home provider or any adult member of the

household has been substantiated, the division shall release the results of the child abuse record information check to the unified child care agency pursuant to subsection g. of section 1 of P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the prospective approved home provider's application to provide child care services.

d. Before denying the prospective approved home provider's application to provide child care services, the unified child care agency shall give notice personally or by certified or registered mail to the last known address of the prospective approved home provider with return receipt requested, of the reasons why the application will be denied. The notice shall afford the prospective approved home provider the opportunity to be heard and to contest the agency's action. The hearing shall be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. If a prospective approved home provider's application to provide child care services is denied, the unified child care agency shall notify the parent of the child who would be eligible to receive such services, personally and in writing, of the reasons why the application was denied and the parent's right to select another provider. The parent shall keep such information confidential and shall not disclose the information except as authorized by law.

172. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to read as follows:

C.30:9A-19 License required for conducting, maintaining, operating mental health program; fees.

2. a. A person shall not conduct, maintain or operate a mental health program unless: (1) the commissioner or the Commissioner of Children and Families, as applicable, has issued a license to that person, in accordance with rules and regulations adopted by the commissioner or the Commissioner of Children and Families, as applicable, which prescribe standards for the provision of services by a mental health program; and (2) that person has a purchase of service contract or an affiliation agreement with the Division of Mental Health Services in the Department of Human Services or the Department of Children and Families, including, but not limited to, the Division of Child Behavioral Health Services, as applicable.

b. Application for a license to conduct, maintain or operate a mental health program shall be made upon forms prescribed by the commissioner or the Commissioner of Children and Families, as applicable. The commissioner or the Commissioner of Children and Families, as applicable, shall charge such

nonrefundable fees for the filing of an application for a license, and for any renewal thereof, as the commissioner or the Commissioner of Children and Families, as applicable, shall from time to time fix by regulation.

173. Section 3 of P.L.1995, c.321 (C.30:9A-20) is amended to read as follows:

C.30:9A-20 Construction of act.

3. Nothing in this act shall be construed to:

a. limit the authority of the Department of Health and Senior Services with respect to the licensure of a health care facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of whether the facility operates a separate psychiatric unit or service, or limit the authority of the Department of Human Services with respect to the licensure of an alcohol treatment facility pursuant to P.L.1975, c.305 (C.26:2B-7 et seq.), or the issuance of a certificate of approval to a narcotic and drug abuse treatment center pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.);

b. require the licensure of any facility or center referenced in subsection a. of this section by the Department of Human Services; or

c. require licensure of a mental health agency which does not provide a mental health program that is subject to regulations adopted by the commissioner or the Commissioner of Children and Families, as applicable.

174. Section 4 of P.L.1995, c.321 (C.30:9A-21) is amended to read as follows:

C.30:9A-21 Rules, regulations.

4. The commissioner or the Commissioner of Children and Families, as applicable, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

175. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to read as follows:

C.30:9A-25 New Jersey Youth Suicide Prevention Advisory Council.

4. There is established in the Department of Children and Families the New Jersey Youth Suicide Prevention Advisory Council.

a. The purpose of the council shall be to: examine existing needs and services and make recommendations to the division for youth suicide reporting, prevention and intervention; advise the division on the content of informational materials to be made available to persons who report at-

tempted or completed suicides; and advise the division in the development of regulations required pursuant to this act.

b. The council shall consist of 18 members as follows:

(1) the Commissioners of Human Services, Children and Families, Health and Senior Services, and Education, the executive director of the Juvenile Justice Commission established pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the Community Mental Health Citizens Advisory Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees, who shall serve ex officio;

(2) six public members appointed by the Governor, as follows: one person who is a current member of a county mental health advisory board, one person with personal or family experience with suicide, one person who is a current or retired primary or secondary school teacher, one person who is a current or former member of a local board of education, one psychiatrist and one person with professional experience in the collection and reporting of social science data;

(3) three public members appointed by the President of the Senate, no more than two of whom are members of the same political party, one of whom has volunteer or paid experience in the provision of services to survivors of suicide or youth at risk of attempting suicide, one of whom is an alcohol and drug counselor, and one of whom is a representative of the New Jersey Traumatic Loss Coalition; and

(4) three public members appointed by the Speaker of the General Assembly, no more than two of whom are members of the same political party, one of whom has knowledge of and interest in the prevention of youth suicide and the provision of education about suicide to high-risk populations, including religious, racial, ethnic or sexual minorities, one of whom is a pediatrician, and one of whom is a school-based counselor.

c. The public members shall be appointed no later than 60 days after the date of enactment of this act.

d. The public members shall serve for a term of five years; but, of the members first appointed, three shall serve for a term of two years, three for a term of three years, three for a term of four years and three for a term of five years. Members are eligible for reappointment upon the expiration of their terms. Vacancies in the membership of the council shall be filled in the same manner provided for the original appointments.

e. The council shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the council.

f. 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 council.

g. The 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.

h. The Department of Children and Families shall provide staff support to the council.

176. Section 1 of P.L.1977, c.448 (C.30:11B-1) is amended to read as follows:

C.30:11B-1 Findings.

1. The Legislature finds that many developmentally disabled persons who are now housed in large institutions can be better cared for and given training for independent living in small community residences. Such persons have a right to the fuller, more normal life that care in such residences brings, and it is, therefore, the intention of the Legislature, through this act, to encourage the development of community residences for the developmentally disabled and to provide for the licensing and regulation of such residences by the Department of Human Services.

The Legislature further finds that there are many persons who have been hospitalized due to mental illness and are recovered to the extent that they no longer require such hospitalization, but would benefit from the specialized independent-living training available to residents of small community residences for the mentally ill. These community residences for the mentally ill may also be utilized by persons who have not been hospitalized for mental illness but who are participating in community mental health counseling or training programs provided by a State-affiliated community mental health agency. These persons have a right to the fuller, more normal life that care in community residences brings, and it is, therefore, the intention of the Legislature through this act, to encourage the development of community residences for the mentally ill and to provide for the licensing and regulation of the residences by the Department of Human Services or the Department of Children and Families, as applicable.

In addition, the Legislature finds that many persons who have sustained head injuries which impair their cognitive, behavioral, social or physical functioning, and who are now housed in large institutions can be better cared for and given training for independent living in small community

residences. These persons have a right to the fuller, more normal life that care in these residences brings, and it is, therefore, the intention of the Legislature, through this act, to encourage the development of community residences for persons with head injuries and to provide for the licensing and regulation of these residences by the Department of Human Services.

177. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to read as follows:

C.30:11B-2 Definitions.

2. "Community residence for the developmentally disabled" means any community residential facility housing up to 16 developmentally disabled persons which provides food, shelter and personal guidance for developmentally disabled persons who require assistance, temporarily or permanently, in order to live independently in the community. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels.

"Community residence for the mentally ill" means any community residential facility which provides food, shelter and personal guidance, under such supervision as required, to not more than 15 mentally ill persons who require assistance temporarily or permanently, in order to live independently in the community. These residences shall be approved for a purchase of service contract or an affiliation agreement pursuant to procedures established by the Division of Mental Health Services in the Department of Human Services or the Division of Child Behavioral Health Services in the Department of Children and Families, as applicable. These residences shall not house persons who have been assigned to a State psychiatric hospital after having been found not guilty of a criminal offense by reason of insanity or unfit to be tried on a criminal charge. These residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, family care homes and hostels.

"Community residence for persons with head injuries" means a community residential facility providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway

houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

"Developmental disability" or "developmentally disabled" means a severe, chronic disability of a person which: a. is attributable to a mental or physical impairment or combination of mental or physical impairments; b. is manifest before age 22; c. is likely to continue indefinitely; d. results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and e. reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. Developmental disability includes, but is not limited to, severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.

"Mentally ill" means any psychiatric disorder which has required an individual to receive either inpatient psychiatric care or outpatient psychiatric care on an extended basis.

"Person with head injury" means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of cognitive, behavioral, social or physical functioning which causes partial or total disability.

178. Section 4 of P.L.1977, c.448 (C.30:11B-4) is amended to read as follows:

C.30:11B-4 Licenses; regulations.

4. All such residences which are operated by any individual or individuals, corporation, partnership, society or association, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, shall be licensed by the Department of Human Services or Department of Children and Families, as applicable, under appropriate regulations promulgated by the commissioner or the Commissioner of Children and Families, as applicable. Such regulations shall govern the operation and maintenance of residences, and prescribe conditions for admission and discharge of residents. The regulations shall assure that essential life-safety, health and comfort conditions exist in a home-like atmosphere.

179. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended to read as follows:

C.30:11B-4.2 Program standards.

10. a. Within six months of the effective date of this act, the Director of the Division of Mental Health Services in the Department of Human Services or the Division of Child Behavioral Health Services in the Department of Children and Families, as applicable shall develop program standards which include criteria for educational and professional experience of employees of a community residence for the mentally ill and staffing ratios appropriate to the needs of the residents of the community residences for the mentally ill.

b. Within six months after the effective date of P.L.1993, c.329, the Commissioner of Human Services or the Commissioner of Children and Families, as applicable, shall develop program standards which include criteria for educational and professional experience of employees of a community residence for persons with head injuries and staffing ratios appropriate to the needs of the residents of these community residences.

180. Section 5 of P.L.1977, c.448 (C.30:11B-5) is amended to read as follows:

C.30:11B-5 Geographic location.

5. The geographic location of community residences for the developmentally disabled, community residences for the mentally ill and community residences for persons with head injuries shall be monitored by the Department of Human Services or Department of Children and Families, as applicable. Through the granting or withholding of licenses, the respective department shall insure that these residences are available throughout the State, without unnecessary concentration in any area.

181. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to read as follows:

C.30:14-4 Advisory Council on Domestic Violence.

4. a. There is created an Advisory Council on Domestic Violence which shall consist of 20 members: the Director of the Division on Women in the Department of Community Affairs, the Director of the Division of Youth and Family Services in the Department of Children and Families and the Director of the Division of Family Development in the Department of Human Services, the Director of the Administrative Office of the Courts, the Commissioner of the Department of Education, the Commissioner of Labor

and Workforce Development, the Attorney General, or their designees, and one representative of Legal Services of New Jersey, one former domestic violence shelter resident, one representative of the Police Chiefs Association, one representative of the County Prosecutors Association, one representative of the New Jersey State Nurses Association, one representative of the Mental Health Association in New Jersey, one representative of the New Jersey Crime Prevention Officers Association, one representative of the New Jersey Hospital Association, one representative of the Violent Crimes Compensation Board, and four representatives of the New Jersey Coalition for Battered Women to be appointed by the Governor.

b. The advisory council shall:

(1) Monitor the effectiveness of the laws concerning domestic violence and make recommendations for their improvement;

(2) Review proposed legislation governing domestic violence and make recommendations to the Governor and the Legislature;

(3) Study the needs, priorities, programs, and policies relating to domestic violence throughout the State; and

(4) Ensure that all service providers and citizens are aware of the needs of and services available to victims of domestic violence and make recommendations for community education and training programs.

c. The advisory council shall periodically advise the Director of the Division of Youth and Family Services in the Department of Children and Families and the Director of the Division on Women in the Department of Community Affairs on its activities, findings and recommendations.

182. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to read as follows:

C.30:14-15 "Domestic Violence Victims' Fund."

3. a. There is hereby established the "Domestic Violence Victims' Fund," a dedicated fund within the General Fund and administered by the Division of Youth and Family Services in the Department of Children and Families. The fund shall be the depository of moneys realized from the civil penalty imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1) and any other moneys made available for the purposes of the fund.

b. All moneys deposited in the "Domestic Violence Victims' Fund" shall be used for direct services to victims of domestic violence, including, but not limited to, shelter services, legal advocacy services and legal assistance services, and for related administrative costs of the Division of Youth and Family Services.

183. Section 5 of P.L.1997, c.364 (C.34:5A-10.5) is amended to read as follows:

C.34:5A-10.5 Regulations.

5. The Department of Health and Senior Services, in consultation with the Departments of Education, Human Services, Children and Families and Environmental Protection, and within 180 days of the enactment of P.L.1997, c.364 (C.34:5A-10.1 et seq.), shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulations necessary to implement the provisions of this act which are consistent with federal and State indoor air quality standards and standards governing the exposure of children to hazardous substances as they are adopted by the federal government.

184. Section 3 of P.L.1999, c.279 (C.34:15F-3) is amended to read as follows:

C.34:15F-3 At-Risk Youth Mentoring Program.

3. There is established in the Department of Labor and Workforce Development an At-Risk Youth Mentoring Program to be administered by the Commissioner of Labor and Workforce Development pursuant to the provisions of this act. The commissioner shall consult with the Department of Human Services, the Department of Children and Families, and the Department of Education and other appropriate State agencies regarding the development, operation and administration of the program. The commissioner shall also consult with the Community Agencies Corporation of New Jersey and other public and private nonprofit organizations providing youth mentoring services. The program shall provide for the training of volunteer mentors through local collaborative partnerships between the school district, the educational foundation and other community based organizations and for the assignment of mentors to at-risk students enrolled within a participating school district. The program shall also provide for collaboration with public and private organizations that provide comprehensive health, employment, and social services to youth. The purpose of the program shall be to enable at-risk students to develop a relationship with a caring and responsible adult to provide the personal and emotional support necessary for school success and future successful functioning in society.

185. Section 53 of P.L.1975, c.291 (C.40:55D-66) is amended to read as follows:

C.40:55D-66 Miscellaneous provisions relative to zoning.

53. a. For purposes of this act, model homes or sales offices within a subdivision and only during the period necessary for the sale of new homes within such subdivision shall not be considered a business use.

b. No zoning ordinance governing the use of land by or for schools shall, by any of its provisions or by any regulation adopted in accordance therewith, discriminate between public and private nonprofit day schools of elementary or high school grade accredited by the State Department of Education.

c. No zoning ordinance shall, by any of its provisions or by any regulation adopted in accordance therewith, discriminate between children who are members of families by reason of their relationship by blood, marriage or adoption, and resource family children placed with such families in a dwelling by the Division of Youth and Family Services in the Department of Children and Families or a duly incorporated child care agency and children placed pursuant to law in single family dwellings known as group homes. As used in this section, the term "group home" means and includes any single family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Children and Families in accordance with rules and regulations adopted by the Commissioner of Children and Families provided, however, that no group home shall contain more than 12 children.

186. Section 1 of P.L.1983, c.191 (C.40A:10-34.1) is amended to read as follows:

C.40A:10-34.1 Contract; coverage.

1. Any municipality or county, or agency thereof, hereinafter referred to as employers, may enter into contracts of group legal insurance with any insurer authorized, pursuant to P.L.1981, c.160 (C.17:46C-1 et seq.), to engage in the business of legal insurance in this State or may contract with a duly recognized prepaid legal services plan with respect to the benefits which they are authorized to provide. Such contract or contracts shall provide such coverage for the employees of such employer and may include their dependents. "Dependents" shall include an employee's spouse and the employee's unmarried children, including stepchildren and legally adopted children, and, at the option of the employer and the carrier, children placed by the Division of Youth and Family Services in the Department of Children and Families, under the age of 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the employer and the carrier, other unmarried children of the employee under

the age of 23 who are dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during such military service.

Elected officials may be considered, at the option of the employer, to be "employees" for the purposes hereof, but "employees" shall not otherwise include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the public employer is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties.

The contract shall include provisions to prevent duplication of benefits and shall condition the eligibility of any employee for coverage upon satisfying a waiting period stated in the contract.

The coverage of any employee, and of his dependents, if any, shall cease upon the discontinuance of his employment or upon cessation of active full-time employment in the classes eligible for coverage, subject to such provision as may be made in any contract by his employer for limited continuance of coverage during disability, part-time employment, leave of absence other than leave for military service or layoff, or for continuance of coverage after retirement.

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

Benefit eligibility conditions.

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

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

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

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

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

(3) No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

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

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

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

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

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

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

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

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

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

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

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

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

(D) For the purpose of this paragraph (4), "labor demand occupation" means an occupation for which there is or is likely to be an excess of demand over supply for adequately trained workers, including, but not limited to, an occupation designated as a labor demand occupation by the New Jersey Occupational Information Coordinating Committee pursuant to the provisions of subsection h. of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of P.L.1992, c.43 (C.34:1A-78).

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

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

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

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

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

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

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

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

(d) With respect to any benefit year commencing before January 1, 2002, the individual has been totally or partially unemployed for a waiting period of one week in the benefit year which includes that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

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

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

(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) With respect to benefit years commencing on or after January 1, 1996 and before January 7, 2001, except as otherwise provided in paragraph (3) 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 paragraph (2) 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 (2), earned remuneration not less than an amount 12 times the Statewide average weekly remuneration paid to workers, as determined

under R.S.43:21-3(c), which amount shall be adjusted to the next higher multiple of $100 if not already a multiple thereof; or

If the individual has not met the requirements of subparagraph (A) or (B) of this paragraph (2), 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.

(3) With respect to benefit years commencing before January 7, 2001, notwithstanding the provisions of paragraph (2) 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 of R.S.43:21-19, the individual:

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

(B) Has earned 12 times the Statewide average weekly remuneration paid to workers, as determined under R.S.43:21-3(c), raised to the next higher multiple of $100.00 if not already a multiple thereof, or more; or

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

(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 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 (2), (3), (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 R.S.43:21-27(b); 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 or chiropractor;

(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 seq.);

(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) 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 seq.), 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 seq.).

188. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to read as follows:

C.52:13D-24 Restriction on, solicitation, receipt, etc. of certain things of value by certain State officers, employees.

13. a. No State officer or employee, special State officer or employee, or member of the Legislature shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift, honorarium, out-of-State travel or subsistence expense or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, except as authorized in this section.

b. A State officer or employee, special State officer or employee, or member of the Legislature may, in connection with any service, advice, assistance, appearance, speech or other matter related to the officer, employee, or member's official duties, solicit, receive or agree to receive, whether directly or indirectly, from sources other than the State, the following:

(1) reasonable fees for published books on matters within the officer, employee, or member's official duties;

(2) reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the State of New Jersey;

(3) reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed $500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not

paid for by the State of New Jersey. The $500 per trip limitation shall not apply if the reimbursement or payment is made by (a) a nonprofit organization of which the officer, employee, or member is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the State or the Legislature in the case of a member of the Legislature; (b) a nonprofit organization that does not contract with the State to provide goods, materials, equipment, or services; or (c) any agency of the federal government, any agency of another state or of two or more states, or any political subdivision of another state.

Members of the Legislature shall obtain the approval of the presiding officer of the member's House before accepting any reimbursement or payment of expenditures for travel or subsistence outside New Jersey.

As used in this subsection, "reasonable expenditures for travel or subsistence" means commercial travel rates directly to and from an event and food and lodging expenses which are moderate and neither elaborate nor excessive; and "allowable entertainment expenses" means the costs for a guest speaker, incidental music and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive, but does not include the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

c. This section shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, except that campaign contributions may not be accepted if they are known to be given in lieu of a payment prohibited pursuant to this section.

d. (1) Notwithstanding any other provision of law, a designated State officer as defined in paragraph (2) of this subsection shall not solicit, receive or agree to receive, whether directly or indirectly, any compensation, salary, honorarium, fee, or other form of income from any source, other than the compensation paid or reimbursed to him or her by the State for the performance of official duties, for any service, advice, assistance, appearance, speech or other matter, except for investment income from stocks, mutual funds, bonds, bank accounts, notes, a beneficial interest in a trust, financial compensation received as a result of prior employment or contractual relationships, and income from the disposition or rental of real property, or any other similar financial instrument and except for reimbursement for travel as authorized in subsections (2) and (3) of paragraph b. of this section. To receive such income, a designated State officer shall first seek review and approval by the State Ethics Commission to ensure that the receipt of such income does not violate the "New Jersey Conflicts of Interest

Law," P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of ethics, and does not undermine the full and diligent performance of the designated State officer's duties.

(2) For the purposes of this subsection, "designated State officer" shall include: the Governor, the Adjutant General, the Secretary of Agriculture, the Attorney General, the Commissioner of Banking and Insurance, the Secretary and Chief Executive Officer of the Commerce and Economic Growth Commission, the Commissioner of Community Affairs, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Environmental Protection, the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Commissioner of Children and Families, the Commissioner of Labor and Workforce Development, the Commissioner of Personnel, the President of the State Board of Public Utilities, the Secretary of State, the Superintendent of State Police, the Commissioner of Transportation, the State Treasurer, the head of any other department in the Executive Branch, and the following members of the staff of the Office of the Governor: Chief of Staff, Chief of Management and Operations, Chief of Policy and Communications, Chief Counsel to the Governor, Director of Communications, Policy Counselor to the Governor, and any deputy or principal administrative assistant to any of the aforementioned members of the staff of the Office of the Governor listed in this subsection.

e. A violation of this section shall not constitute a crime or offense under the laws of this State.

189. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

C.52:14-15.107 Department officers; annual salaries.

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and establish the annual salary, not to exceed $133,330 in calendar year 2000, $137,165 in calendar year 2001 and $141,000 in calendar year 2002 and thereafter, for each of the following officers:

Title

Agriculture Department

Secretary of Agriculture

Children and Families Department

Commissioner of Children and Families

Community Affairs Department

Commissioner of Community Affairs
Corrections Department
Commissioner of Corrections
Education Department
Commissioner of Education
Environmental Protection Department
Commissioner of Environmental Protection
Health and Senior Services Department
Commissioner of Health and Senior Services
Human Services Department
Commissioner of Human Services
Banking and Insurance Department
Commissioner of Banking and Insurance
Labor and Workforce Development Department
Commissioner of Labor and Workforce Development
Law and Public Safety Department
Attorney General
Military and Veterans' Affairs Department
Adjutant General
Personnel Department
Commissioner of Personnel
State Department
Secretary of State
Transportation Department
Commissioner of Transportation
Treasury Department
State Treasurer
Members, Board of Public Utilities
Public Advocate Department
Public Advocate

Notwithstanding the provisions of this section to the contrary, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission shall receive such salary as shall be fixed by the Governor pursuant to subsection b. of section 8 of P.L.1998, c.44 (C.52:27C-68).

190. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to read as follows:

C.52:14-17.26 Definitions relative to health care benefits for public employees.

2. As used in this act:

(a) The term "State" means the State of New Jersey.

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of this act.

(c) The term "employee" means an appointive or elective officer or full-time employee of the State of New Jersey. For the purposes of this act an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State, and an employee of the New Jersey Institute of Technology shall be considered to be an employee of the State during such time as the Trustees of the Institute are party to a contractual agreement with the State Treasurer for the provision of educational services. The term "employee" shall further mean, for purposes of this act, a former employee of the South Jersey Port Corporation, who is employed by a subsidiary corporation or other corporation, which has been established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the Delaware River Port Authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued membership in the Public Employees' Retirement System pursuant to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than two months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties. An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the two-month waiting period if the employee begins employment at the beginning of the contract year. The term "employee" shall also not include retired persons who are otherwise eligible for benefits under this act but who, although they meet the age eligibility requirement of Medicare, are not covered by the complete federal program. A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties.

(d) (1) The term "dependents" means an employee's spouse, or an employee's domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and children placed by the Division of Youth and Family Services in the Department of

Children and Families, provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, domestic partner or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses or domestic partners of retired persons who are otherwise eligible for the benefits under this act but who, although they meet the age eligibility requirement of Medicare, are not covered by the complete federal program.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary and subject to the provisions of paragraph (3) of this subsection, for the purposes of an employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term "dependents" means an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and children placed by the Division of Youth and Family Services in the Department of Children and Families provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses of retired persons who are otherwise eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who, although they meet the age eligibility requirement of Medicare, are not covered by the complete federal program.

(3) An employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34) may adopt a resolution providing that the term "dependents" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

(e) The term "carrier" means a voluntary association, corporation or other organization, including a health maintenance organization as defined in section 2 of the "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

(f) The term "hospital" means (1) an institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic and major surgical facilities

for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or (2) an institution not meeting all of the requirements of (1) but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and education of children with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

(g) The term "State managed care plan" means a health care plan under which comprehensive health care services and supplies are provided to eligible employees, retirees, and dependents: (1) through a group of doctors and other providers employed by the plan; or (2) through an individual practice association, preferred provider organization, or point of service plan under which services and supplies are furnished to plan participants through a network of doctors and other providers under contracts or agreements with the plan on a prepayment or reimbursement basis and which may provide for payment or reimbursement for services and supplies obtained outside the network. The plan may be provided on an insured basis through contracts with carriers or on a self-insured basis, and may be operated and administered by the State or by carriers under contracts with the State.

(h) The term "Medicare" means the program established by the "Health Insurance for the Aged Act," Title XVIII of the "Social Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended, or its successor plan or plans.

(i) The term "traditional plan" means a health care plan which provides basic benefits, extended basic benefits and major medical expense benefits as set forth in section 5 of P.L.1961, c.49 (C.52:14-17.29) by indemnifying eligible employees, retirees, and dependents for expenses for covered health care services and supplies through payments to providers or reimbursements to participants.

191. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended to read as follows:

C.52:17B-88.10 Standardized protocols for autopsies of suspected SIDS victims.

2. a. The State Medical Examiner, in consultation with the Commissioner of Health and Senior Services, shall develop standardized protocols for autopsies performed in those cases in which the suspected cause of

death of a child under one year of age is sudden infant death syndrome and in which the child is between one and three years of age and the death is sudden and unexpected.

b. The State Medical Examiner shall establish a Sudden Child Death Autopsy Protocol Committee to assist in developing and reviewing the protocol. The committee shall include, but shall not be limited to, the State Medical Examiner or his designee, the Assistant Commissioner of the Division of Family Health Services in the Department of Health and Senior Services or his designee, the Director of the Division of Youth and Family Services in the Department of Children and Families or his designee, the director of the SIDS Resource Center established pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a forensic pathologist, a pediatric pathologist, a county medical examiner, a pediatrician who is knowledgeable about sudden infant death syndrome and child abuse, a law enforcement officer, an emergency medical technician or a paramedic, a family member of a sudden infant death syndrome victim and a family member of a sudden unexpected death victim who was between one and three years of age at the time of death.

The committee shall annually review the protocol and make recommendations to the State Medical Examiner to revise the protocol, as appropriate.

c. The protocols shall include requirements and standards for scene investigation, criteria for ascertaining the cause of death based on autopsy, criteria for specific tissue sampling, and such other requirements as the committee deems appropriate. The protocols shall take into account nationally recognized standards for pediatric autopsies.

The State Medical Examiner shall be responsible for ensuring that the protocols are followed by all medical examiners and other persons authorized to conduct autopsies in those cases in which the suspected cause of death is sudden infant death syndrome or in which the child is between one and three years of age and the death is sudden and unexpected.

d. The protocols shall authorize the State Medical Examiner, county medical examiner or other authorized person to take tissue samples for research purposes, as provided in section 2 of P.L.2005, c.227 (C.52:17B-88.11).

e. The sudden infant death syndrome autopsy protocol shall provide that if the findings in the autopsy are consistent with the definition of sudden infant death syndrome specified in the protocol, the person who conducts the autopsy shall state on the death certificate that sudden infant death syndrome is the cause of death.

192. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to read as follows:

C.52:17B-170 Juvenile Justice Commission established.

2. a. A Juvenile Justice Commission is established in, but not of, the Department of Law and Public Safety. The commission is allocated to the Department of Law and Public Safety for the purpose of complying with Article V, Section IV, paragraph 1 of the New Jersey Constitution. The Attorney General shall be the request officer for the commission within the meaning of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that authority and other administrative functions, powers and duties consistent with the provisions of this act.

b. The commission shall consist of an executive director, an executive board, an advisory council and such facilities, officers, employees and organizational units as provided herein or as otherwise necessary to performance of the commission's duties and responsibilities.

c. The executive director shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified.

d. The executive board shall consist of the following members: The Attorney General, who shall serve as chair of the executive board; the Commissioner of Corrections and the Commissioner of Children and Families, who shall serve as vice-chairs of the executive board; the Commissioner of Education; the chair of the Juvenile Justice Commission advisory council, established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two members who serve as chairs of a county youth services commission, established pursuant to P.L.1995, c.282 (C.52:17B-180), to be appointed by the Governor to serve at the Governor's pleasure. The Administrative Director of the Administrative Office of the Courts is invited to participate on the executive board, subject to the approval of the Supreme Court. A member of the executive board may name a designee who shall have the authority to act for the member. Members of the executive board shall serve without compensation for their services to the commission. The executive board shall meet at least quarterly and at such other times as designated by the chair. Except with respect to matters concerning distribution of funds to counties, four members of the executive board shall constitute a quorum to transact business of the executive board and action of the executive board shall require an affirmative vote of four members. A member of the executive board who is also a member of a county youth services commission shall not participate in matters concerning distribution of funds to counties; in these matters, three members of the executive board shall con-

stitute a quorum to transact business and an action of the executive board shall require an affirmative vote of three members.

e. The commission shall have the following powers, duties and responsibilities:

(1) To specify qualifications for and to employ, within the limits of available appropriations and subject to the provisions of P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New Jersey Statutes, such staff as are necessary to accomplish the work of the commission or as are needed for the proper performance of the functions and duties of the commission, including but not limited to:

(a) The number of deputy directors, assistant directors, superintendents, assistant superintendents and other assistants who shall be in the unclassified service and shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

(b) Juvenile corrections officers;

(2) To utilize such staff of the Department of Law and Public Safety as the Attorney General, within the limits of available appropriations, may make available to the commission;

(3) To organize the work of the commission in appropriate bureaus and other organization units;

(4) To enter into contracts and agreements with State, county and municipal governmental agencies and with private entities for the purpose of providing services and sanctions for juveniles adjudicated or charged as delinquent and programs for prevention of juvenile delinquency;

(5) To contract for the services of professional and technical personnel and consultants as necessary to fulfill the statutory responsibilities of the commission;

(6) To establish minimum standards for the care, treatment, government and discipline of juveniles confined pending, or as a result of, an adjudication of delinquency;

(7) To assume the custody and care of all juveniles committed by court order, law, classification, regulation or contract to the custody of the commission or transferred to the custody of the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176);

(8) To manage and operate all State secure juvenile facilities which shall include the New Jersey Training School for Boys created pursuant to R.S.30:1-7 and transferred to the Commissioner of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile Medium Security Facility created pursuant to R.S.30:1-7 and both transferred to the commission pursuant to sec-

tion 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any other secure juvenile facility established by the commission in the future;

(9) To manage and operate all State juvenile facilities or juvenile programs for juveniles adjudicated delinquent which shall include facilities and programs transferred to the commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or established or contracted for in the future by the commission;

(10) To prepare a State Juvenile Justice Master Plan every third year which identifies facilities, sanctions and services available for juveniles adjudicated or charged as delinquent and juvenile delinquency prevention programs and which identifies additional needs based upon the extent and nature of juvenile delinquency and the adequacy and effectiveness of available facilities, services, sanctions and programs;

(11) To approve plans for each county submitted by the county youth services commission pursuant to P.L.1995, c.282 (C.52:17B-180);

(12) To administer the State/Community Partnership Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

(13) To accept from any governmental department or agency, public or private body or any other source, grants or contributions to be used in exercising its power, and in meeting its duties and responsibilities;

(14) To formulate and adopt standards and rules for the efficient conduct of the work of the commission, the facilities, services, sanctions and programs within its jurisdiction, and its officers and employees;

(15) To provide for the development of the facilities, services, sanctions and programs within its jurisdiction and to promote the integration of State, county and local facilities, sanctions, services and programs, including probation and parole;

(16) To institute, or cause to be instituted, such legal proceedings or processes as may be necessary to enforce properly and give effect to any of its powers or duties including the authority to compel by subpoena, subject to the sanction for contempt of subpoena issued by a court, attendance and production of records;

(17) To provide for the timely and efficient collection and analysis of data regarding the juvenile justice system to insure the continuing review and evaluation of services, policies and procedures;

(18) To receive and classify juveniles committed to the custody of the commission;

(19) To supervise compliance with conditions of parole;

(20) To establish appropriate dispositions of juveniles for whom parole has been revoked;

(21) To perform such other functions as may be prescribed by law; and

(22) To promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement and effectuate the purposes of this act.

193. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to read as follows:

C.52:17B-175 Responsibilities of other departments.

7. a. Notwithstanding the Juvenile Justice Commission's responsibility for State secure juvenile facilities and State juvenile facilities and programs, the Department of Corrections, through agreement with the commission, shall provide central transportation, communication and other services required by the commission in connection with the operation of these facilities and the custody and care of juveniles confined in the facilities.

b. Notwithstanding the commission's responsibility for State secure juvenile facilities and State juvenile facilities, the Department of Children and Families shall provide care and custody for juveniles placed under the care and custody or committed to the department pursuant to paragraphs (5), (6) and (7) of subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43).

c. The commission and the Commissioner of Children and Families shall formulate a plan to provide adequate and appropriate mental health services to juveniles in secure juvenile facilities and juvenile facilities operated by the commission. The commission and the Commissioner of Children and Families shall jointly adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures included in the plan. The plan shall include the following:

(1) Procedures for identifying juveniles in need of such services upon admission to and while in a facility, including procedures for evaluation;

(2) Procedures for providing appropriate and adequate treatment and for terminating treatment when it is no longer needed;

(3) Procedures for ensuring cooperation between employees of the commission and the Department of Children and Families; and

(4) Procedures for review and revision of the plan.

d. The commission, through agreement with the Attorney General, the Commissioner of Corrections or the Commissioner of Children and Families as appropriate, shall arrange to provide such other services as may be required by the commission and may enter into other agreements as authorized pursuant to R.S.52:14-1 et seq. or any other law of this State.

e. The commission and the Commissioner of the Department of Corrections shall, consistent with applicable State and federal standards, formulate a plan setting forth procedures for transferring custody of any juvenile incarcerated in a juvenile facility who has reached the age of 16 during confinement and whose continued presence in the juvenile facility threatens the public safety, the safety of juvenile offenders, or the ability of the commission to operate the program in the manner intended. The commission and the Commissioner of the Department of Corrections shall jointly adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures included in the plan.

194. Section 69 of P.L.2005, c.155 (C.52:27EE-69) is amended to read as follows:

C.52:27EE-69 Office of the Child Advocate; duties.

69. Office of the Child Advocate; duties.

a. The child advocate shall:

(1) administer the work of the Office of the Child Advocate;

(2) appoint and remove such officers, investigators, stenographic and clerical assistants and other personnel, in the career or unclassified service, as may be required for the conduct of the office, subject to the provisions of Title 11A of the New Jersey Statutes (Civil Service), and other applicable statutes, except as provided otherwise herein;

(3) formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the office, its officers and employees, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); and

(4) institute or cause to be instituted such legal proceedings or processes consistent with the Rules Governing the Courts of New Jersey as may be necessary to properly enforce and give effect to any of the child advocate's powers or duties.

b. Consistent with the provisions of federal and State law,

(1) the child advocate shall have access to, and the right to inspect and copy, any records, including pupil records in accordance with the provisions of N.J.S.18A:36-19, necessary to carry out the responsibilities under this act; and

(2) the child advocate shall have reasonable access to, and the right to copy any records from, the Division of Youth and Family Services' Service Information System, or its successor, necessary to carry out its responsibilities under this act, and only with regard to individuals who are or may be

the subject of an investigation by the child advocate, or to assess the status of an individual complaint or inquiry to determine whether further action by the child advocate is appropriate; except that, access provided to the successor system, including the Statewide Automated Child Welfare Information System, shall be limited to information available through the Service Information System, unless otherwise agreed to by the child advocate and the Department of Children and Families.

c. The child advocate may issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers and other documents, and administer oaths to witnesses in any matter under the investigation of the office.

If any person to whom such subpoena is issued fails to appear or, having appeared, refuses to give testimony, or fails to produce the books, papers or other documents required, the child advocate may apply to the Superior Court, which may order the person to appear and give testimony or produce the books, papers or other documents, as applicable.

d. The child advocate shall disseminate information to the public on the objectives of the office, the services the office provides and the methods by which the office may be contacted.

e. The child advocate shall aid the Governor in proposing methods of achieving increased coordination and collaboration among State agencies to ensure maximum effectiveness and efficiency in the provision of services to children.

195. Section 70 of P.L.2005, c.155 (C.52:27EE-70) is amended to read as follows:

C.52:27EE-70 Office of the Child Advocate; powers.

70. Office of the Child Advocate; powers.

The child advocate may:

a. investigate, review, monitor or evaluate any State agency response to, or disposition of, an allegation of child abuse or neglect in this State;

b. inspect and review the operations, policies and procedures of:

(1) juvenile detention centers operated by the counties and all juvenile justice facilities operated by or under contract with the Juvenile Justice Commission, including, but not limited to, secure correctional facilities and residential and day treatment programs;

(2) resource family homes, group homes, residential treatment facilities, shelters for the care of abused or neglected children, shelters for the care of juveniles considered as juvenile-family crisis cases, shelters for the

care of homeless youth, or independent living arrangements operated, licensed, or approved for payment, by the Department of Human Services, Department of Children and Families, Department of Community Affairs or Department of Health and Senior Services; and

(3) any other public or private setting in which a child has been placed by a State or county agency or department;

c. review, evaluate, report on and make recommendations concerning the procedures established by any State agency providing services to children who are at risk of abuse or neglect, children in State or institutional custody, or children who receive child protective or permanency services;

d. review, monitor and report on the performance of State-funded private entities charged with the care and supervision of children due to abuse or neglect by conducting research audits or other studies of case records, policies, procedures and protocols, as deemed necessary by the child advocate to assess the performance of the entities;

e. receive, investigate and make referrals to other agencies or take other appropriate actions with respect to a complaint received by the office regarding the actions of a State, county or municipal agency or a State-funded private entity providing services to children who are at risk of abuse or neglect;

f. hold a public hearing on the subject of an investigation or study underway by the office, and receive testimony from agency and program representatives, the public and other interested parties, as the child advocate deems appropriate;

g. establish and maintain a 24-hour toll-free telephone hotline to receive and respond to calls from citizens referring problems to the child advocate, both individual and systemic, in how the State, through its agencies or contract services, protects children;

h. in exercising the authority provided in subsection a. of this section, the child advocate may conduct unannounced site visits to any institution or facility to which children are committed, placed or otherwise disposed if the child advocate, prior to conducting an unannounced site visit, has initiated a project or investigation into the response or disposition of an allegation of abuse or neglect and there is a reasonable basis to believe that an unannounced site visit is necessary to carry out the child advocate's responsibilities under this act, provided, however, that any unannounced site visit shall be conducted at a reasonable time and in a reasonable manner;

i. in exercising the authority provided under subsections a. through e. of this section, the child advocate shall consult with any appropriate State, county or municipal agency or a State-funded private entity providing services to chil-

dren, and may request from any such entity, and the entity is hereby authorized and directed to provide, such cooperation and assistance as will enable the child advocate to properly perform its responsibilities under this act; and

j. notwithstanding the provisions of section 11 of P.L.1944, c.20 (C.52:17A-11) to the contrary, hire independent counsel on a case-by-case basis to provide competent representation in light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

196. Section 75 of P.L.2005, c.155 (C.52:27EE-75) is amended to read as follows:

C.52:27EE-75 Office of the Child Advocate; reports.

75. Office of the Child Advocate; reports.

The child advocate shall report annually to the Governor, the Public Advocate, the Commissioners of Human Services and Children and Families, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature on: the activities of the office; priorities for children's services that have been identified by the child advocate; and recommendations for improvement or needed changes concerning the provision of services to children who are at risk of abuse or neglect, and are in State or institutional custody or receive child protective or permanency services by State agencies and State-funded private entities.

The annual report shall be made available to the public.

197. Section 76 of P.L.2005, c.155 (C.52:27EE-76) is amended to read as follows:

C.52:27EE-76 Office of the Child Advocate; disclosure; confidentiality.

76. Office of the Child Advocate; disclosure; confidentiality.

a. The child advocate shall make public its findings of investigation reports or other studies undertaken by the office, including its investigatory findings to complaints received pursuant to section 70 of this act, and shall forward any publicly reported findings to the Governor, the Legislature, the Public Advocate, the Commissioners of Human Services and Children and Families, the affected public agencies and the Governor's Cabinet for Children.

b. The child advocate shall not disclose:

(1) any information that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of a person who filed a complaint or which may compromise the integrity of a State or

county department or agency investigation, civil or criminal investigation or judicial or administrative proceeding; and

(2) the name of or any other information identifying the person who filed a complaint with, or otherwise provided information to, the office without the written consent of that person.

The information subject to the provisions of this subsection shall not be considered a public record pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. The child advocate shall not disclose any information that may be deemed confidential by federal or State law, except when necessary to allow the Department of the Public Advocate, Department of Human Services, Department of Children and Families, Attorney General, Juvenile Justice Commission and other State or county department or agency to perform its duties and obligations under the law.

198. Section 6 of P.L.2005, c.370 (C.52:27G-37) is amended to read as follows:

C.52:27G-37 Criminal background checks for professional guardians.

6. a. Upon receipt of an application for registration as a professional guardian, the Office of the Public Guardian for Elderly Adults is authorized to determine whether criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division or in the State Bureau of Identification in the Division of State Police that would disqualify the person from being registered as a professional guardian.

The Office of the Public Guardian for Elderly Adults is authorized to access the child abuse registry in the Department of Children and Families and the domestic violence central registry in the Administrative Office of the Courts.

A person shall be disqualified from registration if the person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.;

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.;

(c) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes, or fraud relating to any health care plan or program as set

forth in section 15 of P.L.1989, c.300 (C.2C:21-4.1), sections 2 and 3 of P.L.1997, c.353 (C.2C:21-4.2 and 2C:21-4.3), P.L.1999, c.162 (C.2C:21-22.1) or section 17 of P.L.1968, c.413 (C.30:4D-17); or

(d) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

A person shall also be disqualified from registration if a check of the child abuse registry reveals that the person has a history of child abuse.

In a case in which a check of the domestic violence central registry reveals that the person has a history of domestic violence, the public guardian shall review the record with respect to the type and date of the criminal offense or the provisions and date of the final domestic violence restraining order and make a determination as to the suitability of the person to be a registered professional guardian.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, no person shall be disqualified from registration on the basis of any conviction disclosed by a criminal history record background check performed pursuant to this act if the person has affirmatively demonstrated to the public guardian clear and convincing evidence of the applicant's rehabilitation. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) the nature and responsibility of the position which the person would hold, has held or currently holds, as the case may be;

(2) the nature and seriousness of the offense;

(3) the circumstances under which the offense occurred;

(4) the date of the offense;

(5) the age of the person when the offense was committed;

(6) whether the offense was an isolated or repeated incident;

(7) any social conditions which may have contributed to the offense; and

(8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, work history, or the recommendation of those who have had the person under their supervision.

c. If a person refuses to consent to, or cooperate in, the securing of a criminal history record background check, the public guardian shall not register that person as a professional guardian and shall notify the person of that denial.

199. Section 7 of P.L.2005, c.370 (C.52:27G-38) is amended to read as follows:

C.52:27G-38 Information provided for background checks.

7. a. A person who is required to undergo a criminal history record background, child abuse registry and domestic violence central registry check pursuant to section 6 of this act shall submit to the public guardian his name, address and fingerprints, in accordance with the applicable State and federal laws, rules and regulations. The Office of the Public Guardian is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required pursuant to this act.

b. Upon receipt of the criminal history record information for a person from the Federal Bureau of Investigation or the Division of State Police, the public guardian shall, within a reasonable time, notify the person in writing of his qualification or disqualification for registration under this act. If the person is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the notice to the person.

c. Upon receipt of the information for a person from the child abuse registry in the Department of Children and Families or the domestic violence central registry in the Administrative Office of the Courts, the public guardian shall, within a reasonable time, notify the person in writing of his qualification or disqualification for registration under this act. If the person is disqualified, the incident or incidents which constitute the basis for the disqualification shall be identified in the notice to the person.

d. The person has a right to be heard by the Office of the Public Guardian for Elderly Adults, within 30 days from the date of the written notice of disqualification, on the accuracy of his criminal history record, child abuse registry or domestic violence central registry information or to establish his rehabilitation under subsection b. of section 6 of this act. Upon the issuance of a final decision by the public guardian, pursuant to this subsection, the Office of the Public Guardian for Elderly Adults shall notify the person as to whether he remains disqualified. A person disputing an adverse determination by the Office of the Public Guardian for Elderly Adults may file with the Office of Administrative Law for an administrative hearing.

200. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read as follows:

C.53:1-20.6 Rules, regulations concerning dissemination of information; fees.

2. a. The Superintendent of State Police, with the approval of the Attorney General, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations authorizing the dissemination, by the State Bureau of Identification, of criminal history record background information requested by State, county and local government agencies, including the Division of State Police, in noncriminal matters, or requested by individuals, nongovernmental entities or other governmental entities whose access to such criminal history record background information is not prohibited by law. A fee not to exceed $30 shall be imposed for processing fingerprint identification checks; a fee not to exceed $18 shall be imposed for processing criminal history name search identification checks. These fees shall be in addition to any other fees required by law. In addition to any fee specified herein, a nonrefundable fee, the amount of which shall be determined by the Superintendent of State Police, with the approval of the Attorney General, shall be collected to cover the cost of securing and processing a federal criminal records check for each applicant.

b. State, county and local government agencies, including the Division of State Police, and nongovernmental entities are authorized to impose and collect the processing fee established pursuant to subsection a. of this section from the person for whom the criminal history record background check is being processed or from the party requesting the criminal history record background check. The Superintendent of State Police shall provide this processing service without the collection of fees from the applicants in processing background checks of prospective resource family parents or members of their immediate families. In such cases, the Department of Children and Families shall be responsible for paying the fees imposed pursuant to subsection a. of this section. Nothing in this section shall prohibit the Superintendent of State Police, with the approval of the Attorney General, from providing this processing service without the collection of fees from the applicant in other circumstances which in his sole discretion he deems appropriate, if the applicants would not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers. In those circumstances where the Superintendent of State Police, with the approval of the Attorney General, determines to provide this processing service without the collection of fees to the individual applicants, the superintendent may assess the fees for providing this service on behalf of the applicants to any department of State, county or municipal government which is responsible for operating or overseeing that volunteer

program. The agencies shall transfer all moneys collected for the processing fee to the Division of State Police.

201. Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to read as follows:

C.53:1-20.9b Exchange of fingerprint data, information; determination; challenge.

8. a. The Commissioner of Children and Families is authorized to exchange fingerprint data with, and to receive information from, the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation.

Upon receipt of the criminal history record information for an applicant or staff member of a child care center from the Federal Bureau of Investigation and the Division of State Police, the Department of Children and Families shall notify the applicant or staff member, as applicable, and the child care center, in writing, of the applicant's or staff member's qualification or disqualification for employment or service under P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff member is disqualified, the convictions that constitute the basis for the disqualification shall be identified in the written notice to the applicant or staff member. The applicant or staff member shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, the Department of Children and Families shall notify the center that the applicant or staff member has been disqualified from employment.

b. The Division of State Police shall promptly notify the Department of Children and Families in the event an applicant or staff member who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the Department of Children and Families shall make a determination regarding the employment of the applicant or staff member.

202. Section 7 of P.L.2003, c.186 (C.53:1-20.9d) is amended to read as follows:

C.53:1-20.9d Exchange of fingerprint data, criminal history record information on residential child care staff.

7. a. The Commissioner of Children and Families is authorized to exchange fingerprint data with, and to receive criminal history record infor-

mation from, the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation.

Upon receipt of the criminal history record information for an applicant or staff member of a residential child care facility from the Federal Bureau of Investigation and the Division of State Police, the Department of Children and Families shall notify the applicant or staff member, as applicable, and the residential child care facility, in writing, of the applicant's or staff member's qualification or disqualification for employment or service under section 4 or 5 of P.L.2003, c.186 (C.30:4C-27.19 or C.30:4C-27.20). If the applicant or staff member is disqualified, the convictions that constitute the basis for the disqualification shall be identified in the written notice to the applicant or staff member. The applicant or staff member shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, the department shall notify the facility that the applicant or staff member has been disqualified from employment.

b. The Division of State Police shall promptly notify the Department of Children and Families in the event an applicant or staff member, who was the subject of a criminal history record background check conducted pursuant to subsection a. of this section, is convicted of a crime or offense in this State after the date the background check was performed. Upon receipt of such notification, the department shall make a determination regarding the employment of the applicant or staff member.

C.9:3A-7.1 Regulations for implementing provisions of act establishing the department.

203. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Children and Families may, with the approval of the Governor, 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 six 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.).

Repealer.

204. The following are repealed:

Section 7 of P.L.1998, c.19 (C.9:6-8.105);

Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-4);

Section 2 of P.L.2004, c.130 (C.30:4C-2.2); and
P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6).

205. This act shall take effect July 1, 2006 and, if enacted after that date, shall be retroactive to July 1, 2006.

Approved July 11, 2006.

CHAPTER 48

AN ACT concerning the use of tanning facilities by minors and amending and supplementing P.L.1989, c.234.

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

C.26:2D-82.1 Restrictions on use of tanning facilities by minors.

1. a. A tanning facility operator shall not permit a person who is under 14 years of age to use a tanning facility.

b. A tanning facility operator shall not permit a person who is at least 14 but less than 18 years of age to use a tanning facility without written authorization of the person's parent or legal guardian indicating that such parent or guardian has read and understood the safety standards and warnings required pursuant to section 3 of P.L.1989, c.234 (C.26:2D-83). An emancipated minor shall be exempt from the authorization requirement of this subsection upon legal proof documenting said emancipation.

c. The Commissioner of Health and Senior Services shall establish by regulation:

(1) the contents required in the authorization form;

(2) the method for maintaining a record of the forms; and

(3) the frequency with which the forms shall be authorized or reauthorized.

d. The penalties for violating the provisions of this section shall be as provided in section 7 of P.L.1989, c.234 (C.26:2D-87).

2. Section 3 of P.L.1989, c.234 (C.26:2D-83) is amended to read as follows:

C.26:2D-83 Minimum safety standards for tanning facilities established.

3. The Commissioner of Health and Senior Services, in consultation

with the Commissioner of Environmental Protection, shall, by regulation, establish minimum safety standards for tanning facilities. The standards shall include, but not be limited to:

a. Establishment of a maximum safe time of exposure to radiation and a maximum safe temperature at which tanning devices may be operated;

b. A requirement that a patron at a tanning facility wear protective eye glasses when using tanning equipment and that a patron be supervised as to the length of time the patron uses tanning equipment at the facility;

c. A requirement that the facility operator post easily legible, permanent warning signs near the tanning equipment which state: "DANGER-ULTRAVIOLET RADIATION FOLLOW ALL INSTRUCTIONS";

d. A requirement that the facility have protective shielding for tanning equipment in the facility; and

e. A requirement that the facility operator post a sign in conspicuous view at or near the reception area which states: "PERSONS UNDER AGE 14 SHALL NOT BE PERMITTED TO USE THIS TANNING FACILITY. PERSONS BETWEEN 14 AND 18 YEARS OF AGE SHALL NOT BE PERMITTED TO USE THIS TANNING FACILITY WITHOUT WRITTEN AUTHORIZATION OF A PARENT OR LEGAL GUARDIAN."

3. Section 5 of P.L.1989, c.234 (C.26:2D-85) is amended to read as follows:

C.26:2D-85 "Non-Ionizing Radiation Fund" established in DHSS.

5. There is established in the Department of Health and Senior Services a nonlapsing revolving fund known as the "Non-Ionizing Radiation Fund." The fund shall be credited with all fees collected pursuant to this act. Interest on monies in the fund shall be credited to the fund, and all monies in the fund are appropriated for the purposes of this act.

4. Section 6 of P.L.1989, c.234 (C.26:2D-86) is amended to read as follows:

C.26:2D-86 Tanning facility; annual registration, fee.

6. a. A tanning facility shall register annually with the Department of Health and Senior Services on forms provided by the department and shall pay to the department an annual registration fee.

b. The Department of Health and Senior Services shall establish a registration fee schedule, by regulation, to cover the costs of implementing

the provisions of this act, including the costs incurred by local boards of health pursuant to section 4 of this act.

5. Section 7 of P.L.1989, c.234 (C.26:2D-87) is amended to read as follows:

C.26:2D-87 Violations, penalties.

7. A person who violates the provisions of this act is subject to a penalty of $100 for the first offense and $200 for each subsequent offense. The penalty shall be sued for and collected in a court of competent jurisdiction in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

A penalty recovered under the provisions of this act shall be recovered by and in the name of the Commissioner of Health and Senior Services or by and in the name of the local board of health. When the plaintiff is the Commissioner of Health and Senior Services the penalty recovered shall be paid by the commissioner into the treasury of the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board of health into the treasury of the municipality where the violation occurred.

6. Section 8 of P.L.1989, c.234 (C.26:2D-88) is amended to read as follows:

C.26:2D-88 Rules, regulations.

8. In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, shall promulgate rules and regulations necessary to carry out the purposes of this act.

7. This act shall take effect on the 120th day following enactment.

Approved July 19, 2006.

CHAPTER 49

AN ACT concerning surrender charges for certain individual deferred annuities and amending P.L.2005, c.194.

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

1. Section 8 of P.L.2005, c.194 (C.17B:25-28) is amended to read as follows:

C.17B:25-28 Determination of benefits.

8. a. For the purpose of determining the benefits calculated under sections 6 and 7 of this act, in the case of annuity contracts for which the maturity date is stated, that maturity date shall not be after the later of: (1) the anniversary of the contract next following the annuitant's seventieth birthday; or (2) the tenth anniversary of the contract. In the case of annuity contracts under which an election may be made to have annuity payments begin at optional maturity dates, the maturity date shall be deemed to be the latest date for which election is permitted by the contract, but shall not be deemed to be later than the latest date permitted for an annuity contract with a stated maturity date.

b. The amount of benefits calculated under sections 6 and 7 of this act on or after the stated or deemed maturity date shall not be reduced by any surrender charge. The amount of the benefits calculated under sections 6 and 7 of this act on or after the stated or deemed maturity date shall not be less than the greater of: (1) the present value of annuity benefits available on or after the maturity date, computed according to the assumptions stated in section 5 of this act; or (2) the amount available on or after the maturity date to be applied to the purchase of an annuity on a basis stated in a contract.

c. Contracts providing for flexible considerations may have separate surrender charge schedules associated with each consideration, provided that the nonforfeiture values are at least as great as they would be if each consideration had been a separate single consideration contract based on the requirements of subsection a. of section 4 of this act. For the purpose of determining the maturity date, the tenth anniversary of the contract shall be determined separately for each consideration.

d. (1) The difference between an annuity contract's greater present value, utilized for determining any paid-up annuity benefit, and referred to as the contract's accumulation value, and its lesser present value, utilized when an annuitant withdraws from the contract, and referred to as the contract's withdrawal value, on or after the date of maturity, shall not be considered to be a surrender charge for the purposes of this section if:

(a) the accumulation value of the contract:

(i) is never available in a lump sum, and is paid out in substantially equal payments over a period of not less than five years or the surviving lifetime of the annuitant's life, whichever period is shorter; and

(ii) for the contract period prior to the date of maturity and during the period, on or after the date of maturity, of any annuity payments, credits a fixed rate of at least 1% more than the rate credited to the withdrawal value, or credits a rate that provides substantive participation in an equity indexed benefit with an estimated expected value of at least 1% more than the rate credited to the withdrawal value; and

(b) the separately defined withdrawal value of the contract:

(i) equals, at maturity, not less than the minimum value of the contract as defined in section 4 of P.L.2005, c.194 (C.17B:25-24), plus any premium load; and

(ii) accumulates, from maturity and later, at the minimum rate as defined in section 4 of P.L.2005, c.194 (C.17B:25-24).

(2) For the purpose of this subsection, the Department of Banking and Insurance may approve other methods of providing enhanced value to the accumulation value of a contract in comparison to the withdrawal value of the contract. Any method approved by the department shall be reasonably determined to provide an enhanced value to the contract's accumulation value which is at least as favorable to the contract holder as the accumulation value provided by the provisions of this subsection.

The provisions of this section shall apply notwithstanding section 1 of P.L.2001, c.237 (C.17B:25-18.4), shall take precedence over that section of law, and shall apply to annuity contracts regardless of whether the requirements of that section have been met.

2. This act shall take effect immediately.

Approved July 20, 2006.

CHAPTER 50

AN ACT concerning bond coverage for certain local government officers and employees, and amending P.L.1967, c.283, N.J.S.40A:5-36, N.J.S.40A:5-38, and N.J.S.40A:5-39.

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

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

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

1. The board of chosen freeholders of any county or the governing body of any municipality, as the case may be, may provide by blanket bond for the bonding of certain county or municipal officers and employees for faithful performance and discharge of their duties. Blanket bond coverage may be by one or more blanket bonds issued by a surety company or companies or one or more underwriters or by a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.) of which the county or municipality is a member. Blanket bond coverage may be provided by a surety company or companies or one or more underwriters in lieu of an individual bond as to any officer or employee required by law to be bonded, except treasurers and tax collectors, by whatever title known, and except municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs. Blanket bond coverage may be provided by a joint insurance fund in lieu of an individual bond as to any officer or employee required by law to be bonded, including treasurers and tax collectors, by whatever title known, and municipal court judges and administrators, provided the blanket bond meets the requirements for the individual bond in amount, rights of cancellation, and the governmental agencies in whose favor it runs.

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

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

Protection to be afforded by bond.

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

3. N.J.S.40A:5-38 is amended to read as follows:

Rules and regulations.

40A:5-38. The Local Finance Board may prescribe rules and regulations pertaining to the bonds of municipal court judges and municipal court administrators consistent with the rules of administration applicable to the municipal courts. Notwithstanding any other provision of law, the Local Finance Board shall, in accordance with a classification system established by said board, determine and fix the minimum amount of any official bond which may be required of a municipal court judge or administrator of a municipal court.

4. N.J.S.40A:5-39 is amended to read as follows:

Fixing of bond in excess of minimum amount.

40A:5-39. The governing body of any municipality authorized by law to fix the amount of any bond given by a municipal court judge or administrator of a municipal court may fix such amount in excess of the minimum prescribed by the local finance board.

5. This act shall take effect immediately.

Approved July 20, 2006.

CHAPTER 51

AN ACT authorizing the State Treasurer to sell as surplus property the land and improvements known as the North Princeton Developmental Center to Montgomery Township in Somerset County.

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

1. a. The Department of the Treasury is authorized to sell and convey all of the State's interest in the 256.51+ acres of land and improvements thereon, that have been declared surplus to the needs of the State, known as the North Princeton Developmental Center in Montgomery Township, Somerset County, designated as Block 26001, Lot 1 on the tax map of the township. The Department of the Treasury is authorized to sell and convey all of the State's interest in the wastewater treatment facility and all its ap-

purtenances on a portion of Block 27001, Lot 7 on the tax map of Montgomery Township, Somerset County, including the land on which the facility is situated and the improvements thereon, that has been declared surplus to the needs of the State. The Department of the Treasury is authorized also to grant easements for a right of access to the wastewater treatment facility on a portion of Block 27001, Lot 7 and related sewage infrastructure within the North Princeton Developmental Center Property and to the main sanitary sewage influent line from Block 26001, Lot 1, and to grant any other sewer or utility easement on Block 27001, Lot 7, including an easement to allow the wastewater treatment facility to discharge into the Bedens Brook.

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

2. This act shall take effect immediately.

Approved July 20, 2006.

CHAPTER 52

AN ACT concerning the leasing of farmland owned by a county or municipality and amending and supplementing P.L.1971, c.199.

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

1. Section 14 of P.L.1971, c.199 (C.40A:12-14) is amended to read as follows:

C.40A:12-14 Leasing of county or municipal real property, capital improvements or personal property.

14. Any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and except as otherwise provided by law, all such leases shall be made in the manner provided by this section.

(a) In the case of a lease to a private person, except for a lease to a private person for a public purpose as provided in subsection (j) of section 15 of P.L.1971, c.199 (C.40A:12-15) or for agricultural or horticultural use as provided in section 2 of P.L.2006, c.52 (C.40A:12-14.1), said lease shall be made to the highest bidder by open public bidding at auction or by submission of sealed bids. Advertisement of the method of bidding shall be published in a newspaper circulating in the municipality or municipalities in which the leasehold is situated by two insertions at least once a week during two consecutive weeks; the lease publication to be not earlier than seven days prior to the letting of the lease. The governing body may, by resolution, fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the letting of the lease and public notice thereof shall be given of the time of the letting of the lease. Such resolution may provide that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected. It shall also set out the conditions, restrictions and limitations upon the tenancy subject to the lease. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the completion of the bidding, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without readvertising.

(b) In the case of a lease to a public body, the lease may be upon such terms and conditions and for nominal or other consideration as the governing body of the county or municipality shall approve by ordinance or resolution.

(c) In the case of a lease to a nonprofit corporation or association for a public purpose, the lease shall be authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, and may be for nominal or other consideration. Said authorization shall include the nominal or other consideration for the lease; the name of the corporation or corporations who shall be the lessees; the public purpose served by the lessee; the number of persons benefiting from the public purpose served by the lessee, whether within or without the municipality in which the leasehold is located; the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease. Said ordinance or resolution shall also require any nonprofit corporation holding a lease for a public purpose pursuant to this section, to annually submit a report to the officer, employee or agency designated by the governing body, setting out the use

to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

(d) In the case of a lease to a housing corporation or resident first-time homebuyer for the public purposes, and pursuant to the provisions of P.L.1983, c.335 (C.55:18-1 et seq.), the lease shall be authorized by ordinance by a municipality.

C.40A:12-14.1 Lease of certain farmland to prior lessee.

2. Whenever a county or municipality acquires real property that, immediately prior to acquisition, was leased from the prior owner by a private person for agricultural or horticultural use, and the county or municipality determines that, until such time as the real property is needed for public use, the temporary continuance of the private agricultural or horticultural use would not compromise that public use, it may lease the real property to the prior lessee for agricultural or horticultural use for such period, consideration, and other terms and conditions as shall be mutually agreed upon.

3. This act shall take effect immediately.

Approved July 20, 2006.

CHAPTER 53

AN ACT concerning employer communications to employees about religious and political matters.

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

C.34:19-9 Definitions relative to employer communications on religious, political matters to employees.

1. For the purposes of this act:

"Employer" means a person engaged in business who has employees, including the State and any political subdivision or other instrumentality of the State.

"Employee" means any person engaged in service to an employer for wages, salary or other compensation.

"Political matters" include political party affiliation and decisions to join or not join or participate in any lawful political, social, or community organization or activity.

C.34:19-10 Required participation by employee in meetings, communications prohibited; exception.

2. No employer or employer's agent, representative or designee may, except as provided in section 3 of this act, require its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

This act shall not be construed as prohibiting an employer from permitting its employees to voluntarily attend employer-sponsored meetings or providing other communications to the employees, if the employer notifies the employees that they may refuse to attend the meetings or accept the communications without penalty.

C.34:19-11 Permitted communication about religious, political matters.

3. a. An employer or its agent, representative or designee may communicate to employees information about religious or political matters that the employer is required by law to communicate, but only to the extent required by law.

b. Nothing in this act shall prohibit:

(1) A religious organization from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's religious beliefs, practices or tenets;

(2) A political organization or party from requiring its employees to attend an employer-sponsored meeting or to participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's political tenets or purposes; or

(3) An educational institution from requiring a student or instructor to attend lectures on political or religious matters that are part of the regular course work at the institution.

C.34:19-12 Retaliation against complaining employee prohibited.

4. No employer or employer's agent, representative or designee shall discharge, discipline or otherwise penalize or threaten to discharge, disci-

pline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, makes a good faith report, verbally or in writing, of a violation or suspected violation of this act.

C.34:19-13 Civil action by aggrieved employee.

5. Any aggrieved employee may enforce the provisions of this act by means of a civil action brought no later than ninety days after the date of the alleged violation in a court of competent jurisdiction. The court shall award a prevailing employee all appropriate relief, including any of the following which are applicable to the violation:

a. A restraining order against any continuing violation;

b. The reinstatement of the employee to the employee's former position or an equivalent position and the reestablishment of any employee benefits and seniority rights;

c. The payment of any lost wages, benefits or other remuneration; and

d. The payment of reasonable attorneys' fees and costs of the action.

In addition, the court may award the prevailing employee punitive damages not greater than treble damages, or an assessment of a civil fine of not more than $1,000 for a first violation of the act and not more than $5,000 for each subsequent violation, which shall be paid to the State Treasurer for deposit in the General Fund.

C.34:19-14 Construction of act.

6. Nothing in this act shall be construed to limit an employee's right to bring a common law cause of action against an employer for wrongful termination or to diminish or impair the rights of a person under any collective bargaining agreement.

7. This act shall take effect immediately.

Approved July 26, 2006.

CHAPTER 54

AN ACT concerning corrections officers, sheriff's officers, New Jersey Transit police officers, and certain firefighters, and supplementing chapters 4 and 8 of Title 30 of the Revised Statutes, chapter 9 of Title 40A of the New Jersey Statutes, and chapter 25 of Title 27 of the Revised Statutes.

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

C.30:8-18.2 Applicability of "45-day" rule for violation of internal rules to county corrections officers.

1. A person shall not be removed from employment or a position as a county corrections officer, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the county corrections department, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a county corrections officer for a violation of the internal rules and regulations of the county corrections department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a county corrections officer shall not apply to a filing of a complaint by a private individual.

C.40A:9-117.6a Applicability of "45-day" rule for violation of internal rules to sheriff's officers.

2. A person shall not be removed from employment or a position as a sheriff's officer, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the sheriff's department unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a sheriff's officer for a violation of the internal rules and regulations of the sheriff's department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a sheriff's officer shall not apply to a filing of a complaint by a private individual.

C.27:25-15.1c Applicability of "45-day" rule for violation of internal rules to NJ Transit police officers.

3. A person shall not be removed from employment or a position as a police officer of the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1), or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the New Jersey Transit Police Department, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a police officer for a violation of the internal rules and regulations of the New Jersey Transit Police Department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a police officer of the New Jersey Transit Police Department shall not apply to a filing of a complaint by a private individual.

C.40A:14-28.1 Applicability of "45-day" rule for violation of internal rules to paid members of fire departments.

4. A person shall not be removed from employment or a position as a paid member of a paid or part-paid fire department or force, whether that department or force be created, established and maintained by a municipality, fire district, regional entity, county, authority or the State, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the department or force, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation by the fire department or force for a violation of the internal rules and regulations of the department or force is included directly or indirectly within a concurrent investigation of that member of the department or force for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation.

The 45-day requirement in this section for the filing of a complaint against a member of the department or force shall not apply to a filing of a complaint by a private individual.

C.30:4-3.11a Applicability of "45-day" rule for violation of internal rules to State corrections officers.

5. A person shall not be removed from employment or a position as a State corrections officer, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the Department of Corrections, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a State corrections officer for a violation of the internal rules and regulations of the Department of Corrections is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a State corrections officer shall not apply to a filing of a complaint by a private individual.

6. This act shall take effect immediately, and any administrative action subject to the provisions of this act which is pending on the effective date shall be concluded within 45 days following that effective date.

Approved July 28, 2006.

CHAPTER 55

AN ACT concerning child-protection window guards and amending and supplementing P.L.1995, c.120.

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

1. Section 1 of P.L.1995, c.120 (C.55:13A-7.12) is amended to read as follows:

C.55:13A-7.12 Definitions relative to child-protection window guards.

1. As used in this act:

"child-protection window guard" or "window guard" means a bar, screen or grille assembly designed to be installed in a window for the purpose of preventing accidental fall or ejection of a child through the window. It shall be so designed, constructed and installed that no person of the age of 10 years or younger may through accident, ignorance or inadvertence, remove, open or dislodge it so as to permit such fall or ejection. Such window guards shall conform to specifications developed by the commissioner regarding design, construction and installation so as to accomplish the purpose of this act. A municipality may adopt standards that afford tenants greater protections than are provided pursuant to the commissioner's specifications.

The commissioner's specifications for double hung windows shall ensure that window guards protect the full openable area of each lower window. The specifications shall provide that all window guards shall be designed and installed as to ensure that any space between the lowest section of the top horizontal bar of the window guard and the bottom of the upper sash is less than four inches. Installation of rigid metal stops in the upper tracks of a bottom window or other attempts to limit the ability to raise the bottom window shall not be an acceptable method of satisfying the specifications provided for in this section. Window stops may be utilized as a safety enhancement when used in addition to installed window guards.

"common interest community" means a horizontal property regime, condominium, cooperative, or mutual housing corporation in which some of the property, known as common elements, is owned as tenants-in-common by all of the property owners.

"unit owners' association" means the association organized for the purpose of management of the common elements and facilities of a common interest community.

2. Section 2 of P.L.1995, c.120 (C.55:13A-7.13) is amended to read as follows:

C.55:13A-7.13 Installation of window guards, maintenance, violations, penalties.

2. a. (1) Except as provided in subsection b. of this section, the owner, lessor, agent or other person who manages or controls a multiple dwelling, other than a multiple dwelling which is part of a common interest community, shall, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or will reside or are regularly present for a substan-

tial period of time, provide, install and maintain approved child-protection window guards on the windows of the dwelling unit and on any windows in the public halls of a multiple dwelling in which any child or children of such age reside or are regularly present for a substantial period of time.

(2) (a) Except as provided in subsection b. of this section, the owner, lessor, agent or other person who controls a unit of dwelling space in a multiple dwelling within a common interest community, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, shall provide, install and maintain child-protection window guards on the windows of the unit.

(b) The owner, lessor, agent or other person who controls a unit of dwelling space in a multiple dwelling within a common interest community shall provide written notice to the unit owners' association whenever a tenant of a unit, in which a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, has requested that child-protection window guards be installed on the windows in the common areas of the common interest community.

(3) (a) Except as provided in subsection b. of this section, upon the written request of an owner or an occupant of a dwelling unit of a multiple dwelling within a common interest community, in which dwelling unit a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, the unit owners' association shall install and maintain child-protection window guards on the windows which are determined to be in common areas of the community property and maintained by the association.

(b) A unit owners' association shall not adopt or seek to enforce any restrictions or architectural controls which would prohibit or impede the installation of a window guard in compliance with P.L.1995, c.120 (C.55:13A-7.12 et seq.).

b. (1) The requirements of subsection a. of this section shall apply to all windows, except those windows which give access to a fire escape, which are not designed to open, or which are on the first floor; provided, however, that the requirements of subsection a. of this section shall apply to first floor windows in such circumstances as the commissioner may provide by rule.

(2) The requirements of subsection a. of this section shall not apply to seasonal rental units. "Seasonal rental unit" means 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, but shall not include

use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed. The owner, lessor, agent or other person who controls a dwelling unit shall have the burden of proving that the rental is seasonal.

c. Any child-protection window guard installed pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) shall conform to the requirements of the State Uniform Construction Code with respect to means of emergency egress, and a window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. Window guards installed on all other windows shall be designed, constructed, and installed so that they may not deliberately or through accident, ignorance or inadvertence, be removed, opened, or dislodged without the use of a key or tool.

d. (1) Upon installation of a child-protection window guard in a dwelling unit, and annually thereafter, the owner, lessor, agent or other person who manages and controls that dwelling unit shall provide the tenant with an orientation concerning the safe use and manipulation of window guards in accordance with guidelines established by the Commissioner of Community Affairs pursuant to section 5 of P.L.1995, c.120 (C.55:13A-7.16).

(2) Upon installation of a child-protection window guard in the common areas of a multiple dwelling, and annually thereafter, the owner, lessor, unit owners' association, agent or other person who manages and controls the common areas of the multiple dwelling shall provide the occupants of the multiple dwelling with an orientation concerning the safe use and manipulation of window guards in accordance with guidelines established by the Commissioner of Community Affairs pursuant to section 5 of P.L.1995, c.120 (C.55:13A-7.16).

e. At least twice annually, the owner, lessor, unit owners' association, agent or other person who manages and controls a unit of dwelling space in a multiple dwelling, the common areas of the multiple dwelling, or both, in which child protection window guards have been installed, shall inspect each such window guard under their control to ensure that it remains sound and in conformance with the provisions of P.L.1995, c.120 (C.55:13A-7.12 et seq.), and shall enter a record of such inspection in a log, which shall be maintained as a permanent record so long as the window guard remains installed, and for five years thereafter, and which shall be available upon request to the department or its duly authorized representative.

f. A tenant or unit owner may file a complaint with the commissioner for the failure to comply with the provisions of P.L.1995, c.120 (C.55:13A-

7.12 et seq.). The commissioner shall investigate complaints within a reasonable time period. The commissioner may impose penalties authorized under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) for violations concerning the installation of child-protection window guards and may institute a criminal complaint for a repeat conviction after the imposition of a $5,000 civil penalty for a continuing violation pursuant to section 19 of P.L.1967, c.76 (C.55:13A-19).

g. To the extent that a violation of P.L.1995, c.120 (C.55:13A-7.12 et seq.) has occurred within a rental unit in a common interest community, such violation shall be noticed to, and resultant penalties imposed upon, the unit owner of such rental unit and not the unit owners' association.

h. To the extent that a violation of P.L.1995, c.120 (C.55:13A-7.12 et seq.) has occurred within the common areas of a common interest community, such violation shall be noticed to, and resultant penalties imposed upon, the unit owners' association.

3. Section 3 of P.L.1995, c.120 (C.55:13A-7.14) is amended to read as follows:

C.55:13A-7.14 Leases, required notices advising of availability; delivery, posting.

3. a. All leases offered to tenants in multiple dwellings shall contain a notice, conspicuously set forth therein in prominent boldface type, advising tenants and prospective tenants of the availability of window guards under P.L.1995, c.120 (C.55:13A-7.12 et seq.) and the need for a tenant to request in writing the installation of window guards. In the case of a cooperative, as defined in P.L.1987, c.381 (C.46:8D-1 et seq.), formed prior to the effective date of P.L.2006, c.55 (C.55:13A-7.12a et al.), the notice required by this subsection shall not be required in proprietary leases.

b. (1) At the time of lease signing, the owner, lessor, agent or other person who manages or controls a unit of dwelling space in a multiple dwelling shall verbally inform the tenant of the tenant's right to request the installation of window guards under P.L.1995, c.120 (C.55:13A-7.12 et seq.). Verification that this verbal notice was provided and understood shall be set forth in a written document, aside from the lease document itself, which written document shall acknowledge that the tenant was made aware of the right to request the installation of window guards and which shall be signed by both the tenant and the owner, lessor, agent or other person who manages or controls the unit of dwelling space.

(2) (a) The owner, lessor, agent or other person who manages or controls a multiple dwelling unit or a rental unit within a common interest community shall cause to be delivered to each dwelling unit so managed or controlled, twice annually, a notice, in form and manner prescribed by the commissioner, advising occupants of the obligation of the said owner, lessor, agent or other person to install child-protection window guards pursuant to section 2 of P.L.1995, c.120 (C.55:13A-7.13). For the purposes of this section, an owner of a rental unit located within a common interest community, and not the unit owners' association, shall be deemed to be the managing agent of that rental unit. A lease provision notifying a tenant of the availability of window guards may satisfy one of the notice requirements of this subparagraph.

(b) The owner, lessor, unit owners' association, agent or other person who manages or controls the common areas of a multiple dwelling shall cause to be delivered to each dwelling unit, twice annually, a notice, in form and manner prescribed by the commissioner, advising occupants of the obligation of the said owner, lessor, unit owners' association, agent or other person to install child-protection window guards pursuant to section 2 of P.L.1995, c.120 (C.55:13A-7.13). A lease provision notifying a tenant of the availability of window guards may satisfy one of the notice requirements of this subparagraph.

(3) The owner, lessor, unit owners' association, agent or other person who manages or controls the common areas of a multiple dwelling shall cause to be conspicuously posted and prominently displayed in the common areas of that dwelling a notice advising the occupants of the obligation of the owner, lessor, unit owners' association, agent or other person to install child-protection window guards pursuant to section 2 of P.L.1995, c.120 (C.55:13A-7.13) and advising tenants to check their window guards on a regular basis and to report any problems or concerns to the owner, lessor, unit owners' association, agent or other person who manages or controls the multiple dwelling.

c. Notwithstanding any municipal ordinance to the contrary, expenditures not exceeding $20 per window guard installed in a dwelling unit that are made pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) may be passed on to the tenant who requested installation of the window guard.

4. Section 4 of P.L.1995, c.120 (C.55:13A-7.15) is amended to read as follows:

C.55:13A-7.15 Noninterference with window guards; removal, certain.

4. No tenant or occupant of a multiple dwelling unit, or any other person, shall obstruct or interfere with the installation of child-protection window guards required under section 2 of P.L.1995, c.120 (C.55:13A-7.13), nor shall any person remove or otherwise render ineffective such window guards; provided, however, that the owner or the representative of the owner may remove window guards from an unoccupied unit or, with the consent of the tenant, from a unit in which no child 10 years of age or under resides or is regularly present for a substantial period of time; and provided, further, that the owner or the representative of the owner shall remove window guards when requested to do so by the tenant in writing.

5. Section 5 of P.L.1995, c.120 (C.55:13A-7.16) is amended to read as follows:

C.55:13A-7.16 Rules, regulations; guidelines for use, orientation programs.

5. a. The commissioner is hereby authorized to make and promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), all regulations necessary to carry out P.L.1995, c.120 (C.55:13A-7.12 et seq.), including, but not limited to, regulations regarding the design, construction, and installation of window guards. The commissioner shall promulgate model forms and lease provisions for the notices required to be provided pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) and specifications for inspections and log-keeping requirements.

b. The commissioner shall establish guidelines for orientation programs designed to educate tenants about the safe use and manipulation of window guards and their rights concerning child-protection window guards pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) and ensure that an orientation program is offered annually prior to March 1 of each year in the following:

(1) every multiple dwelling of at least four stories in height which was built with public funds or public assistance, or financed, in whole or in part, by a loan guaranteed or insured by the federal government or any agency thereof, including the allocation of low-income tax credits; and

(2) every multiple dwelling of at least four stories in height in which a recipient of State or federal rental assistance resides.

Notice of the orientation program shall be posted in appropriate common areas of the building at least two weeks prior to the date of the program.

6. Section 19 of P.L.1967, c.76 (C.55:13A-19) is amended to read as follows:

C.55:13A-19 Violations, penalties.

19. (a) No person shall

(1) Obstruct, hinder, delay or interfere with, by force or otherwise, the commissioner in the exercise of any power or the discharge of any function or duty under the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.); or

(2) Prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.); or

(3) Render ineffective or inoperative any protective equipment installed, or intended to be installed, in any hotel or multiple dwelling; or

(4) Refuse or fail to comply with any lawful ruling, action, order or notice of the commissioner; or

(5) Violate, or cause to be violated, any of the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.).

(b) Any person who violates, or causes to be violated, any provision of subsection (a) of this section shall be liable to a penalty of not less than $50.00 nor more than $500.00 for each violation, and a penalty of not less than $500.00 nor more than $5,000.00 for each continuing violation. Penalties imposed for violations relating to child-protection window guards pursuant to the provisions of P.L.1995, c.120 (C.55:13A-7.12 et seq.) shall be no less than $100 for each window or incident. Whenever a violator is convicted of knowingly continuing to violate a provision of P.L.1995, c.120 (C.55:13A-7.12 et seq.) relating to child-protection window guards after the imposition of a penalty of $5,000 pursuant to this section, the violator shall be guilty of a crime of the fourth degree. Where any violation of subsection (a) of this section is of a continuing nature, each day during which such continuing violation remains unabated after the date fixed by the commissioner in any order or notice for the correction or termination of such continuing violation, shall constitute an additional, separate and distinct violation, except during the time an appeal from said order may be taken or is pending. The commissioner, in the exercise of his administrative authority pursuant to this act, may levy and collect penalties in the amounts set forth in this section. Where the administrative penalty order has not been satisfied within 30 days of its issuance the penalty may be sued for, and recovered by and in the name of the commissioner 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.) in the Superior Court.

(c) Any person shall be deemed to have violated, or to have caused to be violated, any provision of subsection (a) of this section whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person shall have violated or caused to be violated any of the provisions of subsection (a) of this section.

(d) The commissioner may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to the provisions of this act if the commissioner shall find that any such person has violated, or caused to be violated, any of the provisions of subsection (a) of this section.

(e) Any penalties collected pursuant to this section levied as the result of a violation of subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7) and which occurred pursuant to inspection for lead-based paint hazards shall be deposited in the Lead Hazard Control Assistance fund established pursuant to section 4 of P.L.2003, c.311 (C.52:27D-437.4). Penalties levied as the result of multiple violations shall be allocated to the Lead Hazard Control Assistance fund in such proportion as the commissioner shall prescribe.

C.55:13A-7.12a Short title.

7. P.L.1995, c.120 (C.55:13A-7.12 et seq.) shall be known and may be cited as the "Robert E. Dwight, Jr., Raquan Ellis and Zahir Atkins Memorial Child-Protection Window Guard Law."

8. This act shall take effect immediately.

Approved July 31, 2006.

CHAPTER 56

AN ACT concerning organized retail theft, amending N.J.S.2C:20-11 and supplementing chapter 20 of Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:20-11 is amended to read as follows:

Shoplifting.

a. Definitions. The following definitions apply to this section:

(1) "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store;

(2) "Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale;

(3) "Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof;

(4) "Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor;

(5) "Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require;

(6) "Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation;

(7) "Full retail value" means the merchant's stated or advertised price of the merchandise;

(8) "Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment;

(9) "Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise;

(10) "Antishoplifting or inventory control device countermeasure" means any item or device which is designed, manufactured, modified, or altered to defeat any antishoplifting or inventory control device;

(11) "Organized retail theft enterprise" means any association of two or more persons who engage in the conduct of or are associated for the purpose of effectuating the transfer or sale of shoplifted merchandise.

b. Shoplifting. Shoplifting shall consist of any one or more of the following acts:

(1) For any person purposely to take possession of, carry away, transfer or cause to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or

benefit of such merchandise or converting the same to the use of such person without paying to the merchant the full retail value thereof.

(2) For any person purposely to conceal upon his person or otherwise any merchandise offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the processes, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof.

(3) For any person purposely to alter, transfer or remove any label, price tag or marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof.

(4) For any person purposely to transfer any merchandise displayed, held, stored or offered for sale by any store or other retail merchandise establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the merchant of all or some part of the retail value thereof.

(5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.

(6) For any person purposely to remove a shopping cart from the premises of a store or other retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of permanently depriving the merchant of the possession, use or benefit of such cart.

c. Gradation. (1) Shoplifting constitutes a crime of the second degree under subsection b. of this section if the full retail value of the merchandise is $75,000 or more, or the offense is committed in furtherance of or in conjunction with an organized retail theft enterprise and the full retail value of the merchandise is $1,000 or more.

(2) Shoplifting constitutes a crime of the third degree under subsection b. of this section if the full retail value of the merchandise exceeds $500 but is less than $75,000, or the offense is committed in furtherance of or in conjunction with an organized retail theft enterprise and the full retail value of the merchandise is less than $1,000.

(3) Shoplifting constitutes a crime of the fourth degree under subsection b. of this section if the full retail value of the merchandise is at least $200 but does not exceed $500.

(4) Shoplifting is a disorderly persons offense under subsection b. of

this section if the full retail value of the merchandise is less than $200.

The value of the merchandise involved in a violation of this section may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one scheme or course of conduct, whether from the same person or several persons, or were committed in furtherance of or in conjunction with an organized retail theft enterprise.

Additionally, notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a shoplifting offense shall be sentenced to perform community service as follows: for a first offense, at least ten days of community service; for a second offense, at least 15 days of community service; and for a third or subsequent offense, a maximum of 25 days of community service and any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of imprisonment of not less than 90 days.

d. Presumptions. Any person purposely concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof, and the finding of such merchandise concealed upon the person or among the belongings of such person shall be prima facie evidence of purposeful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

e. A law enforcement officer, or a special officer, or a merchant, who has probable cause for believing that a person has willfully concealed unpurchased merchandise and that he can recover the merchandise by taking the person into custody, may, for the purpose of attempting to effect recovery thereof, take the person into custody and detain him in a reasonable manner for not more than a reasonable time, and the taking into custody by a law enforcement officer or special officer or merchant shall not render such person criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense of shoplifting as defined in this section.

A merchant who causes the arrest of a person for shoplifting, as pro-

vided for in this section, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the merchant has probable cause for believing that the person arrested committed the offense of shoplifting.

f. Any person who possesses or uses any antishoplifting or inventory control device countermeasure within any store or other retail mercantile establishment is guilty of a disorderly persons offense.

C.2C:20-11.2 Leader of organized retail theft enterprise.

2. A person is a leader of an organized retail theft enterprise if he conspires with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of shoplifted merchandise. Leader of organized retail theft enterprise is a crime of the second degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may impose a fine not to exceed $250,000 or five times the retail value of the merchandise seized at the time of the arrest, whichever is greater.

Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of organized retail theft enterprise shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any other offense.

It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attending circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, the amount of merchandise involved, or the amount of cash or currency involved.

It shall not be a defense to a prosecution under this section that any shoplifted merchandise was brought into or transported in this State solely for ultimate distribution in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 57

AN ACT concerning fraternal benefit societies and amending P.L.1997, c.322.

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

1. Section 32 of P.L.1997, c.322 (C.17:44B-32) is amended to read as follows:

C.17:44B-32 Licensure of individual insurance producers; exemption for certain agents, members of fraternal benefit societies, conditions.

32. Individuals acting as insurance producers with respect to societies shall be licensed in accordance with the provisions of the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et al.). Notwithstanding the provisions of this section or of any other law to the contrary, a license as an insurance producer shall not be required of any agent, representative or member of a fraternal benefit society who devotes, or intends to devote, less than 50 percent of his time to the solicitation and procurement of insurance contracts for that fraternal benefit society and who receives, or intends to receive, any commission or other compensation directly dependent on the amount of insurance. Any person who in the preceding calendar year has solicited or procured any of the following contracts of insurance on behalf of a fraternal benefit society shall be presumed to have devoted, or intended to devote, 50 percent of his time to the solicitation or procurement of insurance contracts:

a. Life insurance contracts that, in the aggregate, exceed $200,000 of coverage for all lives insured for the preceding calendar year;

b. A permanent life insurance contract offering more than $10,000 of coverage on an individual life;

c. A term life insurance contract offering more than $50,000 of coverage on an individual life;

d. An insurance contract, other than a life insurance contract, that the fraternal benefit society may write that insures the individual lives of more than 25 persons; or

e. Any variable life insurance or variable annuity contract.

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

Approved August 2, 2006.

CHAPTER 58

AN ACT concerning underground storage tanks, and amending and supplementing P.L.1997, c.235 and P.L.1991, c.123.

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

1. Section 2 of P.L.1997, c.235 (C.58:10A-37.2) is amended to read as follows:

C.58:10A-37.2 Definitions relative to upgrade, remediation, closure of underground storage tanks.

2. As used in this act:

"Applicant" means a person who files an application for financial assistance from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund for payment of eligible project costs of a remediation due to a discharge of petroleum from a petroleum underground storage tank, for payment of eligible project costs of a replacement or closure of a petroleum underground storage tank that is not regulated pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) or 42 U.S.C. s.6991 et seq., and for payment of eligible project costs of an upgrade or closure of a regulated tank;

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Closure" means the proper closure or removal of a petroleum underground storage tank necessary to meet all regulatory requirements of federal, State, or local law;

"Commissioner" means the Commissioner of Environmental Protection;

"Department" means the Department of Environmental Protection;

"Discharge" means the intentional or unintentional release by any means of petroleum from a petroleum underground storage tank into the environment;

"Eligible owner or operator" means (1) any owner or operator, other than the owner or operator of a petroleum underground storage tank storing heating oil for onsite consumption in a residential building, who owns or operates less than 10 petroleum underground storage tanks in New Jersey, who has a net worth of less than $3,000,000 and who demonstrates to the satisfaction of the authority, the inability to qualify for and obtain a commercial loan for all or part of the eligible project costs, (2) the owner or

operator of a petroleum underground storage tank storing heating oil for onsite consumption in a residential building, (3) a public entity who owns or operates a petroleum underground storage tank in New Jersey, or (4) an independent institution of higher education that owns or operates a petroleum underground storage tank;

"Eligible project costs" means the reasonable costs for equipment, work or services required to effectuate a remediation, an upgrade, or a closure which equipment, work or services are eligible for payment from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund. In the case of an upgrade or closure of a regulated tank, eligible project costs shall be limited to the cost of the minimal effective system necessary to meet all the regulatory requirements of federal and State law except that an eligible owner or operator who has met the upgrade requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.) may be awarded a loan which shall not be limited to the cost of a minimal effective system, in order to finance the costs of the improvement or replacement of tanks to meet State and federal standards as provided in subsection g. of section 5 of P.L.1997, c.235 (C.58:10A-37.5). The limitation of eligible project costs to the minimal effective system shall not be construed to deem ineligible those project costs expended to replace a regulated tank rather than to improve the regulated tank. An owner or operator may perform an upgrade or a closure beyond the minimal effective system in which case the eligible project costs that may be awarded from the fund as financial assistance in the form of a grant shall be that amount that would represent the cost of a minimal effective system. In the case of a remediation, replacement, or closure of a petroleum underground storage tank that is unregulated pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) or 42 U.S.C. s.6991 et seq., eligible project costs shall include the cost to replace a tank with an above-ground or underground storage tank. In the case of a remediation, eligible project costs shall not include the cost to remediate a site to meet residential soil remediation standards if the local zoning ordinances adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) do not allow for residential use. Eligible project costs shall include the cost of a preliminary assessment and site investigation, even if performed prior to the award of financial assistance from the fund if the preliminary assessment and site investigation were performed after the effective date of P.L.1997, c.235;

"Facility" means one or more operational or nonoperational petroleum underground storage tanks under single ownership at a common site;

"Financial assistance" means a grant or loan or a combination of both that may be awarded by the authority from the fund to an eligible owner or operator as provided in section 5 of P.L.1997, c.235 (C.58:10A-37.5);

"Independent institution of higher education" means those institutions of higher education incorporated and located in this State, which, by virtue of law or character or license, are nonprofit educational institutions empowered to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey.

"Independent institution of higher education" does not include any educational institution dedicated primarily to the preparation or training of ministers, priests, rabbis, or other professional persons in the field of religion;

"Operator" means any person in control of, or having responsibility for, the daily operation of a facility;

"Owner" means any person who owns a facility;

"Person" means any individual, partnership, corporation, society, association, consortium, joint venture, commercial entity, or public entity, but does not include the State or any of its departments, agencies or authorities;

"Petroleum" means all hydrocarbons which are liquid at one atmosphere pressure (760 millimeters or 29.92 inches Hg) and temperatures between -20 F and 120 F (-29 C and 49 C), and all hydrocarbons which are discharged in a liquid state at or nearly at atmospheric pressure at temperatures in excess of 120 F (49 C) including, but not limited to, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oil, and purified hydrocarbons that have been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine;

"Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund" or "fund" means the fund established pursuant to section 3 of P.L.1997, c.235 (C.58:10A-37.3);

"Petroleum underground storage tank" means a tank of any size, including appurtenant pipes, lines, fixtures, and other related equipment, that normally and primarily stores petroleum, the volume of which, including the volume of the appurtenant pipes, lines, fixtures and other related equipment, is 10% or more below the ground. "Petroleum underground

storage tank" does not include:

(1) Septic tanks installed or regulated pursuant to regulations adopted by the department pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.) or the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.);

(2) Pipelines, including gathering lines, regulated under 49 U.S.C. s.60101 et seq., or intrastate pipelines regulated under State law;

(3) Surface impoundments, pits, ponds, or lagoons, operated in or regulated pursuant to regulations adopted by the department pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.);

(4) Storm water or wastewater collection systems operated or regulated pursuant to regulations adopted by the department pursuant to the "Water Pollution Control Act";

(5) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(6) Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor, or storage tanks located below the surface of the ground which are equipped with secondary containment and are uncovered so as to allow visual inspection of the exterior of the tank; and

(7) Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of this definition pursuant to paragraphs (1) through (6) above;

"Public entity" means any county, municipality, or public school district, but shall not include any authority created by those entities;

"Regulated tank" means a petroleum underground storage tank that is required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) or 42 U.S.C. s.6991 et seq.;

"Remediation" means all necessary actions to investigate and clean up any known, suspected, or threatened discharge of petroleum, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action, as those terms are defined in section 23 of P.L.1993, c.139 (C.58:10B-1);

"Upgrade" means the replacement of a regulated tank, the installation of secondary containment, monitoring systems, release detection systems, corrosion protection, spill prevention, or overfill prevention therefor, or any other necessary improvement to the regulated tank in order to meet the standards for regulated tanks adopted pursuant to section 5 of P.L.1986, c.102 (C.58:10A-25) and 42 U.S.C. s.6991 et seq.

2. Section 4 of P.L.1997, c.235 (C.58:10A-37.4) is amended to read as follows:

C.58:10A-37.4 Allocation of fund; priorities.

4. a. Monies in the fund shall be allocated and used to provide financial assistance only to (1) eligible owners or operators of regulated tanks in this State in order to finance the eligible project costs of the upgrade or closure of those regulated tanks as may be required pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.); (2) eligible owners and operators of petroleum underground storage tanks in this State in order to finance the eligible project costs of remediations that are necessary due to the discharge of petroleum from one or more of those petroleum underground storage tanks; (3) eligible owners or operators of petroleum underground storage tanks in this State that are not regulated pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) or 42 U.S.C. s.6991 et seq. in order to finance the eligible project costs of the replacement or closure of those tanks; and (4) eligible owners or operators of regulated tanks in this State who have met the upgrade requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.) in order to finance an improvement or replacement of a regulated tank. Priority for the issuance of financial assistance from the fund, and the terms and conditions of that financial assistance, shall be based upon the criteria set forth in this section.

b. Upon a determination that an application for financial assistance meets all established criteria for the award of financial assistance from the fund, the authority shall approve the application. Prior to December 22, 1998, the authority may approve only those applications given priority pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsections c. and f. of this section, but the authority may receive, file, and deem complete any application for financial assistance it receives prior to that date.

Upon the authority's approval of an application for financial assistance, the authority shall award financial assistance to an applicant upon the availability of sufficient monies in the fund. When monies in the fund are not sufficient at any point in time to fully fund all applications for financial assistance that have been approved by the authority, the authority shall award financial assistance to approved applicants, notwithstanding the date of approval of the application, in the following order of priority:

(1) Upgrades of regulated tanks required to be upgraded pursuant to 42 U.S.C. s.6991 et seq., and including any necessary remediation at the site of the regulated tank, shall be given first priority;

(2) Closure of any regulated tank required to be upgraded pursuant to 42 U.S.C. s.6991 et seq., and including any necessary remediation at the site of the regulated tank, shall be given second priority;

(3) Upgrades of regulated tanks required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.), but not pursuant to 42 U.S.C. s.6991 et seq., and including any necessary remediation at the site of the regulated tank, shall be given third priority;

(4) Any necessary remediations at the sites of petroleum underground storage tanks other than those given priority pursuant to paragraph (1), (2), or (3) of this subsection shall be given fourth priority;

(5) Closure of any regulated tank required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.), but not pursuant to 42 U.S.C. s.6991 et seq., shall be given last priority.

c. Notwithstanding the priority for the award of financial assistance set forth in subsection b. of this section, whenever there has been a discharge, and the discharge poses a threat to a drinking water source, to human health, or to a sensitive or significant ecological area, an approved application for the award of financial assistance for the remediation and upgrade or closure, if necessary, shall be given priority over all other applications for financial assistance.

d. The priority ranking of applicants within any priority category enumerated in paragraphs (1), (2), (3), (4), and (5) of subsection b. and in subsection c. of this section shall be based upon the date an application for financial assistance is filed with the authority as determined pursuant to section 6 of P.L.1997, c.235 (C.58:10A-37.6).

e. Whenever a facility consists of petroleum underground storage tanks from more than one priority category as enumerated in paragraphs (1) through (5) of subsection b. of this section, and subsection c. of this section, all the petroleum underground storage tanks at that facility shall be accorded the priority that would be accorded the highest priority petroleum underground storage tank at that facility.

f. Notwithstanding the priority rankings established in this section, one-tenth of the amount annually appropriated to the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund shall be used to provide financial assistance to owners or operators of petroleum underground storage tanks used to store heating oil for onsite consumption in a residential building, in order to finance the eligible project costs of remediations that are necessary due to the discharge of heating oil from those petroleum underground storage tanks. The authority shall provide financial

assistance pursuant to this subsection notwithstanding the owner or operator's ability to obtain commercial loans for all or part of the financing. The priority ranking of applicants for these funds shall be based upon the date an application for financial assistance is filed with the authority as determined pursuant to section 6 of P.L.1997, c.235 (C.58:10A-37.6). If the authority does not receive qualified applications for financial assistance from owners and operators of petroleum underground storage tanks used to store heating oil for onsite consumption that meet the criteria set forth in this act and in any rules or regulations issued pursuant thereto, sufficient to enable the award of financial assistance an amount equal to one-tenth of the amount annually appropriated to the fund in any one year as required pursuant to this subsection, the authority may award that financial assistance in the order of priority as provided in this section. In addition to the monies dedicated pursuant to this subsection, the authority may award financial assistance to an owner or operator of a petroleum underground storage tank used to store heating oil for onsite consumption when the criteria enumerated in subsection c. of this section are met.

3. Section 5 of P.L.1997, c.235 (C.58:10A-37.5) is amended to read as follows:

C.58:10A-37.5 Awarding of financial assistance.

5. a. (1) The authority may award financial assistance from the fund to an eligible owner or operator in the form of a loan or a conditional hardship grant as provided in this section. An award of financial assistance, either as a loan or a grant, or a combination of both, may, upon application therefor, be for 100% of the eligible project costs, except as provided in paragraph (1) of subsection c. and in subsection h. of this section. However, a loan that any applicant may receive from the fund for an upgrade, remediation, or closure, or any combination thereof, for any one facility, may not exceed $2,000,000, except as provided below, and a grant that any applicant may receive from the fund for any one facility, may not exceed $500,000. A loan that an applicant may receive from the fund for a remediation of a discharge that poses a threat to a drinking water source may not exceed $3,000,000.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary, an eligible owner or operator of a facility located within an area designated as a Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center as designated pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.), or

the Highlands Region designated pursuant to section 7 of P.L.2004, c.120 (C.13:20-7), may receive a loan in an amount not to exceed $3,000,000 and a grant in an amount not to exceed $1,000,000 for each facility so located.

b. A public entity applying for financial assistance from the fund may only be awarded financial assistance in the form of an interest free loan.

c. An applicant, other than a public entity, may apply for and receive a conditional hardship grant for the upgrade, closure or remediation as provided in paragraph (1) of this subsection, or a loan for an upgrade, closure or remediation as provided in paragraph (2) of this subsection, provided that an applicant for a conditional hardship grant or a loan for an upgrade may be eligible for financial assistance only for any underground storage tank with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a nonresidential building that has received an extension of the deadline for compliance with the standards pursuant to subsection b. of section 9 of P.L.1986, c.102 (C.58:10A-29). Financial assistance awarded an applicant pursuant to this subsection may consist entirely of a conditional hardship grant, a loan for an upgrade, a loan for a closure, or a loan for a remediation, or any combination thereof, except that the total amount of the award of financial assistance shall be subject to the per facility dollar limitation enumerated in subsection a. of this section. Notwithstanding any other provision of this subsection to the contrary, no tax exempt, nonprofit organization, corporation, or association shall be awarded a conditional hardship grant pursuant to paragraph (1) of this subsection, provided that an independent institution of higher education, a nonprofit organization, corporation, or association with not more than 100 paid individuals that is qualified for exemption from federal taxation pursuant to section 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C.s.501(c)(3), or a duly incorporated volunteer fire, ambulance, first aid, emergency, or rescue company or squad, may be awarded a conditional hardship grant pursuant to paragraph (1) of this subsection.

(1) A conditional hardship grant for eligible project costs of an upgrade, closure or remediation shall be awarded by the authority based upon a finding of eligibility and financial hardship and upon a finding that the applicant meets the criteria set forth in this act.

In order to be eligible for a conditional hardship grant for closure or upgrade, in the case of a regulated tank, the applicant shall have owned or operated the subject regulated tank as of December 1, 2002 and continually thereafter or shall have inherited the property from a person who owned the regulated tank as of that date. In order to be eligible for a conditional hardship grant for remediation, in the case of a regulated tank, the applicant shall have

owned or operated the subject regulated tank at the time of tank closure. No applicant shall be eligible for a conditional hardship grant if the applicant has a taxable income of more than $250,000 or a net worth, exclusive of the applicant's primary residence and pension, of over $500,000. Any applicant with a taxable income of more than $200,000 who qualifies for a grant shall be required to pay no more than $1,000 of the eligible project costs.

Notwithstanding the eligibility requirements for net worth and income, an independent institution of higher education, a nonprofit organization, corporation, or association with not more than 100 paid individuals that is qualified for exemption from federal taxation pursuant to section 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C.s.501(c)(3), or a duly incorporated volunteer fire, ambulance, first aid, emergency, or rescue company or squad shall be eligible for a conditional hardship grant for eligible project costs of a closure or remediation of a petroleum underground storage tank.

A finding of financial hardship by the authority shall be based upon a determination that an applicant cannot reasonably be expected to repay all or a portion of the eligible project costs if the financial assistance were to be awarded as a loan. The amount of an award of a conditional hardship grant shall be the amount of that portion of the eligible project costs the authority determines the applicant cannot reasonably be expected to repay.

In making a finding of financial hardship for an application for the upgrade, closure, or remediation of a petroleum underground storage tank, where the petroleum underground storage tank is a part of the business property of the owner, the authority shall base its finding upon the cash flow of the applicant's business, whether or not any part of the applicant's business is related to the ownership or operation of that petroleum underground storage tank. In making a finding of financial hardship for an application for the upgrade or remediation of a petroleum underground storage tank, where the petroleum underground storage tank is not a part of the business property of the owner, the authority shall base its finding upon the applicant's taxable income in the year prior to the date of the application being submitted.

If the authority awards a conditional hardship grant in combination with a loan pursuant to this subsection, the authority shall release to the applicant the loan monies prior to the release of the conditional hardship grant monies.

Conditional hardship grants awarded to an applicant shall be subject to the lien provisions enumerated in section 16 of P.L.1997, c.235 (C.58:10A-37.16).

(2) A loan to an eligible owner or operator for the eligible project costs of an upgrade, closure, or remediation shall be awarded by the authority only upon a finding that the applicant other than a public entity is able to

repay the amount of the loan.

In making a finding of an applicant's ability to repay a loan for the upgrade, closure, and remediation of a regulated tank, or for the remediation of a discharge from a petroleum underground storage tank, the authority shall base its finding, as applicable, upon the cash flow of the applicant's business, the applicant's taxable income and the applicant's personal and business assets, except that the authority may not consider the applicant's primary residence as collateral, except that the authority may consider the applicant's primary residence as collateral with the permission of the applicant or where the subject petroleum underground storage tank or regulated tank is located at the primary residence.

d. The authority shall, where applicable, require an applicant applying for financial assistance from the fund to submit to the authority the financial statements of the applicant's business for three years prior to the date of the application, the most recent interim financial statement for the year of the application, the applicant's federal income tax returns, or other relevant documentation.

e. Nothing in this section is intended to alter the priority or criteria for awarding financial assistance established pursuant to section 4 of P.L.1997, c.235 (C.58:10A-37.4).

f. An eligible owner or operator may only be awarded that amount of financial assistance issued as a loan for which the applicant demonstrates he could not qualify for and obtain as a commercial loan. The provisions of this subsection shall not apply to an owner or operator or petroleum underground storage tank used to store heating oil for onsite consumption in a residential building, to an independent institution of higher education, or to a duly incorporated volunteer fire, ambulance, first aid, emergency, or rescue company or squad.

g. An eligible owner or operator of a regulated tank in this State who has met the upgrade requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.) may be awarded a loan in order to finance an improvement or replacement of a regulated tank to meet State and federal standards.

h. (1) In the case of a closure of a petroleum underground storage tank used to store heating oil for onsite consumption in a residential building in this State where no remediation is required, an eligible owner or operator may receive a grant in an amount up to $1,200.

(2) In the case of a replacement and closure of a petroleum underground storage tank used to store heating oil for onsite consumption in a residential building in this State where no remediation is required, an eligi-

ble owner or operator may receive a grant in an amount up to $3,000.

No person shall be eligible for grant monies from the fund to replace a petroleum underground storage tank that stores heating oil for onsite consumption in a residential building if the tank that stores heating oil for that residential building was previously replaced using a grant from the fund.

i. In the case of a closure and replacement of a petroleum underground storage tank used to store heating oil for onsite consumption in a residential building in this State, to the maximum extent feasible, the owner or operator shall replace the petroleum underground storage tank with an aboveground tank.

4. Section 7 of P.L.1997, c.235 (C.58:10A-37.7) is amended to read as follows:

C.58:10A-37.7 Conditions for awarding financial assistance.

7. a. The authority shall award financial assistance to an owner or operator of a facility only if the facility is properly registered with the department pursuant to section 3 of P.L.1986, c.102 (C.58:10A-23), where applicable, and if all fees or penalties due and payable on the facility to the department pursuant to P.L.1986, c.102 have either been paid or the nature or the amount of the fee or penalty is being contested in accordance with law.

b. The authority may deny an application for financial assistance, and any award of financial assistance may be recoverable by the authority, upon a finding that:

(1) in the case of financial assistance awarded for a remediation, the discharge was proximately caused by the applicant's knowing conduct;

(2) in the case of financial assistance awarded for a remediation, the discharge was proximately caused or exacerbated by knowing conduct by the applicant with regard to any lawful requirement applicable to petroleum underground storage tanks intended to prevent, or to facilitate the early detection of, the discharge;

(3) the applicant failed to commence or complete a remediation, closure, or an upgrade for which an award of financial assistance was made within the time required by the department in accordance with the applicable rules and regulations, within the time prescribed in an administrative order, an administrative consent agreement, a memorandum of agreement, or a court order; or

(4) the applicant provided false information or withheld information on a loan or grant application, or other relevant information required to be

submitted to the authority, on any matter that would otherwise render the applicant ineligible for financial assistance from the fund, that would alter the priority of the applicant to receive financial assistance from the fund, that resulted in the applicant receiving a larger grant or loan award than the applicant would otherwise be eligible, or that resulted in payments from the fund in excess of the actual eligible project costs incurred by the applicant or the amount to which the applicant is legally eligible.

Nothing in this subsection shall be construed to require the authority to undertake an investigation or make any findings concerning the conduct described in this subsection.

c. An application for financial assistance from the fund for an upgrade or closure of a regulated tank shall include all regulated tanks at the facility for which the applicant is seeking financial assistance. Except as provided in subsection g. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), once financial assistance for an upgrade or closure is awarded for a facility, no additional award of financial assistance for upgrade or closure costs may be made for that facility. However, if an applicant discovers while performing upgrade or closure activities that a remediation is necessary at the site of a facility, and if financial assistance was previously awarded for that site only for an upgrade or closure of a regulated tank, the applicant may amend his application and apply for financial assistance for the required remediation subject to the limitations enumerated in section 5 of P.L.1997, c.235 (C.58:10A-37.5). An application for financial assistance for an upgrade or closure of a regulated tank shall be conditioned upon the applicant agreeing to perform, at the time of the upgrade or closure, any remediation necessary as a result of a discharge from the regulated tank and commencement of the remediation within the time prescribed and in accordance with the rules and regulations of the department.

d. Except as provided in this subsection, and in subsection g. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), no financial assistance for upgrade shall be awarded for any regulated tank required to meet the upgrade or closure requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.), unless the application is filed with the authority prior to January 1, 1999 and the application is complete and the application fee is received by August 1, 1999. Except as provided in subsection g. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), no financial assistance for upgrade shall be awarded for any underground storage tank with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a nonresidential building required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21

et seq.) but not pursuant to 42 U.S.C.s.6991 et seq., unless the applicant has received an extension of the deadline for compliance with the standards pursuant to subsection b. of section 9 of P.L.1986, c.102 (C.58:10A-29), the application is filed with the authority prior to June 30, 2005 and the application is complete and the application fee is received by December 31, 2005.

No financial assistance for closure shall be awarded for any regulated tank required to meet the upgrade or closure requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.), or for the remediation of a discharge from any such regulated tank except as provided in subsection c. of this section, unless the application is filed with the authority prior to June 30, 2005 and the application is complete and the application fee is received by December 31, 2005.

In the case of a regulated tank that is not operational, financial assistance for the closure or the remediation of any discharge therefrom may be awarded if the application is filed with the authority no more than 18 months after the date of discovery of the existence of the regulated tank, or 18 months from the effective date of P.L.2003, c.148, whichever is later.

e. The date of occurrence of a discharge shall not affect eligibility for financial assistance from the fund. Except for a preliminary assessment or a site investigation performed after the effective date of P.L.1997, c.235 (C.58:10A-37.1 et seq.), and except as provided in subsections g. through j. of this section, no award of financial assistance shall be made from the fund for the otherwise eligible project costs of a remediation, closure, or an upgrade, or parts thereof, completed prior to an award of financial assistance from the fund.

f. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if financial assistance from the Hazardous Discharge Site Remediation Fund established pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4) has previously been made for a remediation at that site as a result of a discharge from that petroleum underground storage tank. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if the discharge began subsequent to the completion of an upgrade of that petroleum underground storage tank, which upgrade was intended to meet all applicable upgrade regulations of the department, no matter when the upgrade was performed.

g. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.), where an eligible owner or operator has filed an application for financial assistance from the fund, and there are either insufficient monies in the fund or the authority has not yet acted upon the application or

awarded the financial assistance, the eligible owner or operator may expend its own funds for the upgrade, closure, or remediation, and upon approval of the application, the authority shall award the financial assistance as a reimbursement of the monies expended for eligible project costs.

h. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.) to the contrary, if an applicant has expended the applicant's own funds on a remediation after filing an application for financial assistance from the fund for the eligible project costs of the remediation, the authority, upon approval of the application, may make a grant from the fund pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) to reimburse the eligible owner or operator for the eligible project costs of the remediation.

i. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.) to the contrary, if an applicant that is an independent institution of higher education has expended the applicant's own funds on a remediation prior to filing an application for financial assistance from the fund for the eligible project costs of the remediation, the authority, upon approval of the application, may make a grant from the fund pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) to reimburse the applicant for expenditures for the eligible project costs of the remediation made on or after December 1, 1996 in an amount not to exceed $500,000 for each independent institution of higher education.

j. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.) to the contrary, if an applicant has expended the applicant's own funds for a remediation of a petroleum underground storage tank used to store heating oil at the applicant's primary residence prior to filing an application for financial assistance from the fund for the eligible project costs of the remediation, the authority, upon approval of the application, may make a grant from the fund pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) to reimburse the applicant for the eligible project costs of the remediation.

5. Section 16 of P.L.1997, c.235 (C.58:10A-37.16) is amended to read as follows:

C.58:10A-37.16 Liens for financial assistance.

16. a. In addition to any other financial assistance requirements imposed by the authority pursuant to P.L.1997, c.235 (C.58:10A-37.1 et seq.), any award of financial assistance from the fund except for any grant

awarded pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5) for a replacement or closure of a petroleum underground storage tank used to store heating oil at the applicant's residence or for a remediation necessitated by a discharge from a petroleum underground storage tank used to store heating oil at the applicant's residence, shall constitute, in each instance, a debt of the applicant to the fund. The debt shall constitute a lien on the real property at which the subject facility is located. The lien shall be in the amount of the financial assistance awarded the applicant. The lien shall attach when a notice of lien, incorporating the name of the property owner, a description of the real property on which the subject facility is located and an identification of the amount of the financial assurance awarded, is duly filed with the county recording officer in the county in which the property is located.

Where financial assistance from the fund is awarded as a combination of a loan and a grant, separate liens for the loan and the grant shall be filed. No lien shall be placed on any real property of an applicant based on a conditional hardship grant awarded pursuant to paragraph (1) of subsection c. of section 5 of P.L.1997, c.235 (C.58:10A-37.5), for a replacement or closure of a petroleum underground storage tank used to store heating oil at the applicant's residence or for a remediation necessitated by a discharge from a petroleum underground storage tank used to store heating oil at the applicant's residence.

b. A lien that is filed on real property pursuant to a loan shall be removed upon repayment of the loan.

c. Except as provided below, the lien that is filed on real property pursuant to a conditional hardship grant shall be removed upon repayment of the amount of the grant that is unsatisfied or upon the end of a five-year period in which the site for which the financial assistance was awarded continued to be operated in substantially the same manner as it was operated at the time of the award of financial assistance. The period of operation need not run consecutively. Beginning with the second year of operating in substantially the same manner, 25% of the conditional hardship grant shall be deemed satisfied with an additional 25% to be satisfied each year until the entire amount of the conditional hardship grant is satisfied at the end of the five-year period. The owner or operator of the facility claiming to have satisfied a conditional hardship grant due to the five-year period of operation, shall submit a certification of this fact to the authority. Upon repayment of the unsatisfied grant award or upon submittal of this certification,

unless the authority has made a finding that the certification is not correct, the authority shall remove the lien from the property.

Where real property for which a conditional hardship grant was awarded is not being operated in substantially the same manner, the five-year period to satisfy the lien shall be tolled. If at any time prior to the satisfaction of the lien the property is developed or operated for a purpose that is not substantially the same as its operation at the time of the award of the conditional hardship grant, the grant recipient shall so certify to the authority upon the change in operation. Upon receipt of this certification, the authority shall determine, based upon the new operation of the property if the financial assistance shall continue as a conditional hardship grant or if it shall be converted into a loan. In making this determination, the authority shall base its decision on the financial hardship factors used in determining the original eligibility for the conditional hardship grant.

A lien that is filed on real property pursuant to a grant shall be removed by the authority upon condemnation of the property or upon the exercise of the power of eminent domain, and the conditional hardship grant shall be deemed satisfied.

The authority may take whatever enforcement actions it deems necessary to verify the operation of any property for which a conditional hardship grant was made. The terms and conditions of any loan converted from a grant pursuant to this subsection shall be the same as those authorized pursuant to this act.

d. The provisions of this section do not apply to any real property of an applicant who is a public entity.

6. Section 3 of P.L.1991, c.123 (C.58:10A-24.3) is amended to read as follows:

C.58:10A-24.3 Examinations for certification to perform services on underground storage tanks.

3. a. The department shall establish and conduct examinations for certifying that a person is qualified to perform services on underground storage tanks at underground storage tank sites for purposes of complying with the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.) and for tank testing, tank installation, tank removal, tank closure, or subsurface evaluations for corrective action, closure or corrosivity on unregulated heating oil tanks. Application to the department for examination for certification shall be made in a manner and on such forms as may be prescribed by the department. The department may pre-

scribe training or continuing education, experience or other requirements as a condition for taking a certification examination, or for recertification. The filing of an application shall be accompanied by a nonrecoverable application fee of $35.00 to cover the costs of processing the application and conducting examinations. No person shall be certified by the department unless he or she satisfactorily completes the examination and satisfies any other requirements of this act, or of the department adopted pursuant thereto.

b. Notwithstanding the provisions of subsection a. of this section, any person who files, within 300 days of the effective date of this act, an application for certification under this subsection, and demonstrates to the department that he or she has adequately performed services on underground storage tanks at underground storage tank sites for at least five consecutive years immediately preceding the filing of the application, shall be certified without examination upon payment of an application and certification fee. Within one year of certification, a person certified pursuant to this subsection shall submit to the department evidence of attendance at a department approved training course on the department's rules and regulations concerning underground storage tanks. One year from the effective date of this act, no person applying for certification pursuant to this subsection shall perform services requiring certification until certified by the department.

c. A person certified pursuant to subsection b. of this section shall comply with the examination and other requirements adopted by the department pursuant to subsection a. of this section as a precondition for filing for a renewal of a certification issued pursuant to subsection b. of this section.

d. The department may establish a general certification for tank services and on-site supervisory responsibilities, and such other classes of certification for particular tank services or for on-site supervisory responsibilities as it deems appropriate, and may establish separate training, examination and working experience requirements therefor. The department shall establish a separate certification for tank testing, tank installation, tank removal, tank closure, and subsurface evaluations for corrective action, closure or corrosivity on unregulated heating oil tanks with separate training and examination requirements therefor. The certification program for persons who perform services on underground storage tanks or on unregulated heating oil tanks shall include standards for pricing, customer service, compliance with applicable rules and regulations, adequate submissions to the department, and any other standards relevant to the performance, qualifications, and business practices of persons or business firms seeking certification. Any person certified to perform services on underground storage tanks at under-

ground storage tank sites for purposes of complying with the provisions of P.L.1986, c.102 (C.58:10A-21 et seq.) shall not be required to obtain a separate certification to perform work on unregulated heating oil tanks.

7. Section 5 of P.L.1991, c.123 (C.58:10A-24.5) is amended to read as follows:

C.58:10A-24.5 Denial, revocation, etc. of certification.

5. a. The department may deny, suspend, revoke, or refuse to renew a certification for good cause, including:

(1) a violation, or abetting another to commit a violation, of any provision of this act, or of P.L.1986, c.102 (C.58:10A-21 et seq.), or rule or regulation adopted, or order issued under either act;

(2) making a false statement on an application for certification or other information required by the department pursuant to this act, or P.L.1986, c.102;

(3) misrepresentation or the use of fraud in obtaining certification, in performing tank testing, tank installation, tank removal, tank closure, or subsurface evaluations for corrective action, closure or corrosivity on an unregulated heating oil tank, or in performing underground storage tank services;

(4) failure to meet the standards or requirements of the certification program, including standards relevant to the performance, qualifications, and business practices of persons or business firms who perform tank services.

b. Before suspending, revoking, or refusing to renew a certification, the department shall afford the applicant or certificate holder an opportunity to be heard in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. Suspension, revocation, or refusal to renew a certification shall not bar the department from pursuing against the applicant or certificate holder any other lawful remedy available to the department.

d. Any business firm or person whose certification is revoked shall be ineligible to apply for certification for three years from the date of the revocation.

e. If the department has reason to believe that a condition exists that poses an imminent threat to the public health, safety or welfare, it may order the certificate holder to cease operations pending the outcome of the hearing.

C.58:10A-24.8 Interim rules, regulations establishing certification program.

8. a. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Department of Environmental Protection shall adopt, after notice, interim rules and

regulations establishing a program for the certification of persons qualified to perform tank testing, tank installation, tank removal, tank closure, or subsurface evaluations for corrective action, closure or corrosivity on unregulated heating oil tanks as provided in P.L.1999, c.322 within 60 days after the effective date of this act. The rules and regulations shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the department in accordance with the provisions of the "Administrative Procedure Act."

b. Upon the adoption of interim rules and regulations pursuant to this section, a grant or loan from the fund to close or replace an unregulated heating oil tank may only be made to reimburse the applicant for work performed by a person certified pursuant to section 3 of P.L.1991, c.123 (C.58:10A-24.3).

C.58:10A-24.9 Required DEP submissions copied to municipality.

9. Any person who performs tank installation, tank removal, tank closure, or subsurface evaluations for corrective action, closure or corrosivity on an unregulated heating oil tank shall provide to the governing body of the municipality in which the tank is located, copies of any submissions required by the Department of Environmental Protection concerning the tank installation, tank removal, tank closure, and subsurface evaluations for corrective action, closure or corrosivity on an unregulated heating oil tank within 10 days after their submission to the department.

10. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 59

AN ACT concerning rainchecks on certain merchandise and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-2.28 Short title.

1. This act shall be known and may be cited as the "Raincheck Policy Disclosure Act."

C.56:8-2.29 Definitions relative to raincheck policy disclosure.

2. As used in this act:

"Advertised" means any attempt, other than by use of a price tag, catalogue or any offering for sale of a motor vehicle, to directly or indirectly induce the purchase or rental of merchandise at retail, appearing in any newspaper, magazine, periodical, circular, in-store or out-of-store sign or other written matter placed before the consuming public, or in any radio or television broadcast.

"Merchandise" means any objects, wares, merchandise, commodities, services or anything offered directly or indirectly to the public for sale or rental at retail.

"Raincheck" means a written statement issued by a retail mercantile establishment allowing the purchase of designated merchandise at a previously advertised price.

"Retail mercantile establishment" means any place of business where merchandise is exposed or offered for sale at retail to members of the consuming public.

C.56:8-2.30 Posting of raincheck policy by retail mercantile establishment.

3. Every retail mercantile establishment which issues rainchecks to consumers for the sale of advertised merchandise that is not available throughout the advertised period shall conspicuously post its raincheck policy on a sign in at least one of the following locations:

a. Affixed to a cash register or location of the point of sale;

b. So situated as to be clearly visible to the buyer;

c. Posted at each store entrance used by the public;

d. At the location where the merchandise was offered for sale;

e. In an advertisement for merchandise; or

f. Printed on the receipt of sale.

C.56:8-2.31 Unlawful practices by retail mercantile establishment relative to rainchecks.

4. It shall be an unlawful practice for any retail mercantile establishment which provides a raincheck for any advertised merchandise that is not available for immediate purchase to fail to:

a. Honor or satisfy that raincheck within 60 days of issuance, unless an extension of such time period is agreed to by the holder of the raincheck, provided that if after a good faith effort a retail mercantile establishment cannot procure for the holder of the raincheck the advertised merchandise within the 60-day period, the retail mercantile establishment may offer the holder of the raincheck a different item of merchandise of substantially the

same kind, quality and price of the original advertised merchandise; and

b. For all merchandise with an advertised price greater than $15 per unit, give written or telephonic notice to the holder of the raincheck when the merchandise is available and inform the holder of the raincheck that the advertised merchandise will be held for a period of no less than 10 days from the date of notification or to the end of the 60-day period for which the raincheck is valid, whichever is longer; and

c. Offer a raincheck to all customers who are unable, due to the unavailability of the merchandise, to purchase the advertised merchandise during the period of time that the merchandise has been advertised as available for sale.

C.56:8-2.32 Regulations.

5. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions of this act.

6. This act shall take effect on the first day of the seventh month following enactment.

Approved August 2, 2006.

CHAPTER 60

AN ACT concerning heritage tourism and amending P.L.1995, c.368.

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

1. a. There is established the "New Jersey Heritage Tourism Task Force." The purpose of the task force is to provide strategic direction for the promotion of heritage tourism in New Jersey and to create a comprehensive heritage tourism master plan for New Jersey.

b. The task force shall consist of 19 members as follows:

(1) the Director of the Division of Travel and Tourism in the New Jersey Commerce, Economic Growth and Tourism Commission, or the Director's designate, who shall serve ex-officio;

(2) the Executive Director of the New Jersey Historical Commission, or the Executive Director's designate;

(3) the Executive Director of the New Jersey Historic Trust in the Department of Community Affairs, or the Executive Director's designate;

(4) the Assistant Commissioner for Natural and Historic Resources in the Department of Environmental Protection, or the Assistant Commissioner's designate, who shall serve ex-officio;

(5) the Administrator of the State Historic Preservation Office in the Department of Environmental Protection, or the Administrator's designate, who shall serve ex-officio;

(6) the Director of the Tourism Advisory Council, or the Director's designate;

(7) the Commissioner of the Department of Transportation, or the Commissioner's designate, who shall serve ex-officio;

(8) the President of the Advocates for New Jersey History, or the President's designate;

(9) a representative of New Jersey Public Broadcasting;

(10) three representatives from county or municipal Cultural, Heritage or Historical Commissions, of which, one representative shall be from the Northern, Central and Southern regions of New Jersey, who shall be appointed by the Governor;

(11) a representative of the Center for Hospitality and Tourism at Richard Stockton College;

(12) four public members, who shall be residents of this State and have knowledge and experience with cultural and heritage tourism to be appointed by the Governor;

(13) a representative of the New Jersey State Council on the Arts; and

(14) a representative of ArtPRIDE New Jersey.

c. The members of the task force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

d. Any vacancy in the membership shall be filled in the same manner as the original appointment.

e. The task force shall be entitled to the assistance and service of the employees of any State, county or municipal department, board, commission or agency, as may be available to it for these purposes, and to incur such traveling and other miscellaneous expenses as it may deem necessary for the proper execution of its duties, within the limit of funds appropriated

or otherwise made available to it for these purposes.

f. The task force may meet and hold hearings at the places it designates during the sessions or the recesses of the Legislature.

2. The task force shall organize as soon as practicable upon appointment of a majority of its members, and shall select a chairperson among its members and a secretary who need not be a member of the task force.

3. The task force may solicit, receive, disburse and monitor grants and other funds made available from any governmental, public, private, not-for-profit or for-profit entity, including funds made available under any federal or State law, regulation or program.

4. The purpose of the task force shall be to improve New Jersey's performance in the regional or national heritage tourism marketplace. The task force shall prepare a heritage tourism master plan with recommendations that shall include, but need not be limited to, (1) improving heritage signage on the highways of the State, (2) establishing a local historic marker program to raise awareness of New Jersey's historical resources, (3) improving the efforts of State, county and municipal governmental agencies to focus more significantly on heritage tourism, (4) promoting coordination between historic sites throughout the State, (5) identifying potential sources of stable funding for the improvement and maintenance of historic sites available for heritage tourism in New Jersey, and (6) establishing criteria for grants to be made from the "Historic Preservation License Plate Fund" established pursuant to section 4 of P.L.1995, c.368 (C.39:3-27.75).

5. a. In addition to the duties provided in section 4 of this act, the task force shall conduct or cause to be conducted a comprehensive inventory of all historic sites throughout the State that have potential for inclusion in heritage tourism initiatives.

b. The task force is authorized to enter into any and all agreements or contracts necessary, convenient, or desirable to provide for the comprehensive inventory of historic sites throughout the State required pursuant to subsection a. of this section.

6. The task force shall submit the heritage tourism master plan and inventory of historic sites in New Jersey to the Governor and both houses of the Legislature no later than 18 months after its organization.

7. Section 4 of P.L.1995, c.368 (C.39:3-27.75) is amended to read as follows:

C.39:3-27.75 "Historic Preservation License Plate Fund" created.

4. a. There is created in the Department of Community Affairs a special non-lapsing fund to be known as the "Historic Preservation License Plate Fund." The fund shall be administered by the New Jersey Historic Trust.. There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to section 3 of P.L.1995, c.368 (C.39:3-27.74), less the amounts necessary to reimburse the division for administrative costs pursuant to section 5 of P.L.1995, c.368 (C.39:3-27.76). Moneys deposited in the fund shall be dedicated to (1) the awarding of grants to State agencies, local government units, and qualifying tax-exempt nonprofit organizations to meet costs related to the physical preservation of, development of interpretive and educational programming for, or operation of New Jersey's historic resources pursuant to the criteria established by the New Jersey Heritage Tourism Task Force in the heritage tourism master plan prepared and submitted by the New Jersey Heritage Tourism Task Force; and (2) the payment of expenses incurred by the New Jersey Heritage Tourism Task Force up to $135,000 in implementing the provisions of P.L.2006, c.60. Approval of any grants shall be made by the New Jersey Historic Trust pursuant to its guidelines.

b. Moneys deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on moneys deposited in the fund, and any moneys which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L.1995, c.368 (C.39:3-27.72 et seq.).

8. Section 6 of P.L.1995, c.368 (C.39:3-27.77) is amended to read as follows:

C.39:3-27.77 Notification of eligible motorists.

6. The director shall notify eligible motorists of the opportunity to obtain historic preservation license plates by including a notice with all motor vehicle registration renewals, and by posting appropriate posters or signs in all division facilities and offices, as may be provided by the department. The notices, posters, and signs shall be designed by the New Jersey Historic Trust

with the approval of the secretary. The designs shall be subject to the approval of the director, and the secretary shall supply the division with the notices, posters, and signs to be circulated or posted by that division.

9. Section 7 of P.L.1995, c.368 (C.39:3-27.78) is amended to read as follows:

C.39:3-27.78 Procedures set forth in interagency memorandum of agreement.

7. The secretary, the New Jersey Historic Trust, the director, and the State Treasurer shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed by the departments, the New Jersey Historic Trust, and the division in carrying out their respective responsibilities under P.L.1995, c.368 (C.39:3-27.72 et seq.).

10. This act shall take effect immediately, except sections 1 through 6 shall expire upon the submission of the report required pursuant to section 6 of this act.

Approved August 2, 2006.

CHAPTER 61

AN ACT concerning persons with developmental disabilities living in community-based settings.

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

1. a. The Director of the Division of Developmental Disabilities in the Department of Human Services shall develop a plan with established benchmarks to ensure that within eight years of implementation, each resident in a State developmental center who expresses a desire to live in the community and whose individual habilitation plan so recommends, is able to live in a community-based setting.

b. In developing the plan, the director shall: (1) review and establish objective criteria to identify those persons with developmental disabilities who are appropriate candidates for living in community-based settings; (2) identify the resources needed to ensure that those persons can reside in the community and receive needed community-based services and supports in a

manner that enables them to live as independently as possible; and (3) set forth how the necessary funding, services and housing will be provided.

c. The director shall solicit public input in developing the plan, including the amount and type of supports and housing needed and how they are to be provided. The director shall conduct four public hearings, one each to be held in the northern, upper central, lower central, and southern regions of the State. The hearings shall be held at or in close proximity to the State's developmental centers.

d. The director shall provide the plan and a report of his findings and recommendations to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Senate Health, Human Services and Senior Citizens and Assembly Human Services committees no later than nine months after the effective date of this act.

2. This act shall take effect immediately and shall expire one year after the effective date.

Approved August 2, 2006.

CHAPTER 62

AN ACT concerning information for parents of children who receive special education services 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:46-7.2 DOE to disseminate information on adult services to parents of special education recipients.

1. The Department of Education shall include in its "Parental Rights in Special Education" booklet that is available to parents of children who receive special education services, information describing services available through, and contact information for, State agencies serving persons with disabilities. The booklet shall include, but not be limited to, information regarding the following State agencies serving persons with disabilities: the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development; the Divisions of Developmental Disabilities, Mental Health Services, the Deaf and Hard of Hearing, and Disability Ser-

vices in the Department of Human Services; and the Commission for the Blind and Visually Impaired in the Department of Human Services.

C.18A:46-7.3 Designation of disability services resource in high school for parents.

2. The Department of Education shall require that, beginning with the 2006-2007 school year, all school districts with grades nine through 12 designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

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

Approved August 2, 2006.

CHAPTER 63

AN ACT concerning timeshare sales, supplementing chapter 15 of Title 45 of the Revised Statutes and amending P.L.1989, c.239 and P.L.1977, c.419.

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

C.45:15-16.50 Short title.

1. Sections 1 through 36 of this act shall be known and may be cited as the "New Jersey Real Estate Timeshare Act."

C.45:15-16.51 Definitions relative to timeshares.

2. As used in sections 1 through 36 of this act:

"Accommodation" means any apartment, condominium or cooperative unit, cabin, lodge, hotel or motel room, or other private or commercial structure containing toilet facilities therein that is designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals which is a part of the timeshare property.

"Advertisement" means any written, oral or electronic communication that is directed to or targeted to persons within the State and contains a promotion, inducement or offer to sell a timeshare plan, including but not limited to brochures, pamphlets, radio and television scripts, electronic media, telephone and direct mail solicitations and other means of promotion.

"Advertisement" does not mean:

(1) Any stockholder communication such as an annual report or interim financial report, proxy material, a registration statement, a securities prospectus, a registration, a property report or other material required to be delivered to a prospective purchaser by an agency of any state or federal government;

(2) Any oral or written statement disseminated by a developer to broadcast or print media, other than paid advertising or promotional material, regarding plans for the acquisition or development of timeshare property. However, any rebroadcast or any other dissemination of such oral statements to prospective purchasers by a seller in any manner, or any distribution of copies of newspaper magazine articles or press releases, or any other dissemination of such written statement to a prospective purchaser by a seller in any manner, shall constitute an advertisement; or

(3) Any communication addressed to and relating to the account of any person who has previously executed a contract for the sale or purchase of a timeshare period in a timeshare plan to which the communication relates shall not be considered advertising under this act, provided they are delivered to any person who has previously executed a contract for the purchase of a timeshare interest or is an existing owner of a timeshare interest in a timeshare plan.

"Assessment" means the share of funds required for the payment of common expenses which is assessed from time to time against each timeshare interest by the association.

"Association" means the organized body consisting of the purchasers of interests in a timeshare property.

"Commission" means the New Jersey Real Estate Commission.

"Common expense" means casualty and liability insurance, and those expenses properly incurred for the maintenance, operation, and repair of all accommodations constituting the timeshare plan and any other expenses designated as common expenses by the timeshare instrument.

"Component site" means a specific geographic location where accommodations which are part of a multi-site timeshare plan are located. Separate phases of a single timeshare property in a specific geographic location and under common management shall be deemed a single component site.

"Department" means the Department of Banking and Insurance.

"Developer" means and includes any person or entity, who creates a timeshare plan or is in the business of selling timeshare interests, or employs agents or brokers to do the same, or any person or entity who succeeds to the interest of a developer by sale, lease, assignment, mortgage or other transfer, except that the term shall include only those persons who offer timeshare interests for disposition in the ordinary course of business.

"Dispose" or "disposition" means a voluntary transfer or assignment of any legal or equitable interest in a timeshare plan, other than the transfer, assignment or release of a security interest.

"Escrow agent" means an independent person, including an independent bonded escrow company, an independent financial institution whose accounts are insured by a governmental agency or instrumentality, or an independent licensed title insurance agent who is responsible for the receipt and disbursement of funds in accordance with this act. If the escrow agent is not located in the State of New Jersey, then this person shall subject themselves to the jurisdiction of the commission with respect to disputes that arise out of the provisions of this act.

"Incidental benefit" means an accommodation, product, service, discount, or other benefit which is offered to a prospective purchaser of a timeshare plan or to a purchaser of a timeshare plan prior to the expiration of his or her rescission period pursuant to section 18 of this act and which is not an exchange program, provided that:

(1) use or participation in the incidental benefit is completely voluntary;

(2) no costs of the incidental benefit are included as common expenses of the timeshare plan;

(3) the good faith represented aggregate value of all incidental benefits offered by a developer to a purchaser may not exceed 20 percent of the actual price paid by the purchaser for his or her timeshare interest; and

(4) the purchaser is provided a disclosure that fairly describes the material terms of the incidental benefit. The term shall not include an offer of the use of the accommodations of the timeshare plan on a free or discounted one-time basis.

"Managing entity" means the person who undertakes the duties, responsibilities and obligations of the management of the timeshare property.

"Offer" means any inducement, solicitation, or other attempt, whether by marketing, advertisement, oral or written presentation or any other means, to encourage a person to acquire a timeshare interest in a timeshare plan, for gain or profit.

"Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, government, governmental subdivision or agency, or other legal entity or any combination thereof.

"Promotion" means a plan or device, including one involving the possibility of a prospective purchaser receiving a vacation, discount vacation, gift, or prize, used by a developer, or an agent, independent contractor, or employee of a developer, agent or independent contractor on behalf of the developer, in connection with the offering and sale of timeshare interests in a timeshare plan.

"Purchaser" means any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a timeshare plan other than as security for an obligation.

"Purchase contract" means a document pursuant to which a person becomes legally obligated to sell, and a purchaser becomes legally obligated to buy, a timeshare interest.

"Reservation system" means the method, arrangement or procedure by which a purchaser, in order to reserve the use or occupancy of any accommodation of a multi-site timeshare plan for one or more timeshare periods, is required to compete with other purchasers in the same multi-site timeshare plan, regardless of whether the reservation system is operated and maintained by the multi-site timeshare plan managing entity or any other person.

"Sales agent" means any person who performs within this State as an agent or employee of a developer any one or more of the services or acts as set forth in this act, and includes any real estate broker, broker salesperson or salesperson licensed pursuant to R.S. 45:15-1 et seq., or any person who purports to act in any such capacity.

"Timeshare instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a timeshare plan.

"Timeshare interest" means and includes either:

(1) A "timeshare estate," which is the right to occupy a timeshare property, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof; or

(2) A "timeshare use," which is the right to occupy a timeshare property, which right is neither coupled with a freehold interest, nor coupled with an estate for years with a future interest, in a timeshare property.

"Timeshare period" means the period or periods of time when the purchaser of a timeshare plan is afforded the opportunity to use the accommodations of a timeshare plan.

"Timeshare plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, sale, lease, deed, license, or right to use

agreement or by any other means, whereby a purchaser, in exchange for consideration, receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year on a recurring basis, but not necessarily for consecutive years. A timeshare plan may be:

(1) A "single-site timeshare plan," which is the right to use accommodations at a single timeshare property; or

(2) A "multi-site timeshare plan," which includes:

(a) A "specific timeshare interest," which means an interest wherein a purchaser has, only through a reservation system:

(i) a priority right to reserve accommodations at a specific timeshare property without competing with owners of timeshare interests at other component sites that are part of the multi-site timeshare plan, which priority right extends for at least 60 days; and

(ii) the right to reserve accommodations on a non-priority basis at other component sites that are part of the multi-site timeshare plan; or

(b) A "non-specific timeshare interest", which means an interest wherein a purchaser has, only through a reservation system, the right to reserve accommodations at any component site of the multi-site timeshare plan, with no priority right to reserve accommodations at any specific component site.

"Timeshare property" means one or more accommodations subject to the same timeshare instrument, together with any other property or rights to property appurtenant to those accommodations.

C.45:15-16.52 Applicability of act.

3. This act shall apply to the following:

a. Timeshare plans with an accommodation or component site in the State; and

b. Timeshare plans without an accommodation or component site in this State if those timeshare plans are offered to be sold within this State, regardless of whether the offer originates from within or outside of this State.

C.45:15-16.53 Inapplicability of act.

4. a. This act shall not apply to any of the following:

(1) Timeshare plans, whether or not an accommodation or component site is located in the State, consisting of 10 or fewer timeshare interests;

(2) Timeshare plans, whether or not an accommodation or component site is located in this State, the use of which extends over any period of three years or less. For purposes of determining the term of a timeshare plan, the period of any automatic renewal shall be included , unless a pur-

chaser has the right to terminate the purchaser's participation in the timeshare plan at any time and receive a pro rata refund, or the purchaser receives a notice, not less than 30 days, but not more than 60 days, prior to the date of renewal, informing the purchaser of the right to terminate at any time prior to the date of automatic renewal ;

(3) Timeshare plans, whether or not an accommodation or component site is located in the State, under which the prospective purchaser's total financial obligation will be equal to or less than $3,000 during the entire term of the timeshare plan;

(4) Component sites of specific timeshare interest multi-site timeshare plans that are neither located in nor offered for sale in this State, except that these component sites are still subject to the disclosure requirements of section 10 of this act;

(5) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any State or federal statute;

(6) Offers or dispositions of securities currently registered with the Bureau of Securities within the Division of Consumer Affairs in the Department of Law and Public Safety.

b. A person shall not be required to register as a developer under this act if:

(1) The person is an owner of a timeshare interest who has acquired the timeshare interest for the person's own use and occupancy and who later offers it for resale in a single or isolated transaction; or

(2) The person is a managing entity or an association that is not otherwise a developer of a timeshare plan in its own right, solely while acting as an association or under a contract with an association to offer or sell a timeshare interest transferred to the association through foreclosure, deed in lieu of foreclosure, or gratuitous transfer, if such acts are performed in the regular course of, or as an incident to, the management of the association for its own account in the timeshare plan.

c. If a developer has already registered a timeshare plan under this act, the developer may offer or dispose of an interest in a timeshare plan that is not registered under this act if the developer is offering a timeshare interest in the additional timeshare plan to a current timeshare interest owner of a timeshare interest in a timeshare plan created or operated by that same developer subject to the rules and regulations adopted by the commission.

d. The commission may, from time to time, pursuant to any rules and regulations adopted pursuant to this act, exempt from any of the provisions of this act any timeshare plan, if it finds that the enforcement of this act

with respect to that plan is not necessary in the public interest, or required for the protection of purchasers, by reason of the small amount of the purchase price or the limited character of the offering.

C.45:15-16.54 Administration by Real Estate Commission.

5. This act shall be administered by the New Jersey Real Estate Commission in the Department of Banking and Insurance.

C.45:15-16.55 Nonpreemption of local codes; supersedure of other regulation of timeshares.

6. Except as provided in this section, no provision of this act shall invalidate or modify any provision of any zoning, subdivision, or building code, law, ordinance or regulation. In case of conflict between the provisions of this act and the provisions of any other law, ordinance or regulation governing or purporting to govern the creation, registration, disclosure requirements or sale of timeshare interests in a component site, the provisions of this act shall control.

C.45:15-16.56 Creation of timeshare plan.

7. A timeshare plan may be created in any accommodation unless otherwise prohibited. A timeshare plan shall maintain a one-to-one purchaser-to-accommodation ratio, which means the ratio of the number of purchasers eligible to use the accommodations of a timeshare plan on a given day to the number of accommodations available for use within the plan on that day, such that the total number of purchasers eligible to use the accommodations of the timeshare plan during a given consecutive 12-month period never exceeds the total number of accommodations available for use in the timeshare plan during that consecutive 12-month period. For purposes of the calculation under this section, each purchaser shall be counted at least once, and an individual accommodation shall not be counted more than one time per day per year. An owner of a timeshare interest who is delinquent in the payment of a timeshare plan assessment shall continue to be considered eligible to use the accommodations of the timeshare plan for purposes of calculating the one-to-one purchaser-to-accommodation ratio.

C.45:15-16.57 Requirements for developers of timeshares; application, registration.

8. a. A developer who sells, offers to sell, or attempts to solicit prospective purchasers in this State to purchase a timeshare interest, or any person who creates a timeshare plan with an accommodation in the State, shall reg-

ister with the commission, on forms provided by the commission or in electronic formats authorized by the commission, all timeshare plans which have accommodations located in the State or which are sold or offered for sale to any individual located in the State.

b. Upon the submission of an application approved by the commission, the commission may grant a 90-day preliminary registration to allow the developer to begin offering and selling timeshare interests in a timeshare plan regardless of whether the accommodations of the timeshare plan are located within or outside of the State. Upon submission of a substantially complete application for an abbreviated or comprehensive registration under this act, including all appropriate fees, to the commission prior to the expiration date of the preliminary registration, the preliminary registration will be automatically extended during the registration review period provided that the developer is actively and diligently pursuing registration under this act. The preliminary registration shall automatically terminate with respect to those timeshare interests covered by a final public offering statement that is issued before the scheduled termination date of the preliminary registration. The preliminary registration shall also terminate upon the issuance of any notice of rejection due to the developer's failure to comply with the provisions of this act.

To obtain a preliminary registration, the developer shall provide all of the following:

(1) Submit the reservation instrument to be used in a form previously approved by the department with at least the following provisions:

(a) The right of both the developer and the potential purchaser to unilaterally cancel the reservation at any time;

(b) The payment to the potential purchaser of his or her total deposit following cancellation of the reservation by either party;

(c) The placing of the deposit into an escrow account; and

(d) A statement to the effect that the offering has not yet received final approval from the commission, and that no offering can be made until an offering plan has been filed with, and accepted by, the commission;

(2) Agree to provide each potential purchaser with a copy of the preliminary public offering statement and an executed receipt for a copy before any money or other thing of value has been accepted by or on behalf of the developer in connection with the reservation;

(3) Agree to provide a copy of the reservation instrument signed by the potential purchaser and by or on behalf of the developer to the potential purchaser;

(4) Provide evidence acceptable to the commission that all funds received by the developer will be placed into an independent escrow account with instructions that no funds will be released until a final order of registration has been granted;

(5) Submit the filing fee for a preliminary registration as provided for by regulation. The filing fee shall be in addition to the filing fees for an abbreviated or comprehensive registration as established by this act;

(6) File all advertisements to be utilized by the developer under the preliminary registration with the commission before use.

All advertisements and advertising literature shall contain the following, or substantially similar, disclaimer:

"This advertising material is being used for the purpose of soliciting sales of timeshare interests.";

(7) Such other information as the commission may require in order to further the provisions of this act, to assure full and fair disclosure and for the protection of purchaser interests.

c. Prior to the issuance of an order of registration for an abbreviated or comprehensive registration, the commission may issue a conditional registration approval for a timeshare plan if the filing is deemed to be substantially complete by the commission and the commission determines that the deficiencies are likely to be corrected by the applicant in a reasonable time and manner. Once the commission issues a conditional registration approval, the applicant may begin entering into purchase contracts with the purchaser and provide the purchaser with the most current version of the public offering statement; however, no rescission period may begin to run until the final approved public offering statement is delivered to the purchaser. If there is no material difference between the documents provided to the purchaser pursuant to the conditional registration and the documents approved as part of the final order of approval, then those documents need not be delivered again to the purchaser. All purchase contracts that are executed under the authority of a conditional registration approval shall contain the following provisions:

(1) No escrow will close, funds will not be released from escrow, and the interest contracted for will not be conveyed until a final approved public offering statement for the timeshare plan is furnished to the purchaser.

(2) The contract may be rescinded, in which event the entire sum of money paid or advanced by the purchaser shall be returned if the purchaser or lessee is dissatisfied with the final public offering statement.

(3) The term for a conditional registration approval shall be six months

from the date of approval by the commission, and may be extended upon application to the commission for an additional six month period.

d. A developer shall include in its application for registration with the commission, the following information:

(1) The developer's legal name, any assumed names used by the developer, and the developer's principal office location, mailing address, primary contact person and telephone number;

(2) The name, location, mailing address, primary contact person and telephone number of the timeshare plan;

(3) The name and principal address of the developer's authorized New Jersey representative who shall be a licensed real estate broker licensed to maintain offices within this State;

(4) A declaration as to whether the timeshare plan is a single-site timeshare plan or a multi-site timeshare plan and, if a multi-site timeshare plan, whether it consists of specific timeshare interests or non-specific timeshare interests;

(5) The name and principal address of all brokers within New Jersey who sell or offer to sell any timeshare interests in any timeshare plan offered by the developer to any person in this State, who shall be licensed as a real estate broker pursuant to R.S.45:15-1 et seq., and who are the authorized representatives of the developer;

(6) The name and principal address of all non-affiliated marketing entities who, by means of inducement, promotion or advertisement, attempt to encourage or procure prospective purchasers located in the State to attend a sales presentation for any timeshare plan offered by the developer or authorized broker;

(7) The name and principal address of all managing entities who manage the timeshare plan;

(8) A public offering statement which complies with the requirements of this act; and

(9) Any other information regarding the developer, timeshare plan, brokers, marketing entities or managing entities as required by the commission and established by the commission by regulation.

e. The developer shall comply with the following escrow requirements:

(1) A developer of a timeshare plan shall deposit with an escrow agent all funds which are received during the purchaser's cancellation period set forth in section 18 of this act, into an escrow account in a federally insured depository or a depository acceptable to the commission. The deposit of such funds shall be evidenced by an executed escrow agreement between

the escrow agent and the developer. The escrow agreement shall include provisions that funds may be disbursed to the developer by the escrow agent from the escrow account only after expiration of the purchaser's cancellation period and in accordance with the purchase contract, subject to paragraph (2) of this subsection.

(2) If a developer contracts to sell a timeshare interest and the construction of any property in which the timeshare interest is located has not been completed, the developer, upon expiration of the cancellation period set forth in section 18 of this act, shall continue to maintain in an escrow account all funds received by or on behalf of the developer from the purchaser under the purchase contract. The commission shall establish by rule the type of documentation which shall be required for evidence of completion, including but not limited to a certificate of occupancy, a certificate of substantial completion, or equivalent certificate from a public safety inspection agency in the applicable jurisdiction. Funds shall be released from escrow as follows:

(a) If a purchaser properly cancels the purchase contract pursuant to its terms, the funds shall be paid to the purchaser or paid to the developer if the purchaser's funds have been previously refunded by the developer.

(b) If a purchaser defaults in the performance of the purchaser's obligations under the purchase contract, the funds shall be paid to the developer.

(c) If the funds of a purchaser have not been previously disbursed in accordance with the provisions of this paragraph, they may be disbursed to the developer by the escrow agent upon the issuance of acceptable evidence of completion of construction as provided herein.

(3) In lieu of the provisions in paragraphs (1) and (2) of this subsection, the commission may accept from the developer a surety bond, bond in lieu of escrow, irrevocable letter of credit or other financial assurance acceptable to the commission. Any acceptable financial assurance shall be in an amount equal to or in excess of the lesser of the funds which would otherwise be placed in escrow in accordance with the provisions of paragraph (1) of this subsection, or in an amount equal to the cost to complete the incomplete property in which the timeshare interest is located. However, in no event shall the amount be less than the amount of funds that would otherwise be placed in escrow pursuant to paragraph (1) of this subsection.

(4) The developer shall provide escrow account information to the commission and shall execute in writing an authorization consenting to an audit or examination of the account by the commission on forms provided by the commission. The developer shall comply with the reconciliation and records requirements established by rule by the commission. The developer

shall make documents related to the escrow account or escrow obligation available to the commission upon the commission's request. The escrow agent shall maintain any disputed funds in the escrow account until either:

(a) Receipt of written direction agreed to by signature of all parties; or

(b) Deposit of the funds with a court of competent jurisdiction in which a civil action regarding the funds has been filed.

f. The commission may accept, as provided by regulation, an abbreviated registration application of a developer of a timeshare plan in which all accommodations are located outside of the State. The developer shall provide evidence that the timeshare plan is registered with the applicable regulatory agency in a state or jurisdiction where the timeshare plan is offered or sold, or that the timeshare plan is in compliance with the laws and regulations of the applicable state jurisdiction in which some or all of the accommodations are located, which state or jurisdiction shall have disclosure requirements that are substantially equivalent to or greater than the information required to be disclosed pursuant to subsections b. and c. of this section to purchasers in this State. A developer filing an abbreviated registration application shall provide the following:

(1) The developer's legal name, any assumed names used by the developer, and the developer's principal office location, mailing address, primary contact person and telephone number;

(2) The name, location, mailing address, primary contact person and telephone number of the timeshare plan;

(3) The name and principal address of the developer's authorized New Jersey representative who shall be a licensed real estate broker licensed to maintain offices within this State;

(4) The name and principal address of all brokers within New Jersey who sell or offer to sell any timeshare interests in any timeshare plan offered by the developer to any person in this State, who shall be licensed as a real estate broker pursuant to R.S. 45:15-1 et seq., and who are the authorized representatives of the developer;

(5) The name and principal address of all non-affiliated marketing entities who, by means of inducement, promotion or advertisement, attempt to encourage or procure prospective purchasers located in the State to attend a sales presentation for any timeshare plan offered by the developer or authorized broker;

(6) The name and principal address of all managing entities who manage the timeshare plan;

(7) Evidence of registration or compliance with the laws and regula-

tions of the jurisdiction in which the timeshare plan is located, approved or accepted;

(8) A declaration as to whether the timeshare plan is a single-site timeshare plan or a multi-site timeshare plan and, if a multi-site timeshare plan, whether it consists of specific timeshare interests or non-specific timeshare interests;

(9) Disclosure of each jurisdiction in which the developer has applied for registration of the timeshare plan, and whether the timeshare plan or its developer were denied registration or were the subject of any disciplinary proceeding;

(10) Copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is located, approved or accepted as may be requested by the commission;

(11) The appropriate fee; and

(12) Any other information regarding the developer, timeshare plan, brokers, marketing entities or managing entities as required by the commission and established by the commission by regulation.

A developer of a timeshare plan with any accommodation located in this State may not file an abbreviated filing with regard to such timeshare plan, with the exception of a succeeding developer after a merger or acquisition when the developer's timeshare plan was registered in this State prior to the merger or acquisition.

C.45:15-16.58 Responsibilities of timeshare developer for offering, marketing violations.

9. The developer shall have responsibility for each timeshare plan registered with the commission and for the actions of any sales agent, managing entity or marketing entity utilized by the developer in the offering or promotional selling of any registered timeshare plan. Any violation of this act which occurs during the offering activities shall be a violation by the developer as well as by the sales agent, marketing entity or managing entity who actually committed the violation. Notwithstanding anything to the contrary in this act, the developer shall be responsible for the actions of the association and managing entity only while they are subject to the developer's control.

C.45:15-16.59 Public offering, disclosure statements; requirements.

10. a. A developer shall: (1) prepare a public offering statement; (2) provide the statement to each purchaser of a timeshare interest in any timeshare plan at the time of purchase; and (3) fully and accurately disclose

those facts concerning the timeshare developer and timeshare plan that are required by this act or by regulations promulgated by the commission.

The public offering statement shall be in writing and dated and shall require the purchaser to certify in writing that the purchaser received the statement. Upon approval of the commission, the developer may offer to deliver the public offering statement and other documents on CD-ROM format, Internet website or other electronic media if the purchaser consents.

b. The public offering disclosure statement for a single-site timeshare plan shall include:

(1) The name and address of the developer;

(2) A description of the duration and operation of the timeshare plan;

(3) A description of the existing or proposed accommodations, including the type and number of timeshare interests in the accommodations expressed in periods of seven-day use availability or other time increments applicable to the timeshare plan. The description of each type of accommodation included in the timeshare plan shall be categorized by the number of bedrooms, the number of bathrooms, and sleeping capacity, and shall include a statement indicating whether the accommodation contains a full kitchen, which means a kitchen that has a minimum of a dishwasher, range, sink, oven, and refrigerator. If the accommodations are proposed or incomplete, a schedule for commencement, completion, and availability of the accommodations shall be provided;

(4) A description of any existing or proposed amenities of the timeshare plan and, if the amenities are proposed or incomplete, a schedule for commencement, completion, and availability of the amenities;

(5) The extent to which financial arrangements have been provided for the completion of all promised accommodations and amenities that are committed to be built;

(6) A description of the method and timing for performing maintenance of the accommodations;

(7) A statement indicating that, on an annual basis, the sum of the nights that purchasers are entitled to use the accommodations does not exceed the number of nights the accommodations are available for use by the purchasers;

(8) A description of the method by which purchasers' use of the accommodations is scheduled;

(9) A statement that an association exists or is expected to be created or that such an association does not exist and is not expected to be created and, if such an association exists or is reasonably contemplated, a description of its powers and responsibilities;

(10) A statement that within seven days after receipt of the public offering statement or after execution of the purchase contract, whichever is later, a purchaser may cancel any purchase contract for a timeshare interest from a developer together with a statement providing the name and street address to which the purchaser should mail any notice of cancellation. However, if by agreement of the parties by and through the purchase contract, the purchase contract allows for cancellation of the purchase contract for a period of time exceeding seven days, then the public offering statement shall include a statement that the cancellation of the purchase contract is allowed for that period of time exceeding seven days;

(11) Copies of the following documents, if applicable, including any amendments to the documents, unless separately provided to the purchaser simultaneously with the public offering statement:

(a) the timeshare instrument;

(b) the association articles of incorporation;

(c) the association bylaws;

(d) the association rules; and

(e) any lease or contract, excluding the purchase contract and other loan documents required to be signed by the purchaser at closing;

(12) The name and principal address of the managing entity and a description of the procedures, if any, for altering the powers and responsibilities of the managing entity and for removing or replacing it;

(13) The current annual budget, if available, or the projected annual budget for the timeshare plan. The budget shall include:

(a) a statement of the amount reserved or budgeted for repairs or replacements, if any;

(b) the projected common expense liability, if any, by category of expenditure for the timeshare plan; and

(c) a statement of any services or expenses not reflected in the budget that the developer provides or pays;

(14) The projected assessments and a description of the method for calculating and apportioning those assessments among purchasers;

(15) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee;

(16) A description of any lien, defect, or encumbrance on or affecting title to the timeshare interest and, if applicable, a copy of each written warranty provided by the developer;

(17) A description of any bankruptcy that is pending or which has occurred within the past five years, pending civil or criminal proceeding, ad-

judication, or disciplinary action material to the timeshare plan of which the developer has knowledge;

(18) A description of any financing offered by or available through the developer;

(19) Any current or anticipated fees or charges to be paid by timeshare purchasers for the use of any accommodations or amenities related to the timeshare plan, and a statement that the fees or charges are subject to change;

(20) A description and amount of insurance coverage provided for the protection of the purchaser;

(21) The extent to which a timeshare interest may become subject to a tax lien or other lien arising out of claims against purchasers of different timeshare interests;

(22) A description of those matters required by section 18 of this act;

(23) A statement disclosing any right of first refusal or other restraint on the transfer of all or any portion of a timeshare interest;

(24) A statement disclosing that any deposit made in connection with the purchase of a timeshare interest shall be held by an escrow agent until expiration of any right to cancel the contract and that any deposit shall be returned to the purchaser if the purchaser elects to exercise the right of cancellation; or, if the commission accepts from the developer a surety bond, irrevocable letter of credit, or other form of financial assurance instead of an escrow deposit, a statement disclosing that the developer has provided a surety bond, irrevocable letter of credit, or other form of financial assurance in an amount equal to or in excess of the funds that would otherwise be held by an escrow agent and that the deposit shall be returned if the purchaser elects to exercise the right of cancellation;

(25) A description of the name and address of the exchange company and the method by which a purchaser accesses the exchange program, if the timeshare plan provides purchasers with the opportunity to participate in an exchange program; and

(26) Any other information the commission determines is necessary to protect prospective purchasers or to implement the purpose of this act.

The developer may also include any other information in the timeshare disclosure statement following approval by the commission.

c. The disclosure statement for a specific timeshare interest multi-site timeshare plan shall include:

(1) With regard to the timeshare property in which the purchaser will receive a specific timeshare interest that includes a reservation priority

right, all of the applicable information related to that timeshare property as required under subsection b. of this section;

(2) With regard to the component site in which the purchaser does not receive a specific timeshare interest, the following information:

(a) a description of each component site, including the name and address of each component site;

(b) a description of each type of accommodation in each component site, categorized by the number of bedrooms, the number of bathrooms, and sleeping capacity, and a statement indicating whether the accommodation contains a full kitchen, which means a kitchen that has a minimum of a dishwater, range, sink, oven, and refrigerator;

(c) a description of the amenities at each component site available for use by the purchaser;

(d) a description of the reservation system, which shall include:

(i) the entity responsible for operating the reservation system, its relationship to the developer, and the duration of any agreement for operation of the reservation system;

(ii) a summary or the rules governing access to and use of the reservation system; and

(iii) the existence of and explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis;

(e) The name and principal address of the managing entity for the multi-site timeshare plan and a description of the procedures, if any, for altering the powers and responsibilities of the managing entity and for removing or replacing it;

(f) A description of any right to make additions to, substitutions in, or deletions from accommodations, amenities, or component sites, and a description of the basis on which accommodations, amenities, or component sites may be added to, substituted in, or deleted from the multi-site timeshare plan;

(g) A description of the purchaser's liability for any fees associated with the multi-site timeshare plan;

(h) The location of each component site of the multi-site timeshare plan, as well as any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual purchaser use patterns and changes in purchaser use demand for the accommodations existing at the time within the multi-site timeshare plan; and

(i) Any other information the commission determines is necessary to protect prospective purchasers or to implement the purpose of this act.

d. The public offering statement for a non-specific timeshare interest multi-site timeshare plan shall include:

(1) The name and address of the developer;

(2) A description of the type of interest and usage rights the purchaser will receive;

(3) A description of the duration and operation of the timeshare plan;

(4) A description of the type of insurance coverage provided for each component site;

(5) An explanation of who holds title to the accommodations of each component site;

(6) A description of each component site, including the name and address of each component site;

(7) A description of the existing or proposed accommodations expressed in periods of seven-day use availability or other time increments applicable to the timeshare plan. The description of each type of accommodation included in the timeshare plan shall be categorized by the number of bedrooms, the number of bathrooms, and sleeping capacity, and shall include a statement indicating whether the accommodation contains a full kitchen, which means a kitchen that has a minimum of a dishwasher, range, sink, oven, and refrigerator. If the accommodations are proposed or incomplete, a schedule for commencement, completion and availability of the accommodations shall be provided;

(8) A statement that an association for the multi-site timeshare plan exists or is expected to be created or that such an association does not exist and is not expected to be created and, if such an association exists or is reasonably contemplated, a description of its powers and responsibilities;

(9) If applicable, copies of the following documents applicable to the multi-site timeshare plan, including any amendments to such documents, unless separately provided to the purchaser simultaneously with the timeshare disclosure statement:

(a) the timeshare instrument;

(b) the association articles of incorporation;

(c) the association bylaws; and

(d) the association rules;

(10) A description of the method and timing for performing maintenance of the accommodations;

(11) A statement indicating that, on an annual basis, the total number of purchasers eligible to use the accommodations of the timeshare plan during a given consecutive 12-month period never exceeds the total number of

accommodations available for use in the timeshare plan during that consecutive 12-month period;

(12) A description of amenities available for use by the purchaser at each component site;

(13) The location of each component site of the multi-site timeshare plan, as well as any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual purchaser use patterns and changes in purchaser use demand for the accommodations existing at the time within the multi-site timeshare plan;

(14) A description of any right to make any additions, substitutions, or deletions of accommodations, amenities, or component sites, and a description of the basis upon which accommodations, amenities, or component sites may be added to, substituted in, or deleted from the multi-site timeshare plan;

(15) A description of the reservation system that shall include all of the following:

(a) the entity responsible for operating the reservation system, its relationship to the developer, and the duration of any agreement for operation of the reservation system;

(b) a summary of the rules governing access to and use of the reservation system; and

(c) the existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis;

(16) The name and principal address of the managing entity for the multi-site timeshare plan and a description of the procedures, if any, for altering the powers and responsibilities of the managing entity and for removing or replacing it, and a description of the relationship between the multi-site timeshare plan managing entity and the managing entity of the component sites of the multi-site timeshare plan, if different from the multi-site timeshare plan managing entity;

(17) A statement that within seven days after receipt of the public offering statement or after execution of the purchase contract, whichever is later, a purchaser may cancel any purchase contract for a timeshare interest from a developer together with a statement providing the name and street address to which the purchaser should mail any notice of cancellation. However, if by agreement of the parties by and through the purchase contract, the purchase contract allows for cancellation of the purchase contract for a period of time exceeding seven days, then the public offering state-

ment shall include a statement that the cancellation of the purchase contract is allowed for that period of time exceeding seven days;

(18) The current annual budget of the multi-site timeshare plan, if available, or the projected annual budget for the multi-site timeshare plan, which shall include:

(a) a statement of the amount reserved or budgeted, if any, for repairs, replacements, and refurbishment;

(b) the projected common expense liability, if any, by category of expenditure for the multi-site timeshare plan; and

(c) a statement of any services or expenses not reflected in the budget that the developer provides or pays;

(19) The projected assessments and a description of the method for calculating and apportioning those assessments among purchasers of the multi-site timeshare plan;

(20) Any current fees or charges to be paid by purchasers for the use of any amenities related to the timeshare plan and a statement that the fees or charges are subject to change;

(21) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee;

(22) A description of the purchaser's liability for any fees associated with the multi-site timeshare plan;

(23) A description of any lien, defect, or encumbrance on or affecting title to the timeshare interest and, if applicable, a copy of each written warranty provided by the developer;

(24) The extent to which a timeshare interest may become subject to a tax lien or other lien arising out of claims against purchasers of different timeshare interests;

(25) A description of those matters required by section 18 of this act;

(26) A description of any financing offered by or available through the developer;

(27) A description of any bankruptcy that is pending or which has occurred within the past five years, pending civil or criminal proceeding, adjudication, or disciplinary action material to the timeshare plan of which the developer has knowledge;

(28) A statement disclosing any right of first refusal or other restraint on the transfer of all or a portion of a timeshare interest;

(29) A statement disclosing that any deposit made in connection with the purchase of a timeshare interest shall be held by an escrow agent until expiration of any right to cancel the contract and that any deposit shall be

returned to the purchaser if the purchaser elects to exercise the right of cancellation; or, if the commission accepts from the developer a surety bond, irrevocable letter of credit, or other form of financial assurance instead of an escrow deposit, a statement disclosing that the developer has provided a surety bond, irrevocable letter of credit, or other form of financial assurance in an amount equal to or in excess of the funds that would otherwise be held by an escrow agent and that the deposit shall be returned if the purchaser elects to exercise the right of cancellation;

(30) A description of the name and address of the exchange company and the method by which a purchaser accesses the exchange program, if the timeshare plan provides purchasers with the opportunity to participate in an exchange program;

(31) Any other information the commission determines is necessary to protect prospective purchasers or to implement the purpose of this act. The developer may also include any other information in the timeshare disclosure statement following approval by the commission.

e. The developer shall also distribute to the purchaser any additional documents as the commission may require for accommodations in this State as provided by regulation, including such additional documentation as may be required under the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

C.45:15-16.60 Filing of annual reports by developer of timeshare.

11. a. Within 30 days after each annual anniversary date of an order registering the timeshare, or on or before a date set by the commission, and while the developer continues to offer any timeshare interests in the timeshare plan in this State, the developer shall file a report in the form prescribed by the rules and regulations promulgated by the commission. The report shall reflect any material changes in the information contained in the original or subsequently submitted applications or documents.

b. (1) The developer shall file amendments to its registration to reflect any material change in any information set forth in the project and disclosure documents. The developer shall notify the commission of the material change prior to implementation of the change, unless the change is beyond the control of the developer; in which event, the developer shall provide written notice to the commission as soon as reasonably practicable after the occurrence of the event. All amendments, supplements, and facts relevant to the material change shall be filed with the commission within 20 calendar days of the material change.

(2) The developer may continue to sell timeshare interests in the timeshare plan so long as, prior to closing, the developer provides a notice to each purchaser that describes the material change and provides to each purchaser the previously approved public offering statement. If the change is material and adverse to the purchasers of the timeshare plan as a whole, as determined by the commission, no closing shall occur until the amendment relating to the material and adverse change has been approved by the commission. After the amendment relating to the material and adverse change has been approved and the amended public offering statement has been issued, the amended public offering statement shall be provided to the purchaser, and an additional seven-day rescission period shall commence. The developer shall be required to maintain evidence of the receipt by each purchaser of the amended public offering statement. If the commission refuses to approve the amendment relating to the material and adverse change, all sales made using the notice shall be subject to rescission and all funds returned.

(3) The developer shall update the public offering statement to reflect any changes to the timeshare plan that are not material and adverse, including the addition of any component sites, within a reasonable time as determined by the commission pursuant to regulation.

c. Upon a determination by the commission that an annual report is no longer necessary for the protection of the public interest or that the developer no longer retains any interest and no longer has any contractual, bond or other obligations in the subdivision, the commission shall issue an order terminating the responsibilities of the developer under this act.

C.45:15-16.61 Issuance of notice of filing of registration.

12. Upon receipt of a substantially complete application for registration, in proper form and accompanied by the appropriate filing fees, the commission shall, within 10 business days of receipt of the registration, issue a notice of filing. The notice shall not be construed as an approval of the registration, or any portion thereof.

C.45:15-16.62 Review of registration; orders, schedule.

13. Every registration required to be filed with the commission under this act shall be reviewed by the commission and the commission shall issue an order of registration in accordance with the following schedule:

a. As to comprehensive registrations, registrations shall be effective upon the issuance of an order of registration by the commission within 60

days after receipt and issuance of a notice of filing. The commission shall provide a list of deficiencies in the application, if any, within 60 days of the issuance of the notice of filing. If a list of deficiencies is not provided to the applicant within 60 days of issuance of the notice of filing, the timeshare plan shall be deemed registered unless the applicant has consented in writing to a delay.

b. As to abbreviated registrations, registration shall be effective upon the issuance of an order of registration by the commission 30 days after receipt and issuance of a notice of filing. The commission shall provide a list of deficiencies in the application, if any, within 30 days of the issuance of the notice of filing. If a list of deficiencies is not provided to the applicant within 30 days of the issuance of the notice of filing, the timeshare plan shall be deemed registered unless the applicant has consented in writing to a delay.

c. A preliminary registration shall be effective within 20 days of receipt, unless the commission provides to the applicant a written list of deficiencies in the application, if any, within 20 days of receipt of a completed application and fee. If a list of deficiencies is not provided to the applicant within 20 days of receipt of the application for a preliminary registration, the preliminary registration shall be deemed approved unless the applicant has consented in writing to a delay.

C.45:15-16.63 Deficiency notice, appeal.

14. a. If the commission determines upon inquiry and examination that any of the requirements of this act have not been met, the commission shall notify the applicant that the application for registration shall be corrected as specified in writing within 30 days from the date the notice is received by the applicant. These findings shall be the result of the commission's preliminary inquiry and examination and no hearing shall be required as the basis for those findings.

b. In the event that the requirements of the deficiency notice are not met within the time frame provided in subsection a. of this section, and the applicant has not demonstrated a good faith effort to correct the deficiencies, the commission may enter an order rejecting the filing. The order shall include the factual and legal basis for the rejection and shall provide that, unless appealed as provided for in subsection c. of this section, the terms of the order shall become final after 45 days of delivery to the applicant.

c. Upon the applicant's receipt of an order of rejection, the applicant shall have the right to file an appeal with the commission and shall be enti-

tled to a hearing thereon provided that the appeal is filed within 45 days of the applicant's receipt of the order of rejection. In the event that an appeal is filed by the applicant, the order of rejection shall not take effect until such time as a determination has been rendered on the appeal. While an appeal of an order of rejection remains pending, a timeshare plan which is the subject of the notice of filing referenced in the order of rejection shall not be considered registered.

C.45:15-16.64 Fee for initial registration.

15. a. The fee for an initial registration shall be $1,000 plus $50 per timeshare interest, which fee shall not exceed $7,500, unless otherwise provided by the commission pursuant to regulation to defray the cost of rendering the services required by the provisions of this act.

b. The commission may also provide, by regulation, for fees to cover the reasonable expenses of carrying out other responsibilities established under this act, including, but not limited to, fees for the processing of amendments, exemption applications and preliminary registrations.

C.45:15-16.65 Registrations required for sale.

16. Unless otherwise provided by regulation, a developer, or any of its agents, shall not sell, offer, or dispose of a timeshare interest in this State unless all necessary registrations are filed and approved by the commission, or while an order revoking or suspending a registration is in effect.

C.45:15-16.66 Creation of provision for managing entity, duties.

17. a. Before the first sale of a timeshare interest, the developer shall create or provide for a managing entity, which shall be either the developer, a separate manager or management firm, the board of directors of an owners' association, or some combination thereof.

b. The duties of the managing entity shall include, but not be limited to:

(1) Management and maintenance of all accommodations constituting the timeshare plan;

(2) Collection of all assessments as provided in the timeshare instrument;

(3) Providing to all purchasers each year an itemized annual budget, which shall include all estimated revenues and expenses;

(4) Maintenance of all books and records concerning the timeshare plan;

(5) Scheduling occupancy of accommodations, when purchasers are not entitled to use specific timeshare periods, so that all purchasers will be provided the opportunity to possess and use the accommodations of the

timeshare plan which they have purchased; and

(6) Performing any other functions and duties that are necessary and proper to maintain the accommodations or that are required by the timeshare instrument.

c. In the event a developer, managing entity or association files a complaint in a foreclosure proceeding involving timeshare interests, the developer, managing entity or association may join in the same action multiple defendant obligers and junior interest holders of separate timeshare interests, provided:

(1) The foreclosure proceeding involves a single timeshare plan;

(2) The foreclosure proceeding is filed by a single plaintiff;

(3) The default and remedy provisions in the written instruments on which the foreclosure proceeding is based are substantially the same for each defendant; and

(4) The nature of the defaults alleged is the same for each defendant.

d. In any foreclosure proceeding involving multiple defendants filed under subsection c. of this section, the court shall, if appropriate, sever for separate trial any count of the complaint in which a defense or counterclaim is timely raised by a defendant.

C.45:15-16.67 Voidability of purchase contract.

18. Any purchase contract entered into by a purchaser of a timeshare interest under this act shall be voidable by the purchaser, without penalty, within seven calendar days after the receipt of the public offering statement or the execution of the purchase contract, whichever date is later. The purchase contract shall provide notice of the seven-day cancellation period, together with the name and mailing address to which any notice of cancellation shall be delivered. Notice of cancellation shall be timely if the notice is deposited with the United States Postal Service not later than midnight of the seventh day. Upon such cancellation, the developer shall refund to the purchaser all payments made by the purchaser, less the amount of any benefits actually received pursuant to the purchase contract. The refund shall be made within 30 days after the receipt of the notice of cancellation, or receipt of funds from the purchaser's cleared check, whichever occurs later. If a purchaser elects to cancel a purchase contract pursuant to this section, the purchaser may do so by hand delivering a written notice of cancellation or by mailing a notice of cancellation by certified mail, return receipt requested, to the developer, as applicable, at an address set forth in the purchase contract.

C.45:15-16.68 Conditions for release of escrow funds to the developer.

19. Excluding any encumbrance placed against the purchaser's timeshare interest securing the purchaser's payment of purchase money financing for the purchase, the developer shall not be entitled to the release of any funds escrowed with respect to each timeshare interest and any other property or rights to property appurtenant to the timeshare interest, including any amenities represented to the purchaser as being part of the timeshare plan, until the developer has provided satisfactory evidence to the commission of one of the following:

a. The timeshare interest together with any other property or rights to property appurtenant to the timeshare interest, including any amenities represented to the purchaser as being part of the timeshare plan, are free and clear of any of the claims of the developer, any owner of the underlying fee, a mortgagee, judgment creditor, or other lienor or any other person having an interest in or lien or encumbrance against the timeshare interest or appurtenant property or property rights;

b. The developer, any owner of the underlying fee, a mortgagee, judgment creditor, or other lienor, or any other person having an interest in or lien or encumbrance against the timeshare interest or appurtenant property or property rights, including any amenities represented to the purchaser as being part of the timeshare plan, has recorded a subordination and notice to creditors document in the jurisdiction in which the timeshare interest is located. The subordination document shall expressly and effectively provide that the interest holder's right, lien or encumbrance shall not adversely affect, and shall be subordinate to, the rights of the owners of the timeshare interests in the timeshare plan regardless of the date of purchase, from and after the effective date of the subordination document;

c. The developer, any owner of the underlying fee, a mortgagee, judgment creditor, or other lienor, or any other person having an interest in or lien or encumbrance against the timeshare interest or appurtenant property or property rights, including any amenities represented to the purchaser as being part of the timeshare plan, has transferred the subject accommodations or amenities or all use rights therein to a nonprofit organization or owners' association to be held for the use and benefit of the purchasers of the timeshare plan, which entity shall act as a fiduciary to the purchasers, provided that the developer has transferred control of that entity to the purchasers or does not exercise its voting rights in that entity with respect to the subject accommodations or amenities. Prior to the transfer, any lien or other encumbrance against the accommodation or facility shall be made

subject to a subordination and notice to creditors instrument pursuant to subsection b. of this section; or

d. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the timeshare interests and are approved by the commission.

C.45:15-16.69 Compliance by sales agents; non-monetary compensation.

20. a. A sales agent in New Jersey shall comply with the provisions of R.S.45:15-1 et seq., and the regulations adopted pursuant thereto, including licensure requirements, unless otherwise exempt by law.

b. A timeshare interest owner, who, for non-monetary compensation, as provided for in this act and by regulation, refers in a calendar year no more than 12 prospective purchasers of timeshare interests in the timeshare plan shall not be required to be licensed pursuant to R.S.45:15-1 et seq., provided the referring timeshare interest owner does not show, discuss terms or conditions of purchase or otherwise participate in negotiations with regard to the timeshare purchase. Examples of non-monetary compensation shall include, but shall not be limited to, the following:

(1) Waiver of association maintenance fees;

(2) Free meals at a restaurant or rounds of golf at a golf course;

(3) Points or other non-monetary currency associated with hotel, timeshare or other loyalty programs; or

(4) Other benefits specifically associated with the timeshare plan.

c. A person licensed under R.S.45:15-1 et seq., who also is a bona fide owner of a timeshare property, shall be entitled to receive non-monetary compensation as defined in subsection b. of this section on the same basis as any other owner of a timeshare property. The non-monetary compensation or referral pursuant to subsection b. of this section shall not fall within the scope of R.S.45:15-1 et seq. or the rules and regulations implementing R.S.45:15-1 et seq.

C.45:15-16.70 Prohibitions relative to developers of timeshares.

21. a. A developer or other person offering a timeshare plan shall not:

(1) Misrepresent a fact material to a purchaser's decision to buy a timeshare interest;

(2) Predict any increase in the value of a timeshare interest represented over a period of time, excluding bona fide pending price increases by the developer;

(3) Materially misrepresent the qualities or characteristics of accommodations or the amenities available to the occupant of those accommodations;

(4) Misrepresent the length of time accommodations or amenities will be available to the purchaser of a timeshare interest; or

(5) Misrepresent the conditions under which a purchaser of a timeshare interest may exchange the right of the purchaser's occupancy for the right to occupy other accommodations.

b. A developer or other person using a promotion in connection with the offering of a timeshare interest shall clearly disclose all of the following:

(1) That the purpose of the promotion is to sell timeshare interests, which shall appear in bold face or other conspicuous type on all promotional materials;

(2) That any person whose name or address is obtained during the promotion may be solicited to purchase a timeshare interest;

(3) The name of each developer or other person trying to sell a timeshare interest through the promotion, and the name of each person paying for the promotion if different from the developer;

(4) The complete details of participation in the promotion;

(5) The method of awarding premiums or other benefits under the promotion;

(6) A complete and fully detailed description, including approximate retail value of each premium or benefit under the promotion if the retail value of the premium or benefit is over $50;

(7) The quantity of each premium to be awarded or conferred;

(8) The date by which each premium or benefit will be awarded or conferred; and

(9) Any other disclosures required by the commission pursuant to regulation.

c. The required disclosures for an advertisement that contains a promotion in connection with the offering of a timeshare interest shall be provided or otherwise made available to prospective purchasers in writing or electronically at least once prior to any scheduled sales presentation and received by the prospective purchasers prior to their leaving to attend the sales presentation. The required disclosures need not be included in every written, oral or electronic communication to the prospective purchaser prior to the sales presentation.

d. If a person represents that a premium or benefit will be awarded in connection with a promotion, the premium or benefit shall be awarded or conferred in the manner represented, and on or before the date represented for awarding or conferring the premium or benefit.

C.45:15-16.71 Detailed financial records.

22. The managing entity shall keep detailed financial records directly related to the operation of the timeshare plan. All financial and other records shall be made reasonably available for examination by any purchaser, or the authorized agent of the purchaser, and the commission. The managing entity may charge the purchaser a reasonable fee for copying any requested information.

C.45:15-16.72 Maintenance of employee records.

23. Every developer shall maintain, for a period of two years, records of any real estate brokers, broker-salespersons or salespersons licensed in the State and employed by the developer, as well as all other managerial employees located in the State and employed by the developer, including the last known address of each of those individuals.

C.45:15-16.73 Permitted action for partition.

24. No action for partition of a timeshare interest may be initiated except as permitted by the timeshare instrument.

C.45:15-16.74 Refusal to issue, renew; revocation, suspension of registration; penalties.

25. The commission may refuse to issue or renew any registration, or revoke or suspend any registration or place on probation or administrative supervision, or reprimand any registrant, or impose an administrative penalty not to exceed $50,000, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), after notice and an opportunity to be heard, for any of the following causes:

a. A registrant's violation of any provision of this act or of the regulations adopted by the commission to enforce this act.

b. A conviction of the registrant or any principal of the registrant of:

(1) A felony that is punishable by death or imprisonment for a term exceeding one year under the laws of any state or federal jurisdiction;

(2) A misdemeanor under the laws of any state or federal jurisdiction if an essential element of the offense is dishonesty; or

(3) Any crime under the laws of any state or federal jurisdiction if the crime relates directly to the practice of the profession regulated by this act.

c. A registrant's making any misrepresentation for the purpose of obtaining an order of registration or exemption.

d. A registrant's discipline in another state or federal jurisdiction, State agency, or foreign country regarding the practice of the profession regulated by this act, if at least one of the grounds for the discipline is the same

as or substantially equivalent to one of those set forth in this act.

e. A finding by the commission that the registrant, after having his registration placed on probationary status, has violated the terms of probation.

f. A registrant's practicing or attempting to practice under a name other than the name as shown on his registration or any other legally authorized name.

g. A registrant's failure to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax law administered by the State Department of the Treasury or any local government entity, until the requirements of any tax are satisfied.

h. A registrant's engaging in any conduct likely to deceive, defraud or harm the public.

i. A registrant's aiding or abetting another person in violating any provision of this act or of the regulations adopted by the commission to enforce this act.

j. Any representation in any document or information filed with the commission that is materially false or misleading.

k. A registrant's disseminating or causing to be disseminated any materially false or misleading promotional materials or advertisements in connection with a timeshare plan.

l. A registrant's concealing, diverting, or disposing of any funds or assets of any person in a manner that impairs the rights of purchasers of timeshare interests in the timeshare plan.

m. A registrant's failure to perform any stipulation or agreement made to induce the commission to issue an order relating to the timeshare plan.

n. A registrant's, or its agents or brokers engaging in any act that constitutes a violation of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

o. A registrant's, or its agent's or broker's failure to provide information requested in writing by the commission, either as the result of a complaint to the commission or as a result of a random audit conducted by the commission, which would indicate a violation of this act.

p. A registrant's, or its agent's or broker's, failure to account for or remit any escrow funds coming into his possession which belonged to others.

q. A registrant's, or its agent's or broker's, failure to make available to commission personnel during normal business hours all escrow records and related documents maintained in connection therewith, within a reasonable period of time after a request from the commission personnel, but in no

event later than five business days from the request.

C.45:15-16.75 Powers of commission.

26. The commission may:

a. Accept registrations filed in this State, in other states, or with the federal government;

b. Contract with similar agencies in this State or other jurisdictions to perform investigative functions;

c. Accept grants-in-aid from any governmental or other source;

d. Cooperate with similar agencies or commissions in this State or other jurisdictions to establish uniform filing procedures and forms, uniform public offering statements, advertising standards, rules and common administrative practices;

e. Grant exemptions pursuant to the rules and regulations adopted pursuant to this act;

f. Make any necessary public or private investigations within or outside of this State to determine whether any person has violated or is about to violate any provision of this act, or to aid in the enforcement of this act or in the prescribing of rules and regulations and forms hereunder;

g. Require or permit any person to file a statement in writing, under oath or otherwise, as the commission determines, as to all the facts and circumstances concerning any matter to be investigated;

h. For the purpose of any investigation or proceeding under this act, the commission or any officer designated by regulation, may administer oaths, or affirmations, and upon its own motion or upon request of any party may subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence; and

i. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the commission may apply to the Superior Court for an order compelling compliance with the subpoena.

C.45:15-16.76 Determinations by commission; cease and desist order.

27. a. If the commission determines after notice and hearing that a person has:

(1) Violated any provision of this act;

(2) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional or sales methods in the State to offer or dispose of an interest in the timeshare plan;

(3) Made any material change in the plan of disposition and development of the timeshare plan subsequent to the order of registration without first complying with the provisions of section 11 of this act;

(4) Disposed of any timeshare plan which have not been registered with the commission; or

(5) Violated any lawful order or rule or regulation of the commission;

the commission may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this act.

b. If the commission makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, the commission may issue a temporary cease and desist order. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held within 15 days of the receipt of the request.

C.45:15-16.77 Violations.

28. a. If it appears that a person has engaged, or is about to engage, in an act or practice constituting a violation of a provision of this act, the commission, with or without prior administrative proceedings, may bring an action in the Superior Court to enjoin the acts or practices and to enforce compliance with this act or any rule, regulation or order hereunder. Upon proper showing, injunctive relief or a temporary restraining order shall be granted, and a receiver may be appointed. The commission shall not be required to post a bond in any court proceeding.

b. The commission may intervene in any suit relating to this act. Each developer registered pursuant to this act shall provide the commission with notice of any lawsuit that is filed against the developer or the registered timeshare plan that relates to rights, duties, or responsibilities of the developer or timeshare plan as set forth in this act.

C.45:15-16.78 Application for registration deemed submission to jurisdiction of courts.

29. a. For purposes of this act, an application for registration submitted to the commission shall be deemed a submission, by the applicant, to the jurisdiction of the courts of the State of New Jersey.

b. In addition to the methods of service provided for in the Rules of

Court, service may be made by delivering a copy of the process to a person designated by the commission to receive the process at its office, but that service shall not be effective unless the plaintiff, which may be the commission, in a proceeding instituted by it:

(1) Sends a copy of the process and the pleading by certified mail to the defendant or respondent at his last known address; and

(2) The plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within the time as the court allows.

c. If any person, including any nonresident of this State, engages in conduct prohibited by this act and has not filed a consent to service of process, and personal jurisdiction over him cannot otherwise be obtained in this State, that conduct authorizes the commission to receive service of process, in any non-criminal proceedings against him or his successor which arises from that conduct and which is brought under this act with the same force as if served on him personally. Notice shall be given as provided in subsection b. of this section.

C.45:15-16.79 Additional penalties.

30. a. Any broker, broker-salesperson or salesperson who violates the provisions of this act shall, in addition to the penalties set forth herein, be subject to the penalties as set forth in R.S.45:15-17.

b. Any person who violates any provision of this act or any person who, in an application for registration filed with the commission, makes any untrue statement of a material fact or omits to state a material fact shall be fined not less than $250, nor more than $50,000, per violation.

c. The commission may levy and collect the penalties set forth in subsection b. of this section after affording the person alleged to be in violation of this act an opportunity for a hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) on the alleged violations and a finding by the commission that the person is guilty of the violation. When a penalty levied by the commission has not been satisfied within 30 days of the levy, the penalty may be sued for and recovered by, and in the name of, the commission in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. The commission may, in the interest of justice, compromise any civil penalty, if in its determination the gravity of the offense does not warrant the assessment of the full fine.

C.45:15-16.80 Actions, counterclaims, remedies.

31. a. Any person who suffers any ascertainable loss of moneys as a result of the failure of another to comply fully with the provisions of this act may bring an action or assert a counterclaim in any court of competent jurisdiction. In any action filed under this section in which a defendant is found to have knowingly engaged in any false, deceptive, misleading promotional or sales methods or discriminatory advertising on the basis of race, sex, creed, color, marital status, national origin or religion, concealed or fraudulently diverted any funds or assets so as to defeat the rights of timeshare plan purchasers, made an intentional misrepresentation or concealed a material fact in an application for registration, or disposed of any timeshare plan required to be registered under this act, which are not so registered, the court shall, in addition to any other appropriate legal or equitable remedy, award double the damages suffered, and court costs, including reasonable attorney's fees. In the case of an untruth, omission, or misleading statement the developer sustains the burden of proving that the purchaser knew of the untruth, omission or misleading statement, or that he did not rely on such information, or that the developer did not know, and in the exercise of reasonable care could not have known of the untruth, omission, or misleading statement.

b. The court, in addition to the remedies provided in this act, may award any other relief appropriate under the circumstances including, in the court's discretion, restitution of all monies paid and, where a developer has failed to provide to a purchaser a copy of the current public offering statement approved by the commission prior to execution of the contract or agreement, rescission of the contract. If the purchaser fails to establish a cause of action, and the court further determines that the action was wholly without merit, the court shall award attorney's fees to the developer.

c. Any stipulation or provision purporting to bind a purchaser acquiring an interest in a timeshare plan subject to the provisions of this act to a waiver of compliance with the provisions of this act shall be void.

C.45:15-16.81 Valid registration required for action.

32. a. An action shall not be maintained by any developer in any court in this State with respect to any agreement, contract, or services for which registration is required by this act, or to recover the agreed price or any consideration under any agreement, or to recover for services for which a registration is required by this act, without proving that the developer had a valid order of registration at the time of making the agreement or performing the work.

b. A person licensed in this State as a real estate broker pursuant to R.S.45:15-1 et seq. shall not represent any unregistered timeshare plan and shall not accept or collect any commission or other form of consideration from any developer unless the timeshare plan is registered pursuant to the requirements of this act.

C.45:15-16.82 Rules.

33. The commission shall adopt rules for the implementation and enforcement of this act in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.45:15-16.83 Forms, procedures.

34. The commission may prescribe forms and procedures for submitting information to the commission.

C.45:15-16.84 Investigation of matters relative to application for registration.

35. The commission shall thoroughly investigate all matters relating to an application for registration under this act and may require a personal inspection of any timeshare plan, accommodation, and any offices where any of the foregoing may transact business. All reasonable expenses incurred by the commission in investigating such matters shall be paid by the registrant. The commission may require a deposit sufficient to cover the expenses prior to incurring the expenses.

C.45:15-16.85 Existing timeshare plans remain in full force and effect.

36. All timeshare plans that were registered and approved pursuant to the provisions of the "Real Estate Sales Full Disclosure Act," P.L.1989, c.239 (C.45:15-16.27 et seq.) and "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) in effect on the effective date of this act shall remain in full force and effect after the effective date of this act and shall be considered registered under this act and shall not be required to file any further documentation under this act, except as to comply with the requirements of section 11.

Developers who have filed timeshare plans that were exempt from the requirements of the "Real Estate Sales Full Disclosure Act," P.L.1989, c.239 (C.45:15-16.27 et seq.) and "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) shall be required to file a registration application with the commission within 90 days from the effective date of this act unless they are otherwise exempt under

this act. These developers and timeshare plans shall be allowed to continue operating as long as a registration application is filed with the commission within the timeframe stated above and as long as they, in good faith, continue to work with the commission to correct any and all deficiencies in the registration application.

Any existing injunction or temporary restraining order validly obtained under the "Real Estate Sales Full Disclosure Act," P.L.1989, c.239 (C.45:15-16.27 et seq.) or "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) which prohibits unregistered practice of timeshare developers, timeshare plans, and their agents shall not be invalidated by the enactment of this act and shall continue to have full force and effect on and after the effective date of this act. Any existing disciplinary action or investigation pursuant to a violation under the "Real Estate Sales Full Disclosure Act," P.L.1989, c.239 (C.45:15-16.27 et seq.) or "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) shall not be invalidated by the enactment of this act and shall continue to have full force and effect on and after the effective date of this act.

37. Section 2 of P.L.1989, c.239 (C.45:15-16.28) is amended to read as follows:

C.45:15-16.28 Definitions.

2. As used in this act:

"Advertising" means the publication, or causing to be published, of any information offering for sale, or for the purpose of causing or inducing any other person to purchase or acquire, an interest in the title to subdivided lands, including the land sales contract to be used and any photographs or drawings or artist's representation of physical conditions or facilities on the property existing or to exist by means of any:

(1) Newspaper or periodical;

(2) Radio or television broadcast;

(3) Written or printed or photographic matter produced by any duplicating process producing 10 copies or more;

(4) Billboards or signs;

(5) Display of model homes or units;

(6) Material used in connection with the disposition or offer of subdivided lands by radio, television, telephone or any other electronic means; or

(7) Material used by subdividers or their agents to induce prospective

purchasers to visit the subdivision; particularly vacation certificates which require the holders of those certificates to attend or submit to a sales presentation by a subdivider or its agents.

"Advertising" does not mean: stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, or similar documents; prospectuses, property reports, offering statements, or other documents required to be delivered to a prospective purchaser by an agency of any other state or the federal government; all communications addressed to and relating to the account of any person who has previously executed a contract for the purchase of the subdivider's lands except when directed to the sale of additional lands.

"Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

"Broker" or "salesperson" means any person who performs within this State as an agent or employee of a subdivider any one or more of the services or acts as set forth in this act, and includes any real estate broker or salesperson licensed pursuant to R.S.45:15-1 et seq. or any person who purports to act in any such capacity.

"Commission" means the New Jersey Real Estate Commission.

"Common promotional plan" means any offer for the disposition of lots, parcels, units or interests of real property by a single person or group of persons acting in concert, where those lots, parcels, units or interests are contiguous, or are known, designated or advertised as a common entity or by a common name regardless of the number of lots, parcels, units or interests covered by each individual offering.

"Disposition" means the sale, lease, assignment, award by lottery, or any other transaction concerning a subdivision if undertaken for gain or profit.

"Notice" means a communication by mail from the commission executed by its secretary or other duly authorized officer. Notice to subdividers shall be deemed complete when mailed to the subdivider's address currently on file with the commission.

"Offer" means every inducement, solicitation or attempt to encourage a person to acquire an interest in a subdivision if undertaken for gain or profit.

"Person" means an individual, corporation, government or governmen-

tal subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Purchaser" means a person who acquires or attempts to acquire or succeeds to an interest in a subdivision.

"Subdivider" or "developer" means any owner of subdivided lands or the agent of that owner who offers the subdivided lands for disposition.

"Subdivision" and "subdivided lands" mean any land situated outside the State of New Jersey whether contiguous or not, if one or more lots, parcels, units or interests are offered as a part of a common promotional plan of advertising and sale and expressly means and includes such units or interests commonly referred to as a "condominium," defined in the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.). In addition to condominiums, this definition shall also specifically include, but shall not be limited to, any form of homeowners association, any housing cooperative and any community trust or other trust device.

38. Section 6 of P.L.1989, c.239 (C.45:15-16.32) is amended to read as follows:

C.45:15-16.32 Methods of disposition not applicable to this act.

6. a. Unless the method of disposition is adopted for the purpose of evasion of this act, the provisions of this act are not applicable to offers or dispositions of an interest in a subdivision:

(1) By an owner for his own account in a single or isolated transaction;

(2) Wholly for industrial or commercial purposes;

(3) Pursuant to court order;

(4) By any governmental agency;

(5) As cemetery lots or interests;

(6) Of less than 100 lots, parcels, units or interests; but, this exemption shall not apply to condominiums, cooperatives, retirement communities and offers or dispositions by entities comprised of or acting on behalf of the owners of other units in the subdivision, including, but not limited to entities designated as homeowners associations, regardless of the number of lots, parcels, units or interests offered or disposed of;

(7) Where the common elements or interests, which would otherwise subject the offering to this act, are limited to the provision of unimproved, unencumbered open space, except where registration is required by the "Interstate Land Sales Full Disclosure Act," Pub.L.90-448 (15 U.S.C. s.1701 et

seq.) with the Office of Interstate Land Sales Registration, in the Department of Housing and Urban Development; or

(8) In a development comprised wholly of rental units, where the relationship created is one of landlord and tenant.

b. Unless the method of disposition is adopted for the purpose of evasion of this act, the provisions of this act are not applicable to:

(1) Offers or dispositions of evidences of indebtedness secured by a mortgage or deed of trust of real estate;

(2) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any State or federal statute;

(3) Offers or dispositions of securities currently registered with the Bureau of Securities in the Department of Law and Public Safety; or

(4) Offers or dispositions of any interest in oil, gas or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by federal law or by the State Bureau of Securities.

c. The commission may, from time to time, pursuant to any rules and regulations promulgated pursuant to this act, exempt from any of the provisions of this act any subdivision or any lots in a subdivision, if it finds that the enforcement of this act with respect to that subdivision or the lots therein, is not necessary in the public interest, or required for the protection of purchasers, by reason of the small amount involved or the limited character of the offering.

39. Section 3 of P.L.1977, c.419 (C.45:22A-23) is amended to read as follows:

C.45:22A-23 Definitions.

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

a. "Disposition" means any sales, contract, lease, assignment, or other transaction concerning a planned real estate development.

b. "Developer" or "subdivider" means any person who disposes or offers to dispose of any lot, parcel, unit, or interest in a planned real estate development.

c. "Offer" means any inducement, solicitation, advertisement, or attempt to encourage a person to acquire a unit, parcel, lot, or interest in a planned real estate development.

d. "Purchaser" or "owner" means any person or persons who acquires a legal or equitable interest in a unit, lot, or parcel in a planned real estate development, and shall be deemed to include a prospective purchaser or owner.

e. "State" means the State of New Jersey.

f. "Commissioner" means the Commissioner of Community Affairs.

g. "Person" shall be defined as in R.S.1:1-2.

h. "Planned real estate development" or "development" means any real property situated within the State, whether contiguous or not, which consists of or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. This definition shall not apply to any form of timesharing.

This definition shall specifically include, but shall not be limited to, property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners' association, any housing cooperative or to any community trust or other trust device.

This definition shall be construed liberally to effectuate the purposes of this act.

i. "Common promotional plan" means any offer for the disposition of lots, parcels, units or interests of real property by a single person or group of persons acting in concert, where such lots, parcels, units or interests are contiguous, or are known, designated or advertised as a common entity or by a common name.

j. "Advertising" means and includes the publication or causing to be published of any information offering for disposition or for the purpose of causing or inducing any other person to purchase an interest in a planned real estate development, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist by means of any:

(1) Newspaper or periodical;

(2) Radio or television broadcast;

(3) Written or printed or photographic matter;

(4) Billboards or signs;

(5) Display of model houses or units;

(6) Material used in connection with the disposition or offer of the development by radio, television, telephone or any other electronic means; or

(7) Material used by developers or their agents to induce prospective purchasers to visit the development, particularly vacation certificates which require the holders of such certificates to attend or submit to a sales presentation by a developer or his agents.

"Advertising" does not mean and shall not be deemed to include: Stockholder communications such as annual reports and interim financial

reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; all communications addressed to and relating to the account of any person who has previously executed a contract for the purchase of the subdivider's lands except when directed to the sale of additional lands.

k. "Non-binding reservation agreement" means an agreement between the developer and a purchaser and which may be canceled without penalty by either party upon written notice at any time prior to the formation of a contract for the disposition of any lot, parcel, unit or interest in a planned real estate development.

l. "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a development or affecting more than one lot, unit, parcel, or interest therein, but does not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

m. "Conversion" means any change with respect to a real estate development or subdivision, apartment complex or other entity concerned with the ownership, use or management of real property which would make such entity a planned real estate development.

n. "Association" means an association for the management of common elements and facilities, organized pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43).

o. "Executive board" means the executive board of an association, as provided for in section 3 of P.L.1993, c.30 (C.45:22A- 45).

p. "Unit" means any lot, parcel, unit or interest in a planned real estate development that is, or is intended to be, a separately owned area thereof.

40. Section 5 of P.L.1977, c.419 (C.45:22A-25) is amended to read as follows:

C.45:22A-25 Exemptions.

5. a. Unless the method of disposition is adopted for purposes of evasion, the provision of this act shall not apply to offers or dispositions:

(1) By an owner for his own account in a single or isolated transaction;

(2) Wholly for industrial, commercial, or other nonresidential purposes;

(3) Pursuant to court order;

(4) By the United States, by this State or any of its agencies or political subdivisions;

(5) Of real property located without the State;

(6) Of cemetery lots or interests;

(7) Of less than 100 lots, parcels, units or interests; provided, however, that with respect to condominiums and cooperatives, this exemption shall not apply, irrespective of the number of lots, parcels, units, or interests offered or disposed of;

(8) Of developments where the common elements or interests, which would otherwise subject the offering to this act, are limited to the provision of unimproved, unencumbered open space;

(9) In a development composed wholly of rental units, where the relationship created is one of landlord and tenant ;

(10) Of any form of timesharing.

b. The agency may from time to time, pursuant to its rules and regulations, exempt from any of the provisions of this act any development, or any lots, units, parcels, or interests in a development, if it finds that the enforcement of this act with respect to such, is not necessary in the public interest or required for the protection of purchasers by reason of the small amount of the purchase price involved, the limited character of the offering, or the limited nature of the common or shared elements.

41. This act shall take effect on the 90th day following enactment.

Approved August 2, 2006.

CHAPTER 64

AN ACT concerning the distribution of information regarding meningococcal meningitis to parents of certain school-aged children and supplementing Title 18A of the New Jersey Statutes and Title 26 of the Revised Statutes.

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

C.26:2X-3 Development of educational fact sheet concerning meningococcal meningitis.

1. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Education, shall develop an educational fact sheet concerning meningococcal meningitis for distribution to parents or guardians of students in grades 6 through 12, pursuant to section 2 of

P.L.2006, c.64 (C.18A:40-21.2). The educational fact sheet shall include, but need not be limited to, the following information:

a. the causes, symptoms and means of transmission of meningococcal meningitis;

b. the availability, effectiveness and risks of the meningitis vaccine; and

c. where additional information concerning the disease can be obtained.

C.18A:40-21.2 Distribution of fact sheet on meningitis.

2. a. (1) For the 2006 school year, a school district shall distribute to parents and guardians of students in grades 6 through 12 the educational fact sheet on meningitis prepared pursuant to section 1 of P.L.2006, c.64 (C.26:2X-3), in a manner prescribed by the Commissioner of Education.

(2) Beginning with the 2007 school year, a school district shall distribute the educational fact sheet annually to parents or guardians of students in the sixth grade in a manner prescribed by the Commissioner of Education.

b. The Commissioner of Education shall also make the educational fact sheet available to private schools educating students in grades 6 through 12, or any combination thereof. Such schools are encouraged to distribute the fact sheet to parents or guardians of students at the school; however, nothing in this section shall be construed to require such schools to distribute the fact sheet.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 65

AN ACT concerning contaminated sites, and supplementing Title 58 of the Revised Statutes.

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

C.58:10B-24.1 Written notification of contaminated site remediation to municipal clerk; exception.

1. a. Upon initiation of the remedial action phase of the remediation of a contaminated site, any person who is responsible for conducting a remediation of the contaminated site, including the Department of Environ-

mental Protection when it conducts a remediation of a contaminated site using public monies, shall provide written notification describing the activities that are to take place at the contaminated site to the clerk of the municipality wherein the site is located. The written notice shall include notice of the location of the contaminated site, including address and the lot and block number of the contaminated site. The written notice shall also inform the municipality that it may receive a copy of the remedial action workplan and any updates or status reports from the responsible party, upon request. For any remediation of a contaminated site that will take longer than two years to complete, notification shall be provided every two years until remediation is complete.

b. Notice required pursuant to this section shall not be required when the remediation of a contaminated site is caused by a leaking residential underground storage tank used to store heating oil for on-site consumption in a one to four family residential building or an emergency response action.

C.58:10B-24.2 Copy of remedial action workplan to municipality.

2. Upon request of a municipality, any person who is responsible for conducting a remediation of a contaminated site shall submit a copy of a remedial action workplan and any updates or status reports pursuant to the "Industrial Site Recovery Act," P.L.1983, c.330 (C.13:1K-6 et seq.), the "Brownfield and Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-1.1 et al.), or the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) to the clerk of the municipality wherein the contaminated site is located at the same time as the workplan is submitted to the Department of Environmental Protection.

C.58:10B-24.3 Notification to public of remediation of contaminated site; requirements.

3. a. Any person who is responsible for conducting a remediation of a contaminated site shall be responsible for notifying the public of the remediation of the contaminated site pursuant to rules and regulations adopted by the Department of Environmental Protection pursuant to subsection b. of this section.

b. Within six months after the date of enactment of this act, the Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations setting forth the notice requirements pursuant to subsection a. of this section. The rules and regulations to be adopted by the department pursuant to this section shall require any person who is responsible for con-

ducting a remediation of a contaminated site to provide written notification to any local property owners and tenants who reside within 200 feet of the contaminated site. The notification shall summarize site conditions and provide information about actions being taken to remediate the site and may require written notification or the posting of a sign visible to the public which shall be located on the boundaries of the contaminated site.

C.58:10B-24.4 Definitions relative to remediation of contaminated sites.

4. For the purposes of P.L.2006, c.65 (C.58:10B-24.1 et seq.):

"Person responsible for conducting the remediation" means any person who executes or is otherwise subject to an oversight document.

"Oversight document" means any document the Department of Environmental Protection or a court issues to define the role of a person participating in the remediation of a contaminated site or are of concern, and may include, without limitation, an administrative order, administrative consent order, court order, memorandum of understanding, memorandum of agreement, or remediation agreement.

C.58:10B-24.5 Notification to municipalities of master list of known hazardous discharge sites; DEP website.

5. Within 30 days after the date of enactment of this act, the Department of Environmental Protection shall notify the governing body of each municipality in the State of the existence of the New Jersey master list of known hazardous discharge sites prepared pursuant to P.L.1982, c.202 (C.58:10-23.15 et seq.). The department shall notify the governing body of each municipality in the State that this list is also made available to the public on the Internet website maintained by the Department of Environmental Protection.

6. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 66

AN ACT appropriating $15,000,000 from the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162 for the purpose of providing loans to owners of lakes or streams and private lake associations to finance the costs of lake

dredging and restoration projects, or stream cleaning and desnagging projects.

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

1. a. There is appropriated to the Department of Environmental Protection from the "2003 Dam, Lake and Stream Project Revolving Loan Fund" established pursuant to section 17 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 $15,000,000 for the purpose of providing loans to owners of lakes or streams and private lake associations, as co-applicants with local government units, to finance the costs of lake dredging and restoration projects, or stream cleaning and desnagging projects, undertaken by, or on behalf of, the owners of lakes or streams or private lake associations. This sum shall be allocated as follows:

Applicant	**Project**	**Loan Amount**
Tanner's Creek, Marter's Ditch, Burlington Township	Unnamed Tributary	$ 60,000
Lake Stockholm CC West Milford Township	Lake Stockholm	$ 520,000
Carteret Boro	Carteret Park Pond	$ 300,000
Birchwood Lakes Colony Medford Township	Upper Lake, Lower Lake, Dungee Pond	$1,394,860
Medford Lakes Colony Medford Lakes Boro	Upper and Lower Aetna Lakes, Haynes Creek and Jackson Memorial Park	$2,245,000
Lake Lakawanna Investment Company Byram Township	Lake Lackawanna	$250,000
Ocean Township	Waretown Lake	$500,000
Birch Creek Meadow Logan Township	Birch Creek	$ 116,200
West Long Branch Boro	Franklin Lake	$1,315,180
Union County	Cedar Brook Lake	$ 750,000
Union County	Upper Echo Lake	$1,693,890
Oaklyn Boro	Peter's Creek Lake	$4,000,000
Point Pleasant Beach Boro	Lake Louise	$488,400
Maple Shade Township	Steihauer Lake and Tributaries to Pennsauken Creed	$375,000
Livingston Township	Littells Pond	$185,000

Brigantine City	Brigantine Gult and various lakes	$531,000
Frelinghuysen Township	Two unnamed ponds	$250,470
Irving Bender	Mill Pond	
Randolph Township		$25,000
Total		$15,000,000

b. Any unexpended funds from the lake dredging and restoration projects, or stream cleaning and desnagging projects listed in subsection a. of this section shall be added to the contingency project category set forth in this subsection to provide loans to owners of lakes or streams and private lake associations, as co-applicants with local government units, to finance the costs of the following lake dredging and restoration projects, or stream cleaning and desnagging projects:

Applicant	**Project**	**Loan Amount**
Upper Greenwood Lake Association	Upper Greenwood Lake and Long House Creek	
West Milford Township		$4,400,000
Rider University	Centennial Lake	
Lawrenceville		$ 889,877
Tenafly Boro	Tenakill Brook	$ 133,000
Twin Lakes Association	Twin Lakes	
Bernardsville Boro		$ 80,000
Total		$5,502,877

Any unexpended balances of the amounts listed in this subsection after completion of the projects listed in this subsection shall be returned to the "2003 Dam, Lake and Stream Project Revolving Loan Fund" for reappropriation to finance the costs of additional projects authorized pursuant to section 18 of P.L.2003, c.162.

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

2. The expenditures of sums appropriated by this act are subject to the provisions of P.L.2003, c.162, and the rules and regulations adopted pursuant thereto.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 67

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

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 $290,336,000, 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 and section 1 of P.L.2005, c.197 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

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

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

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

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

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

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

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

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

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

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

d. For the purposes of this act:

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

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

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

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

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

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197 and P.L.2006, c.67.

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

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
340399-08-1	Bayonne MUA	$165,000
340945-07-1	Old Bridge MUA	$3,446,000
340750-05-2	Township of Ocean SA	$550,000
340640-08-1	Camden County MUA	$275,000
340679-01-1	Linden City	$596,000
340364-03-1	Gloucester Township MUA	$143,000
340952-05-1	North Hudson SA	$215,000

TOTAL	**$5,390,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2000,2002, 2004, 2005 and 2006, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

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

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

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
0408001-009-1	Camden City	$825,000
0408001-012-1	Camden City	$275,000
1904002-001/2/3-1	East Brookwood Estates POA	$110,000
0102001-001-1	Atlantic City MUA	$660,000
TOTAL		**$1,870,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2001, 2002, 2003 and 2006, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

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

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

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

4. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2007 Clean Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
340689-03	Passaic Valley SC	$5,280,000
340815-09	Newark City	$3,836,000
340768-03	Bergen County UA	$18,423,000
340952-04	North Hudson SA	$7,088,000
340259-03	Kearny Town	$1,425,000
340850-03	Paterson City	$5,014,000
340446-08	Edgewater MUA	$825,000
340386-04	Bergen County UA	$4,349,000
340952-08	North Hudson SA	$2,705,000
340372-27	Ocean County UA	$7,950,000
340817-03	Mount Holly MUA	$17,191,000
340928-05	Jersey City MUA	$3,569,000
340952-07	North Hudson SA	$5,737,000

340686-05A	Hillside Borough	$152,000
340686-05B	Irvington Township	$454,000
340686-05C	Newark City	$272,000
340686-05D	Union Township	$544,000
340686-05E	West Orange Township	$333,000
340686-05F	Elizabeth City	$1,300,000
340809-12	Atlantic County UA	$1,090,000
343045-01	Cape May City	$1,273,000
343051-02	Hamilton Township	$1,375,000
343066-02	Cherry Hill Township	$2,792,000
343021-02	Middletown Township	$568,000
340051-01	Bayonne Local Redevelopment Authority	$1,166,000
340110-02	Bergen County Improvement Authority	$7,237,000
340839-01	Franklin Township SA	$6,875,000
340399-21	North Bergen MUA	$8,988,000
343054-03	New Jersey Water Supply Authority	$1,124,000
340883-02	Asbury Park City	$543,000
343034-04	Readington Township	$2,661,000
342010-01	Carteret Redevelopment Agency	$21,074,000
343047-01	Byram Township	$461,000
343067-01	Allendale Borough	$1,439,000
340466-03	Denville Township	$3,413,000
340656-03	Princeton Borough	$1,991,000
340699-06	Middlesex County UA	$42,025,000
340809-13	Atlantic County UA	$153,000
340809-14	Atlantic County UA	$2,414,000
340809-11	Atlantic County UA	$1,990,000
340334-02	Edison Township	$451,000
340880-02	Pequannock, Lincoln Park & Fairfield SA	$4,955,000
340947-03	West Deptford Township	$3,620,000
340863-02	Elmwood Park Borough	$2,278,000
340927-04	Hammonton Town	$175,000
340689-01	Passaic Valley SC	$2,452,000
340709-04	Camden County MUA	$6,069,000
340942-07	Elizabeth City	$358,000
340709-03	Camden County MUA	$3,328,000
340838-02	Evesham MUA	$6,270,000
340044-03	Camden Redevelopment Agency	$413,000
340689-10	Passaic Valley SC	$2,575,000
340942-08	Elizabeth City	$495,000
340066-01	Deptford Township MUA	$755,000
340962-02	Stockton Boro	$473,000
TOTAL		**$231,766,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2007 Drinking Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
1214001-003	New Brunswick City	$6,090,000
1613001-016	North Jersey District Water Supply Commission	$554,000
1613001-017	North Jersey District Water Supply Commission	$865,000
1613001-015	North Jersey District Water Supply Commission	$554,000
1111001-004	Trenton Water Works	$13,370,000
0319001-002	Maple Shade Township	$2,920,000
0822001-003	Woodbury City	$93,000
0901001-001	Bayonne MUA	$456,000
0822001-004	Woodbury City	$79,000
1415001-001	Fayson Lake Water Company	$355,000
1344001-001/2/3	Sea Girt Borough	$2,129,000
1216001-004	Perth Amboy City	$696,000
0820001-002	West Deptford Township	$434,000
0211001-001/2/3	Elmwood Park Boro	$2,657,000
1517001-008	Long Beach Township	$371,000
1505004-001	Berkeley Township MUA	$4,402,000
1225001-009	Middlesex Water Company	$1,925,000
0708001-003	Glen Ridge Boro	$864,000
1438001-001	Cliffside Park Association	$182,000
0405001-002/3/4	Berlin Boro	$2,165,000
1411001-001	Florham Park Boro	$3,775,000
1510001-001	Island Heights Boro	$237,000
0258001-001	Saddle River Boro	$1,479,000
1530004-002	Stafford Township Water Utility	$4,452,000
1530004-008	Stafford Township Water Utility	$149,000
0108021-001	Sea Village Marina	$57,000
TOTAL		**$51,310,000**

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; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

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

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

b. The loan shall be conditioned upon approval of a zero interest loan from the Department of Environmental Protection from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981," (P.L.1981, c.261), as amended by P.L.1983, c.355 and amended and supplemented by P.L.1997, c.223, the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), 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), the "2003 Water Resources and Wastewater Treatment Fund" established pursuant to section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), or the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84;

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

d. The loan shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issu-

ance 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, 2007, 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 de-

termined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

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

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraph (4) of subsection d. of section 1 of this act.

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

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

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

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

10. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 68

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

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the Clean Water Fund - State Revolving Fund Accounts (hereinafter referred to as the "Clean Water State Revolving Fund Accounts") an amount equal to the Federal fiscal year 2006 capitalization grant 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").

(2) There is appropriated to the Department of Environmental Protection from the Drinking Water State Revolving Fund an amount equal to the Federal fiscal year 2006 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996" Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

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

(3) 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).

(4) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to P.L.2001, c.222, the department is authorized to transfer such amounts as needed to the Drinking Water State Revolving Fund for the purpose of pro-

viding 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.

(5) Of the sums appropriated to the Department of Environmental Protection 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) pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans therefrom in such amounts as needed to the Clean Water State Revolving Fund Accounts for the 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 clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the Department of Environmental Protection 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) pursuant to P.L.2004, c.109, the department is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund Accounts for the purpose of providing the State match as required 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.

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

b. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, and subsection b. of section 2 and subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act, or if a project fails to meet the requirements of section 4 of this act.

c. The department is authorized to make zero interest loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, or section 2 of P.L.2000, c.92, including amounts resulting from the final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109 and section 6 of P.L.2005, c.196, and from any repayments of loans from the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," or amounts deposited therein during State fiscal year 2006 pursuant to the provisions of section 16 of P.L.1985, c.329, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans from the Drinking Water State Revolving Fund.

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

Project Number	Project Sponsor	Estimated Allowable Loan Amount
340399-08-1	Bayonne MUA	$495,000
340945-07-1	Old Bridge MUA	$3,446,000
340750-05-2	Township of Ocean SA	$550,000
340640-08-1	Camden County MUA	$825,000
340679-01-1	Linden City	$596,000
340364-03-1	Gloucester Township MUA	$143,000
340952-05-1	North Hudson SA	$645,000
TOTAL		**$6,700,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the commissioner in State fiscal years 2000, 2002, 2004, 2005 and 2006 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4 of this act.

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

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

Project Number	Project Sponsor	Estimated Allowable Loan Amount
0408001-009-1	Camden City	$2,475,000
0408001-012-1	Camden City	$825,000
1904002-001/2/3-1	East Brookwood Estates POA	$110,000
0102001-001-1	Atlantic City MUA	$1,980,000
TOTAL		**$5,390,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the commissioner in State fiscal years 2001, 2002,

2003 and 2005, 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 of this act.

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

3. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2007 Clean Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
340689-03	Passaic Valley SC	$15,840,000
340815-09	Newark City	$11,508,000
340768-03	Bergen County UA	$55,269,000
340952-04	North Hudson SA	$21,264,000
340259-03	Kearny Town	$4,275,000
340850-03	Paterson City	$15,042,000
340446-08	Edgewater MUA	$2,475,000
340386-04	Bergen County UA	$13,047,000
340952-08	North Hudson SA	$8,115,000
340372-27	Ocean County UA	$7,950,000
340817-03	Mount Holly MUA	$17,191,000
340928-05	Jersey City MUA	$10,707,000
340952-07	North Hudson SA	$17,211,000
340686-05A	Hillside Borough	$456,000
340686-05B	Irvington Township	$1,362,000
340686-05C	Newark City	$816,000
340686-05D	Union Township	$1,632,000
340686-05E	West Orange Township	$999,000
340686-05F	Elizabeth City	$3,900,000
340809-12	Atlantic County UA	$3,270,000
343045-01	Cape May City	$3,819,000
343051-02	Hamilton Township	$4,125,000
343066-02	Cherry Hill Township	$8,376,000
343021-02	Middletown Township	$1,704,000
340051-01	Bayonne Local Redevelopment Authority	$3,498,000

340110-02	Bergen County Improvement Authority	$7,237,000
340839-01	Franklin Township SA	$6,875,000
340399-21	North Bergen MUA	$26,964,000
343054-03	New Jersey Water Supply Authority	$3,372,000
340883-02	Asbury Park City	$1,629,000
343034-04	Readington Township.	$7,983,000
342010-01	Carteret Redevelopment Agency	$21,074,000
343047-01	Byram Township	$1,383,000
343067-01	Allendale Borough	$4,317,000
340466-03	Denville Township	$3,413,000
340656-03	Princeton Borough	$1,991,000
340699-06	Middlesex County UA	$42,025,000
340809-13	Atlantic County UA	$459,000
340809-14	Atlantic County UA	$2,414,000
340809-11	Atlantic County UA	$5,970,000
340334-02	Edison Township	$451,000
340880-02	Pequannock, Lincoln Park & Fairfield SA	$4,955,000
340947-03	West Deptford Township	$3,620,000
340863-02	Elmwood Park Borough	$2,278,000
340927-04	Hammonton Town	$175,000
340689-01	Passaic Valley SC	$7,356,000
340709-04	Camden County MUA	$18,207,000
340942-07	Elizabeth City	$1,074,000
340709-03	Camden County MUA	$9,984,000
340838-02	Evesham MUA	$6,270,000
340044-03	Camden Redevelopment Agency	$1,239,000
340689-10	Passaic Valley SC	$7,725,000
340942-08	Elizabeth City	$1,485,000
340066-01	Deptford Township MUA	$755,000
340962-02	Stockton Boro	$473,000
TOTAL		**$437,004,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 2007 Drinking Water Project Priority List":

Project Number	**Project Sponsor**	**Estimated Allowable Loan Amount**
1214001-003	New Brunswick City	$18,270,000
1613001-016	North Jersey District Water Supply Commission	$984,000
1613001-017	North Jersey District Water Supply Commission	$1,538,000

1613001-015	North Jersey District Water Supply Commission	$984,000
1111001-004	Trenton Water Works	$40,110,000
0319001-002	Maple Shade Township	$2,920,000
0822001-003	Woodbury City	$93,000
0901001-001	Bayonne MUA	$1,368,000
0822001-004	Woodbury City	$79,000
1415001-001	Fayson Lake Water Company	$355,000
1344001-001/2/3	Sea Girt Borough	$2,129,000
1216001-004	Perth Amboy City	$696,000
0820001-002	West Deptford Township	$434,000
0211001-001/2/3	Elmwood Park Boro	$ 2,657,000
1517001-008	Long Beach Township	$371,000
1505004-001	Berkeley Township MUA	$4,402,000
1225001-009	Middlesex Water Company	$1,925,000
0708001-003	Glen Ridge Boro	$864,000
1438001-001	Cliffside Park Association	$182,000
0405001-002/3/4	Berlin Boro	$2,165,000
1411001-001	Florham Park Boro	$3,775,000
1510001-001	Island Heights Boro	$237,000
0258001-001	Saddle River Boro	$1,479,000
1530004-002	Stafford Township Water Utility	$4,452,000
1530004-008	Stafford Township Water Utility	$149,000
0108021-001	Sea Village Marina	$57,000
TOTAL		**$92,675,000**

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

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

b. The loan amount shall not exceed 50% of the allowable project cost of the environmental infrastructure facility, except that for (1) projects serving a designated Urban Center or Urban Complex; (2) projects that eliminate, reduce or improve combined sewer overflows; (3) open space land acquisition projects; (4) projects serving a designated Transit Village; (5) brownfields remediation projects located in designated Brownfields Development Areas; or (6) projects to repair or replace on-site septic systems through a Septic Management District, the loan amount shall not exceed 75% of the allowable project cost of the environmental infrastructure facility;

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

d. The loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2006, c. 67.

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2006, c.67, 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, 2007, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

6. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the original loan amount.

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

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

9. a. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28

of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2006, c.67, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196 or P.L.2006, c.68 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197 or P.L.2006, c.67, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust

shall repay such sums to the department for deposit into the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

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

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

12. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 69

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

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

1. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read as follows:

C.58:11B-6 Issuance of bonds, notes, other obligations.

6. a. Except as may be otherwise expressly provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the trust may from time to time issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes or other obligations or the interest or redemption premiums thereon to be funded or refunded have or have not become due, the establishment or increase of reserves or other funds to secure or to pay the bonds, notes or other obligations or interest thereon and all other costs or expenses of the trust incident to and necessary to carry out its corporate purposes and powers.

b. Whether or not the bonds, notes or other obligations of the trust are of a form and character as to be negotiable instruments under the terms of Title 12A of the New Jersey Statutes, the bonds, notes and other obligations are made negotiable instruments within the meaning of and for the purposes of Title 12A of the New Jersey Statutes, subject only to the provisions of the bonds, notes and other obligations for registration.

c. Bonds, notes or other obligations of the trust shall be authorized by a resolution or resolutions of the trust and may be issued in one or more series and shall bear any date or dates, mature at any time or times, bear interest at any rate or rates of interest per annum, be in any denomination or denominations, be in any form, either coupon, registered or book entry, carry any conversion or registration privileges, have any rank or priority, be executed in any manner, be payable in any coin or currency of the United States which at the time of payment is legal tender for the payment of public and private debts, at any place or places within or without the State, and be subject to any terms of redemption by the trust or the holders thereof, with or without premium, as the resolution or resolutions may provide. A resolution of the trust authorizing the issuance of bonds, notes or other obligations may provide that the bonds, notes or other obligations be secured by a trust indenture between the trust and a trustee, vesting in the trustee any property, rights, powers and duties in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) as the trust may determine.

d. Bonds, notes or other obligations of the trust may be sold at any price or prices and in any manner as the trust may determine. Each bond, note or other obligation shall mature and be paid not later than 20 years

from the effective date thereof, or the certified useful life of the project or projects to be financed by the bonds, whichever is less.

All bonds of the trust shall be sold at such price or prices and in such manner as the trust shall determine, after notice of sale, a summary of which shall be published at least once in at least three newspapers published in the State of New Jersey and at least once in a publication carrying municipal bond notices and devoted primarily to financial news published in New Jersey or the city of New York, the first summary notice to be at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the trust, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The trust may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at private sale, without advertisement.

e. Bonds, notes or other obligations of the trust may be issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) without obtaining the consent of any department, division, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things, other than those consents, proceedings, conditions or things which are specifically required by P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.).

f. Bonds, notes or other obligations of the trust issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) shall not be a debt or liability of the State or of any political subdivision thereof other than the trust and shall not create or constitute any indebtedness, liability or obligation of the State or any political subdivision, but all these bonds, notes and other obligations, unless funded or refunded by bonds, notes or other obligations, shall be payable solely from revenues or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each bond, note and obligation shall contain on its face a statement to the effect that the trust is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and that neither the State, nor any political subdivision thereof, is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State, or any

political subdivision thereof, is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations.

g. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the trust, shall not exceed $2,400,000,000. In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the trust, which shall be issued for refunding purposes, whenever the refunding shall be determined to result in a savings.

(1) Upon the decision by the trust to issue refunding bonds, except for current refunding, and prior to the sale of those bonds, the trust shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the trust relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the trust to issue and sell the refunding bonds at public or private sale and the reasons therefor.

(2) The Joint Budget Oversight Committee or its successor shall have the authority to approve or disapprove the sales of refunding bonds as included in each report submitted in accordance with paragraph (1) of this subsection. The committee shall notify the trust in writing of the approval or disapproval as expeditiously as possible.

(3) No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee or its successor as set forth in paragraphs (1) and (2) of this subsection.

(4) Within 30 days after the sale of the refunding bonds, the trust shall notify the committee of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

(5) The committee shall review all information and reports submitted in accordance with this subsection and may, on its own initiative, make observations to the trust, or to the Legislature, or both, as it deems appropriate.

h. Each issue of bonds, notes or other obligations of the trust may, if it is determined by the trust, be general obligations thereof payable out of any revenues, receipts or funds of the trust, or special obligations thereof payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds, notes or other obligations, and may be secured by one or more of the following:

(1) Pledge of revenues and other receipts to be derived from the payment of the interest on and principal of notes, bonds or other obligations is-

sued to the trust by one or more local government units, and any other payment made to the trust pursuant to agreements with any local government units, or a pledge or assignment of any notes, bonds or other obligations of any local government unit and the rights and interest of the trust therein;

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local government units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interest of the trust therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds, notes or other obligations;

(4) Pledge of the receipts to be derived from the payments of State aid, payable to the trust pursuant to section 12 of P.L.1985, c.334 (C.58:11B-12);

(5) A mortgage on all or any part of the property, real or personal, of the trust then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the trust by any person or entity, public or private, including one or more local government units and the rights and interest of the trust therein.

i. The trust shall not issue any bonds, notes or other obligations, or otherwise incur any additional indebtedness, on or after November 5, 2026.

j. (Deleted by amendment, P.L.1996, c.88).

2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local government units.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) shall be approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each guarantee by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after November 5, 2026.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source or issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the project priority list for the ensuing fiscal year and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the project priority list for the ensuing fiscal year and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, any administrative or legislative approvals.

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

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section to be financed or refinanced through the issuance of bonds, notes or other obligations of the trust authorized under section 6 of P.L.1985, c.334 (C.58:11B-6). The trust may make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Financing Program Eligibility List shall be submitted to the Legislature on or before June 30 of each year on a day when both Houses are meeting. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 70

AN ACT renaming the Open Public Meetings Act in honor of its sponsor, Senator Byron M. Baer, and amending and supplementing P.L.1975, c.231.

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

1. The Legislature finds and declares that:

WHEREAS, It has long been recognized that openness in government promotes citizen participation in public affairs, increases public confidence in government, and makes public officials more accountable to the electorate; and

WHEREAS, The founders of our nation acknowledged the need for public access in the development of public policy, a concept expressed by James Madison who observed that popular government without popular information is "a Prologue to a Farce or a Tragedy; or perhaps both;" and

WHEREAS, Openness in the conduct of government affairs helps to prevent actual or perceived corruption because, as Woodrow Wilson stated, "corruption thrives in secret places and avoids public places;" and

WHEREAS, In keeping with this tradition, Senator Byron M. Baer sponsored the New Jersey "Open Public Meetings Act" in the mid-1970's to guarantee the public's right to attend meetings of public bodies at which public business is discussed or acted upon and to have adequate notice of these meetings; and

WHEREAS, In enacting this law, the Legislature declared that the right of the public to attend meetings of public bodies was "vital" to the democratic process and that "secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society;" and

WHEREAS, Senator Baer has long been known as the "Father of the Open Public Meetings Act" because of his instrumental role in the enactment of this groundbreaking legislation which greatly enhanced public access to State and local government decision-making and which promoted a national trend toward making government-held information more available to the public; and

WHEREAS, By 1981, every other state and the federal government, in large part because of New Jersey's example, had enacted similar laws intended to promote public confidence in government and the political process; and

WHEREAS, For his role in promoting greater openness in government, Senator Baer was recently inducted into the "State Open Government Hall of Fame;" and

WHEREAS, It is appropriate, therefore, to recognize Senator Baer by renaming the "Open Public Meetings Act" in his honor.

2. Section 1 of P.L.1975, c.231 (C.10:4-6) is amended to read as follows:

C.10:4-6 "Senator Byron M. Baer Open Public Meetings Act."

1. This act shall be known and may be cited as the "Senator Byron M. Baer Open Public Meetings Act."

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 71

AN ACT appropriating $48,500,000 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes, and canceling certain prior appropriations for withdrawn farmland preservation projects.

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 grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland for projects approved as eligible for such funding pursuant to subsection b. of this section, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements:

(1) $32,241,370 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20);

(2) $6,121,240 from the "Garden State Farmland Preservation Trust Fund," made available due to project withdrawals and canceled obligations; and

(3) $6,637,390 in funds received by the State Agriculture Development Committee from the federal Farm and Ranchland Protection Program.

The total expenditure by the State Agriculture Development Committee from the list of eligible projects in subsection b. of this section totaling $67,875,000 shall not exceed $45,000,000.

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

County	**Municipality**	**Project (Farm)**	**Acres (+/-)**	**Amount of Grant Not to Exceed**
Atlantic	Buena Boro	Arpino, J.	31	$200,000
Atlantic	Buena Boro	Sasdelli, G.	19	175,000
Bergen	Franklin Lakes Boro	Schwartz, B & A.	20	2,150,000
Burlington	Lumberton Twp/ Southampton Twp	Burlington County/ Rancocas Valley Regional High	130	650,000
Burlington	Moorestown Twp Mount Laurel Twp	Burlington County/ Winner Farm	62	3,700,000
Burlington	North HanoverTwp	Burlington County/ Ervin, C.	289	1,950,000
Burlington	Pemberton Twp	Burlington County/ Kaelin, M.	30	250,000
Burlington	Southampton Twp	Burlington County/ Cowperthwait, W.	117	600,000
Burlington	Southampton Twp	Burlington County/ Thomas, D.	102	275,000
Burlington	Springfield Twp	Burlington County/ Fenick, S. & E.	44	275,000
Cape May	Dennis Twp	Cape May County/ Barber, R., Jr. & C.	31	125,000
Cape May	Upper Twp	Cape May County/ Johnson, W. & T.	5	175,000
Cumberland	Greenwich Twp	Slade, R. & Bosco, M.	89	350,000
Cumberland	Hopewell Twp	Loatman, H., Jr.	124	600,000
Cumberland	Lawrence Twp	Burns, T. & D.	15	100,000
Cumberland	Stow Creek Twp/Shiloh Boro	Goodwin, W.	35	150,000
Cumberland	Stow Creek Twp	Stanger, G. & J.	44	175,000
Cumberland	Upper Deerfield Twp	Orzechowski, D.	28	200,000
Cumberland	Upper Deerfield Twp	Rio, N & S.	55	225,000
Gloucester	East Greenwich Twp	Brown, S., G., T. & R.	82	1,300,000

Gloucester	East Greenwich Twp	Rioux, S. & E.	65	725,000
Gloucester	Elk Twp	DeClement, F. & J.	20	100,000
Gloucester	Elk Twp	Haynicz, D. & E., & D.	52	425,000
Gloucester	Elk Twp	Lockman, J.	15	275,000
Gloucester	Elk Twp/Clayton Boro	Dennis, A., E. & D.	45	400,000
Gloucester	Harrison Twp	Summerville, A. & B.	61	725,000
Gloucester	Logan Twp	Frank, J. & M.	57	775,000
Gloucester	Mantua Twp	Read, P. & M.	22	275,000
Gloucester	Monroe Twp	Genova, J.	32	500,000
Gloucester	South Harrison Twp	Ambruster, L. & J.	62	725,000
Gloucester	South Harrison Twp	Lafferty, M. & G.	27	375,000
Gloucester	South Harrison Twp	Skulnick, M. & C.	81	625,000
Gloucester	Woolwich Twp	Finocchiaro, J.	29	350,000
Hunterdon	Alexandria Twp	Alexandria Twp/ Estate of A. Dowling	50	325,000
Hunterdon	Alexandria Twp	Alexandria Twp/ Landmarks LLC	34	250,000
Hunterdon	Clinton Twp/ Readington Twp	Herr, M.	110	875,000
Hunterdon	Delaware Twp	Cifrese, L. & G., & R.	34	225,000
Hunterdon	Franklin Twp/ Kingwood Twp	Verity, H. & A.	92	700,000
Hunterdon	Kingwood Twp	Newcomb, K. & S.	51	300,000
Hunterdon	West Amwell Twp	Stiefel, K. & P.	55	275,000
Hunterdon	West Amwell Twp	West Amwell Twp/ Fulper Preservation LLC	62	400,000
Mercer	East Windsor Twp	Mercer County/ Lee Acres Inc.	55	3,800,000
Mercer	Washington Twp West Windsor Twp	Mercer County/ Kalinowski & Kerris	52	1,775,000
Middlesex	Monroe Twp	Farmer, W.	10	325,000
Middlesex	Monroe Twp	Miladinov, I. & C.	43	300,000
Monmouth	Marlboro Twp	Marlboro Twp/Di Meo	45	1,625,000
Monmouth	Middletown Twp	McCormack, L., W. & J.	31	2,125,000
Monmouth	Upper Freehold Twp	Helmlinger, W. & M.	19	350,000
Monmouth	Upper Freehold Twp	Helt, B.	11	175,000
Monmouth	Upper Freehold Twp	Lemack, B.	34	600,000
Monmouth	Upper Freehold Twp	Scibilia, A. & M.	14	300,000
Monmouth	Upper Freehold Twp	Sheltered Valley Farm L.L.C.	26	350,000
Morris	Chester Twp/ Chester Boro	Hideaway Farm LLC #1	90	1,750,000

Morris	Chester Twp	Hideaway Farm LLC #2	87	1,700,000
Morris	Chester Twp	Hideaway Farm LLC #3	88	1,600,000
Morris	Chester Twp	Hideaway Farm LLC #4	87	1,750,000
Morris	Harding Twp	Devine, M.	32	1,750,000
Morris	Harding Twp	Haeberle, R.	29	1,225,000
Morris	Harding Twp	Scaff Family Farm L.P.	94	3,150,000
Morris	Washington Twp	Fellows Family Trust	37	500,000
Ocean	Jackson Twp	Vogel, A.	25	375,000
Ocean	Jackson Twp	Vogel, R. & A.	33	450,000
Salem	Alloway Twp	Coleman, W & T #1	35	200,000
Salem	Alloway Twp	Coleman, W. & T #2	50	300,000
Salem	Alloway Twp	Coleman, W.& T #3	150	725,000
Salem	Mannington Twp	Culver, D.& S. #1	106	725,000
Salem	Mannington Twp	Culver, D. S. #2	89	550,000
Salem	Mannington Twp	Hancock III, W. #1	10	100,000
Salem	Mannington Twp	Hancock III, W. #2	69	550,000
Salem	Mannington Twp	Myers, C./Myers Family Trust #1	112	475,000
Salem	Mannington Twp	Whitaker, J.#1	32	225,000
Salem	Mannington Twp	Whitaker, J. #2	27	225,000
Salem	Pilesgrove Twp	Myers, C./Myers Family Trust #2	44	350,000
Salem	Pilesgrove Twp	Myers, E.	72	425,000
Salem	Pilesgrove Twp	Myers, H.	105	1,000,000
Salem	Upper Pittsgrove Twp	Bishop Brothers Farms	195	825,000
Salem	Upper Pittsgrove Twp	Brooks, W., Jr.	170	625,000
Salem	Upper Pittsgrove Twp	Hitchner, J. & M.	74	350,000
Salem	Upper Pittsgrove Twp/ Pittsgrove Twp	Brooks, R. & J.	81	425,000
Sussex	Andover Twp	Fritz, A.	33	175,000
Sussex	Andover Twp	Pattison, C. & W.	100	425,000
Sussex	Frankford Twp	Bove, G. & M., & T.	69	325,000
Sussex	Frankford Twp	Stoll, G.	41	175,000
Sussex	Green Twp	Oliva Realty, LLC	16	125,000
Sussex	Lafayette Twp	Hahn, A. and E.	19	200,000
Sussex	Lafayette Twp	Proulx, J.	29	150,000
Sussex	Lafayette Twp/ Hardyston Twp	Kronyak, D. & P.	113	475,000
Sussex	Montague Twp	Lewis, D. #1	50	100,000
Sussex	Montague Twp	Lewis, D. #2	52	175,000

Sussex	Sandyston Twp	Angle, J.	21	175,000
Sussex	Sandyston Twp	Harper, G., Jr.	186	650,000
Sussex	Sandyston Twp	Hull, T.	33	225,000
Sussex	Stillwater Twp	Dingertopadre, A.	111	225,000
Sussex	Stillwater Twp	Eick, J. & W.	81	225,000
Sussex	Stillwater Twp	Lewis, Deidre (Stillwater)	52	225,000
Sussex	Stillwater Twp	Vendetti, R. & G.	29	125,000
Sussex	Wantage Twp	Decker, W.	39	200,000
Sussex	Wantage Twp	DenHeyer, Kathy/ Estate of A. Canton	22	150,000
Sussex	Wantage Twp	Havens, R. & G. #1	39	150,000
Sussex	Wantage Twp	Havens, R. & G. #2	161	325,000
Sussex	Wantage Twp	Kopec, J. & N.	36	175,000
Warren	Allamuchy Twp	Warren County/Van Horn Estate	102	475,000
Warren	Blairstown Twp	Warren County/ Pehowski	170	625,000
Warren	Blairstown Twp/ Hope Twp	DePietro, A.	90	425,000
Warren	Franklin Twp	Sigler, E. & A. #1	50	300,000
Warren	Franklin Twp	Sigler, E. & A. #2	28	175,000
Warren	Frelinghuysen Twp	Jensen, C. & R.	55	225,000
Warren	Frelinghuysen Twp	Kumetz, D.	74	250,000
Warren	Frelinghuysen Twp	Parker, N.	106	525,000
Warren	Hardwick Twp	Paans, R. & M.	57	250,000
Warren	Harmony Twp	Jansen, P.	76	275,000
Warren	Harmony Twp/ Franklin Twp	Estate of Charles Venner	48	275,000
Warren	Hope Twp	Estate of Katherine Grochowicz	128	525,000
Warren	Independence Twp	McCloskey, A.	46	150,000
Warren	Knowlton Twp	Estate of Walter & Gladys Fritz	13	50,000
Warren	Mansfield Twp	Perticari, A. & M.	65	250,000
Warren	Mansfield Twp	Warren County/ Smith Estate	161	475,000
Warren	Washington Twp	Heath, J & M.	9	150,000

2. Of the monies appropriated or reappropriated pursuant to P.L.2000, c.49, P.L.2000, c.176, P.L.2001, c.181, P.L.2001, c.182, P.L.2001, c.306, 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.2005, c.14, P.L.2005, c.15, and P.L.2005, c.181 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 $9,621,240 is canceled due to project withdrawals and canceled obligations.

3. a. 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 the sum of $3,500,000, made available due to project withdrawals and canceled obligations, for the purpose of providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland located in the pinelands area for the projects approved as eligible for such funding pursuant to subsection b. of this section, provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements.

The total expenditure by the State Agriculture Development Committee from the list of eligible projects in subsection b. of this section totaling $3,550,000 shall not exceed $3,500,000.

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

Project	**County**	**Municipality (Farm)**	**Acres (+/-)**	**Amount of Grant Not to Exceed**
Berento, A.	Atlantic	Hammonton Town	62	$250,000
County Line Blueberry	Atlantic	Hammonton Town	120	525,000
Siligato, J. & J.	Atlantic	Hammonton Town	5	50,000
Wuillerman, E., Jr.	Atlantic	Hammonton Town	19	125,000
Wuillerman,M.	Atlantic	Hammonton Town	72	350,000
Merlino, A.	Atlantic	Mullica Twp	65	300,000
Merlino, C. & M.	Atlantic	Mullica Twp	104	300,000
Variety Farms	Atlantic	Mullica Twp	410	1,650,000

4. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of 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.

5. This act shall take effect July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 72

AN ACT appropriating $15,000,000 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes in the Highlands Region.

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

1. a. 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 the sum of $15,000,000 for the purpose of preserving farmland in the counties and municipalities listed in subsection b. of this section and constituting the Highlands Region, as defined pursuant to section 7 of P.L.2004, c.120 (C.13:20-7), by:

(1) Providing grants to counties and municipalities for (a) up to 80% of the cost of acquisition of development easements on farmland, or (b) up to 80% of the cost of acquisition of fee simple titles to farmland from willing sellers only, which shall be offered for resale or lease with agricultural deed restrictions approved by the State Agriculture Development Committee;

(2) Providing planning incentive grants to counties and municipalities pursuant to the provisions of P.L.1999, c.180 (C.4:1C-43.1 et seq.);

(3) Providing grants to qualifying tax exempt nonprofit organizations for (a) up to 50% of the cost of acquisition of development easements on farmland, or (b) up to 50% of the cost of acquisition of fee simple titles to farmland from willing sellers only, which shall be offered for resale or lease with agricultural deed restrictions approved by the State Agriculture Development Committee;

(4) Paying the cost of acquisition by the State of development easements on farmland; and

(5) Paying the cost of acquisition by the State of fee simple titles to farmland from willing sellers only, which shall be offered for resale or lease with agricultural deed restrictions approved by the State Agriculture Development Committee.

b. Projects approved by the State Agriculture Development Committee for acquisition in the following project areas in the Highlands Region are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

County	**Municipality**
Bergen	Mahwah and Oakland
Hunterdon	Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Clinton Township, Glen Gardner, Hampton, High Bridge, Holland, Lebanon Boro, Lebanon Township, Milford, Tewksbury, and Union
Morris	Boonton Town, Boonton Township, Butler, Chester Boro, Chester Township, Denville, Dover, Hanover, Harding, Jefferson, Kinnelon, Mendham Boro, Mendham Township, Mine Hill, Montville, Morris Plains, Morris Township, Morristown, Mount Arlington, Mount Olive, Mountain Lakes, Netcong, Parsippany-Troy Hills, Pequannock, Randolph, Riverdale, Rockaway Boro, Rockaway Township, Roxbury, Victory Gardens, Washington, and Wharton
Passaic	Bloomingdale, Pompton Lakes, Ringwood, Wanaque, and West Milford
Somerset	Bedminster, Bernards, Bernardsville, Far Hills, and Peapack-Gladstone
Sussex	Byram, Franklin, Green, Hamburg, Hardyston, Hopatcong, Ogdensburg, Sparta, Stanhope, and Vernon
Warren	Allamuchy, Alpha, Belvidere, Franklin, Frelinghuysen,

Greenwich, Hackettstown,
Harmony, Hope, Independence,
Liberty, Lopatcong, Mansfield,
Oxford, Phillipsburg,
Pohatcong, Washington Boro,
Washington Township, and White.

c. The expenditure of the sum appropriated by subsection a. of this section, and the receipt of any funds or proceeds from the transfer, resale, or lease of preserved farmland, are subject to the provisions and conditions of 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 et seq.), as appropriate.

d. The State Agriculture Development Committee shall prepare and issue at least annually a report listing the farms preserved using the monies appropriated pursuant to this section until such time as all of the monies have been expended. The report shall identify each farm by name and provide the county and municipality in which it is located.

Each report shall be transmitted within 15 business days after its issuance to: (1) the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), (2) the chairpersons of the Senate Economic Growth Committee and the Assembly Agriculture and Natural Resources Committee, or their successors as designated by the President of the Senate and the Speaker of the General Assembly, respectively, (3) the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4), and (4) the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4). Copies of each report shall also be made available to the public upon request and on the Internet website maintained by the State Agriculture Development Committee.

2. This act shall take effect July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 73

AN ACT concerning farmland preservation, appropriating $27,572,751 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes, canceling certain prior appropriations for withdrawn farmland preservation projects, appropriating $341,278 from

farmland preservation bond funds to provide grants for soil and water conservation projects, and amending P.L.1993, c.339.

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

1. a. 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 the following sums to pay the cost of acquisition by the committee of development easements on, or fee simple titles to, farmland, and to provide grants to counties and municipalities for up to 80% of the cost of acquisition of fee simple titles to farmland, for farmland preservation purposes for projects approved as eligible for such funding pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) and the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.):

(1) $14,600,000 from the "Garden State Farmland Preservation Trust Fund";

(2) $12,900,000 from the "Garden State Farmland Preservation Trust Fund," made available due to project withdrawals, canceled obligations, and reallocation of previously appropriated monies for fee simple acquisitions; and

(3) $72,751 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 fee simple titles to farmland for farmland preservation purposes. Any such 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.

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3. Of the monies appropriated or reappropriated pursuant to P.L.2001, c.103, P.L.2001, c.104, P.L.2001, c.183, P.L.2001, c.306, P.L.2003, c.273, and P.L.2005, c.18 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 $12,900,000 is canceled due to project withdrawals, canceled obligations, and the reallocation of previously appropriated monies for fee simple acquisitions.

4. The expenditure of the sums appropriated by sections 1 and 2 of this act is subject to the provisions and conditions of 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.

5. There is appropriated to the State Agriculture Development Committee the following sums for the purpose of providing grants to landowners for up to 50% of the cost of soil and water conservation projects approved as eligible for such funding:

a. $93,944 from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, made available due to interest earnings;

b. $49,427 from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, made available due to interest earnings; and

c. $197,907 from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, made available due to interest earnings.

6. Section 8 of P.L.1993, c.339 is amended to read as follows:

8. a. There is appropriated to the State Transfer of Development Rights Bank from the "1989 Development Potential Transfer Bank Fund" established pursuant to section 23 of P.L.1989, c.183, the sum of $20,000,000 for deposit into the State TDR Bank, which shall be expended in accordance with the provisions of P.L.1993, c.339 (C.4:1C-49 et al.).

b. Of the monies appropriated pursuant to subsection a. of this section, not more than $1,500,000 may be expended in total for administrative costs, staff assistance or professional services, and not more than $1,500,000 may be expended for the purposes of subsection m. of section 4 of P.L.1993, c.339 (C.4:1C-52).

7. This act shall take effect July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 74

AN ACT appropriating $21,588,646 from the "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes and $600,000 for county farmland preservation program strategic plans, and canceling certain prior appropriations for withdrawn farmland preservation projects.

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

1. a. There is appropriated from the "Garden State 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 planning incentive grants to counties and municipalities pursuant to the provisions of P.L.1999, c.180 (C.4:1C-43.1 et seq.) and approved as eligible for such funding pursuant to subsection b. of this section:

(1) $11,488,366 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20); and

(2) $10,100,280 from the "Garden State Farmland Preservation Trust Fund," 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:

Applicant	**County**	**Municipality**	**Amount of Grant Not to Exceed**
Burlington Cty – Central Mansfield & Springfield Twp	Burlington	Mansfield Twp Springfield Twp	$500,000
Franklin Twp Gloucester Cty	Gloucester	Franklin Twp	1,000,000
East Amwell Twp Hunterdon Cty	Hunterdon	East Amwell Twp	500,000
Holland Twp Hunterdon Cty	Hunterdon	Holland Twp	200,000

Kingwood Twp Hunterdon Cty	Hunterdon	Kingwood Twp	1,000,000
Readington Twp Hunterdon Cty	Hunterdon	Readington Twp	2,700,000
Tewksbury Twp Hunterdon Cty	Hunterdon	Tewksbury Twp	700,000
West Amwell Twp – Rocktown-Rte 179 Corridor Hunterdon Cty	Hunterdon	West Amwell Twp	500,000
Holmdel Twp Monmouth Cty	Monmouth	Holmdel Twp	100,000
Howell Twp Monmouth Cty	Monmouth	Howell Twp	500,000
Manalapan Twp (4) Monmouth Cty	Monmouth	Manalapan Twp	500,000
Marlboro Twp Monmouth Cty	Monmouth	Marlboro Twp	1,000,000
Millstone Twp Monmouth Cty	Monmouth	Millstone Twp	1,500,000
Upper Freehold Twp Monmouth Cty	Monmouth	Upper Freehold Twp	1,500,000
Pilesgrove Twp – ADA I, II & III Salem Cty	Salem	Pilesgrove Twp	1,500,000
Pittsgrove Twp - Buck-Porchtown Rd Project Area Salem Cty	Salem	Pittsgrove Twp	500,000
Bedminster Twp Somerset Cty	Somerset	Bedminster Twp	200,000
Franklin Twp – Project Area 1 (Central) Somerset Cty	Somerset	Franklin Twp	1,500,000
Hillsborough Twp - Amwell Project Area Somerset	Somerset	Hillsborough	900,000
Montgomery Twp – Project Area I Somerset Cty	Somerset	Montgomery Twp	1,500,000
Blairstown Twp – North, Central & South Project Area (3) Warren Cty	Warren	Blairstown Twp	250,000
Franklin Twp Warren Cty	Warren	Franklin Twp	250,000

Frelinghuysen Twp Warren Cty	Warren	Frelinghuysen Twp	1,000,000
Hope Twp Warren Cty	Warren	Knowlton Twp	888,646
Knowlton Twp Warren Cty	Warren	Hope Twp	900,000

2. Of the monies appropriated or reappropriated pursuant to P.L.2000, c.78, P.L.2000, c.79, P.L.2000, c.168, P.L.2001, c.105, P.L.2001, c.185, P.L.2001, c.306, P.L.2003, c.272, and P.L.2005, c.16 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 $10,100,280 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.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 et seq.), as appropriate.

4. Previously appropriated farmland preservation planning incentive grant funding of multiple project areas within a municipality may be combined by the State Agriculture Development Committee into one municipal wide project area for the following project areas:

Original Multiple Project Area Name	**New Combined Project Area Name**
Alexandria Twp – Phase I Hunterdon County Alexandria Twp – Phase II Hunterdon County	Alexandria Twp Hunterdon County
Bethlehem Twp – Charleston Road Area Hunterdon County Bethlehem Twp – Musconetcong Valley Hunterdon County	Bethlehem Twp Hunterdon County

Delaware Twp – Sandbrook HQ District Hunterdon County Delaware Twp – Covered Bridge/Dilts Corner Hunterdon County	Delaware Twp Hunterdon County
Raritan Twp – Southeast Project Area Hunterdon County Raritan Twp – Southwest Project Area Hunterdon County Raritan Twp – Northwest Project Area Hunterdon County	Raritan Twp Hunterdon County
Readington Twp – Phase I Hunterdon CountY Readington Twp – Phase II Hunterdon County Readington Twp – Phase III Hunterdon County	Readington Twp Hunterdon County
Tewksbury Twp – Oldwick Northwest Area Hunterdon County Tewksbury Twp – Northwest Area Hunterdon County Tewksbury Twp – Oldwick Area East Hunterdon County Tewksbury Twp – Pottersville Project Area Hunterdon County	Tewksbury Twp Hunterdon County
Howell Twp – North Central Project Area Monmouth County	Howell Twp Monmouth County

Howell Twp – Manasquan Reservoir Southwest Monmouth County Howell Twp – Manasquan Reservoir West Monmouth County	
Morris County – Long Valley Washington Twp Morris County – Fairmont Black River Area Washington Twp	Morris County – Washington Twp
Bedminster Twp – Black River Corridor Somerset County Bedminster Twp – Lamington Road East PA Somerset County	Bedminster Twp Somerset County
Franklin Twp – Project Area I (Central) Somerset County Franklin Twp – Project Area II (Central) Somerset County	Franklin Twp Somerset County
Hillsborough Twp – South Project Area Somerset County Hillsborough Twp – Mill Lane Project Area Somerset County	Hillsborough Twp Somerset County
Harmony Twp – Stage I (Central) Warren County Harmony Twp – Stage II (South) Warren County Harmony Twp – Stage III (North) Warren County	Harmony Twp Warren County

Knowlton Twp – Project Area I Warren County Knowlton Twp – Project Area II Warren County	Knowlton Twp Warren County
Pohatcong Twp – Valleys & Ridge ADA Warren County Pohatcong Twp – Grasslands ADA Warren County Pohatcong Twp – Silver Hill ADA Warren County Pohatcong Twp – Still Valley ADA Warren County	Pohatcong Twp Warren County
Washington Twp – Phase A Warren County Washington Twp – Phase B & C Warren County	Washington Twp Warren County
White Township – Stage 1 Warren County White Township – Stage 2 Warren County	White Township Warren County

5. 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 the sum of $600,000 for the purpose of providing grants to counties for up to 50% of the cost of preparing county farmland preservation program strategic plans in order for counties to qualify for State funding under the planning incentive grant program created pursuant to P.L.1999, c.180 (C.4:1C-43.1 et seq.).

6. This act shall take effect July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 75

AN ACT concerning nursing homes and assisted living residences and supplementing chapter 2H of Title 26 of the Revised Statutes.

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

C.26:2H-126 Notification to residents of closing, relocation of nursing home, assisted living facility; exceptions.

1. a. Except as provided in subsection b. of this section, at least 60 days prior to the proposed date of the closing or relocation of a nursing home or assisted living residence licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), the nursing home or assisted living administrator shall notify, in writing, a resident of the facility, the resident's legal representative, if applicable, and the Department of Health and Senior Services of the closing or relocation of the facility.

b. The Commissioner of Health and Senior Services may waive the 60-day notice requirement in subsection a. of this section if the commissioner determines that an emergency situation warrants a more immediate closure or relocation of the nursing home or assisted living residence. In the case of such an emergency situation, the administrator of the facility shall notify, in writing, a resident, the resident's legal representative, if applicable, and the Department of Health and Senior Services of the closure or relocation as soon as practicable.

As used in this section, an "emergency situation" may include: the suspension or revocation of the facility license by the commissioner; decertification of the facility by the federal Medicare program established pursuant to Title XVIII of the "Social Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), or the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.); or any other event as prescribed by regulation of the commissioner.

2. This act shall take effect on the 90th day after enactment, but the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved August 2, 2006.

CHAPTER 76

AN ACT designating New Jersey Route No. 55 as "Veterans Memorial Highway," and making an appropriation.

WHEREAS, The citizens of this State are indebted to the sacrifice and heroism of the men and women who have served in the Armed Forces of the United States; and

WHEREAS, Currently, there are no roadways in New Jersey that have a special designation meant to honor the qualities of selflessness, courage, and devotion to duty exhibited by all veterans of the Armed Forces; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize and honor the veterans of the United States Armed Forces by designating New Jersey Route No. 55 as "Veterans Memorial Highway;" now, therefore,

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

1. The Commissioner of Transportation shall designate New Jersey Route No. 55 as "Veterans Memorial Highway" and erect appropriate signs bearing the designation and the dedication of the highway to all veterans of the United States Armed Forces.

2. There is appropriated $2,500 from the General Fund to the Department of Transportation for the costs of erecting appropriate signs in accordance with section 1 of this act.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 77

AN ACT permitting certain employees to participate in intergovernmental transfer program and waive any rights to accumulated sick leave and seniority, supplementing Title 11A of the New Jersey Statutes.

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

C.11A:2-28 Law enforcement officers, certain, participation in intergovernmental transfer program.

1. a. The Commissioner of the Department of Personnel shall provide, by regulation, for intergovernmental transfers by law enforcement officers, including county sheriff and corrections officers, as part of the department's intergovernmental transfer program. These law enforcement officers, county sheriff and corrections officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights.

b. The waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and the Department of Personnel.

c. The sending jurisdiction shall not pay supplemental compensation for accumulated sick leave to any law enforcement officer, county sheriff or corrections officer, approved for an intergovernmental transfer and shall certify, to the receiving jurisdiction and the Department of Personnel, that no supplemental compensation was paid.

2. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 78

AN ACT concerning general definitions under the criminal code and assault against certain school employees and amending N.J.S.2C:1-14 and N.J.S.2C:12-1.

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

1. N.J.S.2C:1-14 is amended to read as follows:

Definitions.

2C:1-14. In this code, unless a different meaning plainly is required:

a. "Statute" includes the Constitution and a local law or ordinance of a political subdivision of the State;

b. "Act" or "action" means a bodily movement whether voluntary or involuntary;

c. "Omission" means a failure to act;

d. "Conduct" means an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions;

e. "Actor" includes, where relevant, a person guilty of an omission;

f. "Acted" includes, where relevant, "omitted to act";

g. "Person," "he," and "actor" include any natural person and, where relevant, a corporation or an unincorporated association;

h. "Element of an offense" means (1) such conduct or (2) such attendant circumstances or (3) such a result of conduct as

(a) Is included in the description of the forbidden conduct in the definition of the offense;

(b) Establishes the required kind of culpability;

(c) Negatives an excuse or justification for such conduct;

(d) Negatives a defense under the statute of limitations; or

(e) Establishes jurisdiction or venue;

i. "Materia! element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unconnected with (1) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (2) the existence of a justification or excuse for such conduct;

j. "Reasonably believes" or "reasonable belief" designates a belief the holding of which does not make the actor reckless or criminally negligent;

k. "Offense" means a crime, a disorderly persons offense or a petty disorderly persons offense unless a particular section in this code is intended to apply to less than all three;

l. (Deleted by amendment, P.L.1991, c.91).

m. "Amount involved," "benefit," and other terms of value. Where it is necessary in this act to determine value, for purposes of fixing the degree of an offense, that value shall be the fair market value at the time and place of the operative act.

n. "Motor vehicle" shall have the meaning provided in R.S.39:1-1.

o. "Unlawful taking of a motor vehicle" means conduct prohibited under N.J.S.2C:20-10 when the means of conveyance taken, operated or controlled is a motor vehicle.

p. "Research facility" means any building, laboratory, institution, organization, school, or person engaged in research, testing, educational or experimental activities, or any commercial or academic enterprise that uses warm-blooded or cold-blooded animals for food or fiber production, agriculture, research, testing, experimentation or education. A research facility includes, but is not limited to, any enclosure, separately secured yard, pad,

pond, vehicle, building structure or premises or separately secured portion thereof.

q. "Communication" means any form of communication made by any means, including, but not limited to, any verbal or written communication, communications conveyed by any electronic communication device, which includes but is not limited to, a wire, radio, electromagnetic, photoelectric or photo-optical system, telephone, including a cordless, cellular or digital telephone, computer, video recorder, fax machine, pager, or any other means of transmitting voice or data and communications made by sign or gesture.

r. "School" means a public or nonpublic elementary or secondary school within this State offering education in grades K through 12, or any combination thereof, at which a child may legally fulfill compulsory school attendance requirements.

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

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39-1f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsection a. (1), (2) or (3) of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or

(e) Any employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of his duties in regard to connecting, discon-

necting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this subsection upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this subsection, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed

to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm.

Aggravated assault under subsections b. (1) and b. (6) is a crime of the second degree; under subsections b. (2), b. (7), b. (9) and b. (10) is a crime of the third degree; under subsections b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under subsection b.(8) is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under subsection b.(11) is a crime of the third degree.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board

produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this section.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

As used in this section, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

3. This act shall take effect immediately.

Approved August 2, 2006.

CHAPTER 79

AN ACT creating a New Jersey POW-MIA medal, supplementing Title 38A of the Revised Statutes.

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

C.38A:15-4 Creation of New Jersey POW-MIA medal; award, conditions.

1. a. The Governor may present in the name of the State of New Jersey a POW-MIA medal of appropriate design, and ribbon to be worn in lieu thereof, to:

(1) any person who, on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during time of war or emergency, shall have been officially listed as a prisoner of war or missing in action by the United States Department of Defense; or

(2) any person who, on the date of induction into the organized militia or federal military service, was not a resident of this State but currently resides in this State or was a resident at time of death and who, while serving in the organized militia or in federal military service on active duty in a combat theater of operation during time of war or emergency, shall have been officially listed as a prisoner of war or missing in action by the United States Department of Defense; and

(3) was taken prisoner and held captive or declared missing in action: (a) while engaged in an action against an enemy of the United States; (b) while engaged in military operations involving conflict with an opposing foreign force; or (c) while serving with friendly forces engaged in an armed conflict against an opposing force in which the United States is not a belligerent party.

b. The period of creditable military service must include the period of captivity from date of capture through date of release. While no minimum time period of captivity exists as eligibility criteria for the medal, the New Jersey Department of Military and Veterans' Affairs should determine each case on its merits.

c. The medal shall be issued only to those taken prisoner by foreign armed forces that are hostile to the United States, under circumstances which the Adjutant General, or his designee, finds to have been comparable

to those under which persons have generally been held captive by enemy armed forces during periods of armed conflict.

d. Any person convicted by a United States military tribunal of misconduct or a criminal charge or whose discharge is less than honorable based on actions while a POW-MIA is ineligible for the medal. Any POW-MIA whose conduct was not in accord with the Code of Conduct and whose actions are documented by United States military records, is ineligible for the medal. Resolution of questionable cases shall be the responsibility of the Adjutant General or his designee.

e. No more than one medal shall be awarded. For subsequent acts justifying award of the medal, service stars shall be awarded and worn on the suspension and service ribbon of the medal. A period of captivity terminates on return to United States military control. Escapees who do not return to United States military control and are recaptured by an enemy do not begin a new period of captivity for subsequent award of the medal.

f. The medal may be awarded for a deceased person or a person absent as a prisoner of war or missing in action and, when so directed, may be presented to such representatives, as the Adjutant General considers appropriate, who submit all of the required forms and documentation on behalf of that person.

Return of remains, in and of itself, does not constitute evidence of POW-MIA status.

C.38A:15-5 Requests for, issuance of medal.

2. The Department of Military and Veterans' Affairs shall receive requests for, and issue, the medal to eligible individuals or their next-of-kin, who shall use the "New Jersey Department of Military and Veterans' Affairs application for award/program" application, attaching a copy of DD Form 214 or WD Form 53 and death certificate copy, if applicable.

C.38A:15-6 "POW-MIA Medal Fund;" use.

3. There is created in the Department of the Treasury a special, nonlapsing fund to be known as the "POW-MIA Medal Fund." There shall be deposited into the fund the amounts made available for the purposes of the fund and monetary donations that may be received from any source for the purposes of the fund and any interest earned thereon. Monies deposited in the fund shall be dedicated for the design, manufacture and distribution of the medal.

4. This act shall take effect six months from the date of enactment, but the New Jersey Department of Military and Veterans' Affairs may take

such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 2, 2006.

CHAPTER 80

AN ACT appropriating $80,000,000 from the "Garden State Green Acres Preservation Trust Fund," and reappropriating certain other moneys, for the acquisition or development of lands by the State for recreation and conservation purposes.

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

1. a. There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of $77,000,000 for the acquisition of lands by the State for recreation and conservation purposes. This sum shall be allocated as follows:

Project	**County**	**Municipality**	**Amount**
(1) CAPE MAY PENINSULA			$5,000,000
Cape May Peninsula			
	Cape May	Cape May City	
		Cape May Point Boro	
		Dennis Twp	
		Lower Twp	
		Middle Twp	
		Sea Isle City	
		Upper Twp	
		West Cape May Boro	
		Woodbine Boro	
(2) CROSSROADS OF AMERICAN REVOLUTION			9,000,000
Princeton Battlefield to Monmouth			
	Mercer	East Windsor Twp	
		Hamilton Twp	
		Lawrence Twp	

		Washington Twp
		West Windsor Twp
	Middlesex	Cranbury Twp
		Monroe Twp
		Plainsboro Twp
		South Brunswick Twp
	Monmouth	Allentown Boro
		Englishtown Boro
		Freehold Twp
		Manalapan Twp
		Marlboro Twp
		Millstone Twp
		Roosevelt Boro
		Upper Freehold Twp
Princeton to Morristown		
	Morris	Chester Boro
		Harding Twp
		Long Hill Twp
		Mendham Boro
		Mendam Twp
		Morris Twp
		Morristown Town
		Randolph Twp
	Somerset	Bedminster Twp
		Bernards Twp
		Bernardsville Boro
		Bound Brook Boro
		Branchburg Twp
		Bridgewater Twp
		Franklin Twp
		Hillsborough Twp
		Manville Boro
		Millstone Boro
		Montgomery Twp
		Raritan Boro
		Somerville Boro
		Warren Twp
Washington Crossing to Princeton Battlefield		
	Hunterdon	East Amwell Twp
		West Amwell Twp
	Mercer	Hopewell Twp
		Princeton Twp
		Trenton City

(3) DELAWARE & RARITAN CANAL GREENWAY			1,000,000
	Hunterdon	Delaware Twp	
		Kingwood Twp	
		Lambertville City	
		Stockton Boro	
		West Amwell Twp	
	Mercer	Ewing Twp	
		Hamilton Twp	
		Hopewell Twp	
		Lawrence Twp	
		Princeton Twp	
		Trenton City	
	Middlesex	New Brunswick City	
		Plainsboro Twp	
		South Brunswick Twp	
	Somerset	Franklin Twp	
(4) DELAWARE BAY WATERSHED GREENWAY			9,000,000
Alloways Creek Greenway			
	Salem	Alloway Twp	
		Elsinboro Twp	
		Lower Alloways Creek Twp	
		Pilesgrove Twp	
		Quinton Twp	
		Upper Pittsgrove Twp	
Cape May Tributaries			
	Cape May	Dennis Twp	
		Lower Twp	
		Middle Twp	
		Upper Twp	
Cohansey River Greenway			
	Cumberland	Bridgeton City	
		Fairfield Twp	
		Greenwich Twp	
		Hopewell Twp	
		Lawrence Twp	
		Shiloh Boro	
		Upper Deerfield Twp	
	Salem	Alloway Twp	
Dividing/ Nantuxent/ Cedar/ Back Creeks Greenway			
	Cumberland	Commercial Twp	

		Downe Twp
		Fairfield Twp
		Lawrence Twp
Maurice River Greenway		
	Atlantic	Buena Boro
		Buena Vista Twp
	Cape May	Dennis Twp
	Cumberland	Commercial Twp
		Deerfield Twp
		Maurice River Twp
		Millville City
		Vineland City
	Gloucester	Clayton Boro
		Elk Twp
		Franklin Twp
		Glassboro Boro
		Monroe Twp
		Newfield Boro
	Salem	Elmer Boro
		Pittsgrove Twp
		Upper Pittsgrove Twp
Salem River/ Mannington Greenway		
	Salem	Carneys Point Twp
		Elsinboro Twp
		Mannington Twp
		Oldmans Twp
		Pennsville Twp
		Pilesgrove Twp
		Upper Pittsgrove Twp
		Woodstown Boro
Stow Creek Greenway		
	Cumberland	Greenwich Twp
		Stow Creek Twp
	Salem	Alloway Twp
		Lower Alloways Creek Twp
		Quinton Twp

(5) DELAWARE RIVER WATERSHED GREENWAY 9,000,000

Assinkunk Creek Watershed		
	Burlington	Mansfield Twp
Big Timber Creek		
	Camden	Clementon Boro
		Gloucester Twp
		Lindenwold Boro
		Pine Hill Boro
	Gloucester	Deptford Twp
		Westville Boro
Cooper River Greenway		
	Camden	Berlin Twp
		Camden City
		Gibbsboro Boro
		Haddon Twp
		Lindenwold Boro
		Voorhees Twp
Crosswicks Creek Watershed		
	Burlington	Bordentown City
		Bordentown Twp
		Chesterfield Twp
		Mansfield Twp
		North Hanover Twp
	Mercer	Hamilton Twp
		Trenton City
		Washington Twp
	Monmouth	Allentown Boro
		Millstone Twp
		Upper Freehold Twp
	Ocean	Jackson Twp
		Plumsted Twp
Delaware River Bluffs		
	Hunterdon	Delaware Twp
		Frenchtown Boro
		Kingwood Twp
		Lambertville City
		Stockton Boro
		West Amwell Twp

Mercer	Ewing Twp
	Hopewell Twp
Nishisakawick Greenway	
Hunterdon	Alexandria Twp
	Delaware Twp
	Frenchtown Boro
	Kingwood Twp
Oldmans Creek Greenway	
Gloucester	Logan Twp
	South Harrison Twp
	Woolwich Twp
Salem	Oldmans Twp
	Pilesgrove Twp
	Upper Pittsgrove Twp
Raccoon Creek Greenway	
Gloucester	East Greenwich Twp
	Elk Twp
	Greenwich Twp
	Harrison Twp
	Logan Twp
	Woolwich Twp
Rancocas Creek Greenway	
Burlington	Cinnaminson Twp
	Delanco Twp
	Delran Twp
	Eastampton Twp
	Hainesport Twp
	Lumberton Twp
	Medford Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Pemberton Twp
	Riverside Twp
	Southampton Twp
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Trenton / Hamilton Marsh	
Burlington	Bordentown Twp

		Chesterfield Twp
	Mercer	Hamilton Twp
		Trenton City
Woodbury Creek Watershed		
	Gloucester	National Park Boro
		West Deptford Twp
(6) HIGHLANDS GREENWAY		20,000,000
	Bergen	Mahwah Twp
		Oakland Boro
	Hunterdon	Alexandria Twp
		Bethlehem Twp
		Bloomsbury Boro
		Califon Boro
		Clinton Town
		Clinton Twp
		Glen Gardner Boro
		Hampton Boro
		High Bridge Boro
		Holland Twp
		Lebanon Boro
		Lebanon Twp
		Milford Boro
		Tewksbury Twp
		Union Twp
	Morris	Boonton Town
		Boonton Twp
		Butler Boro
		Chester Boro
		Chester Twp
		Denville Twp
		Dover Town
		Hanover Twp
		Harding Twp
		Jefferson Twp
		Kinnelon Boro
		Mendham Boro
		Mendham Twp
		Mine Hill Twp
		Montville Twp
		Morris Plains Boro
		Morris Twp

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

	Independence Twp
	Liberty Twp
	Lopatcong Twp
	Mansfield Twp
	Oxford Twp
	Phillipsburg Town
	Pohatcong Twp
	Washington Boro
	Washington Twp
	White Twp

(7) NON-PROFIT CAMPS 2,000,000

Youth Camps

Bergen	Mahwah Twp
Burlington	Evesham Twp
	Medford Twp
	Tabernacle Twp
Cumberland	Greenwich Twp
	Hopewell Twp
Gloucester	Franklin Twp
Hunterdon	East Amwell Twp
	Readington Twp
Monmouth	Wall Twp
Morris	Kinnelon Boro
	Rockaway Boro
Ocean	Ocean Twp
Passaic	Ringwood Boro
	West Milford Twp
Salem	Alloway Twp
Somerset	Franklin Twp
Sussex	Byram Twp
	Hampton Twp
	Sandyston Twp
	Sparta Twp
	Stillwater Twp
	Vernon Twp
	Wantage Twp
Warren	Hardwick Twp
	Independence Twp
	Mansfield Twp

(8) PINELANDS		4,000,000
	Atlantic	Brigantine City
		Buena Boro
		Buena Vista Twp
		Corbin City
		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Galloway Twp
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Port Republic City
		Weymouth Twp
	Burlington	Bass River Twp
		Evesham Twp
		Medford Lakes Boro
		Medford Twp
		New Hanover Twp
		North Hanover Twp
		Pemberton Twp
		Shamong Twp
		Southampton Twp
		Springfield Twp
		Tabernacle Twp
		Washington Twp
		Woodland Twp
		Wrightstown Boro
	Camden	Berlin Boro
		Berlin Twp
		Chesilhurst Boro
		Waterford Twp
		Winslow Twp
	Cape May	Dennis Twp
		Middle Twp
		Upper Twp
		Woodbine Boro
	Cumberland	Maurice River Twp
		Vineland City
	Gloucester	Franklin Twp
		Monroe Twp

	Ocean	Barnegat Twp
		Beachwood Boro
		Berkeley Twp
		Dover 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
		Tuckerton Boro
(9) RIDGE AND VALLEY GREENWAY		10,000,000
	Sussex	Andover Boro
		Andover Twp
		Branchville Boro
		Frankford Twp
		Fredon Twp
		Green Twp
		Hampton Twp
		Lafayette Twp
		Montague Twp
		Newton Town
		Sandyston Twp
		Stillwater Twp
		Sussex Boro
		Walpack Twp
		Wantage Twp
	Warren	Blairstown Twp
		Frelinghuysen Twp
		Hackettstown Town
		Hardwick Twp
		Hope Twp
		Knowlton Twp
		Liberty Twp
(10) TRAILS		8,000,000

Appalachian Trail Easements		
	Passaic	West Milford Twp
	Sussex	Frankford Twp
		Vernon Twp
		Wantage Twp
Capitol to the Coast		
	Mercer	Hamilton Twp
		Trenton City
		Washington Twp
		West Windsor Twp
	Monmouth	Freehold Twp
		Howell Twp
		Manasquan Boro
		Millstone Twp
		Roosevelt Boro
		Sea Girt Boro
		Spring Lake Boro
		Spring Lake Heights Boro
		Upper Freehold Twp
		Wall Twp
	Ocean	Jackson Twp
Rails to Trails		
	Burlington	Burlington City
		Burlington Twp
		Chesterfield Twp
		Mansfield Twp
		North Hanover Twp
		Pemberton Boro
		Pemberton Twp
		Southampton Twp
		Springfield Twp
		Westampton Twp
		Willingboro Twp
	Mercer	East Windsor Twp
		Hightstown Boro
		Washington Twp
		West Windsor Twp
	Ocean	Plumsted Twp
	Sussex	Andover Boro
		Andover Twp
		Franklin Boro
		Green Twp

		Hamburg Boro
		Newton Town
		Ogdensburg Boro
		Sparta Twp
		Sussex Boro
		Vernon Twp
	Warren	Allamuchy Twp
		Belvidere Town
		Franklin Twp
		Independence Twp
		Knowlton Twp
		Liberty Twp
		Washington Twp
		White Twp
Warren County Trails		
	Warren	Franklin Twp
		Harmony Twp
		Lopatcong Twp
		Mansfield Twp
		Oxford Twp
		Phillipsburg Town
		Washington Twp
		White Twp
TOTAL		**$ 77,000,000**

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

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, section 2 or 3 of this act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

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

2. a. There is appropriated from the "Garden State Green Acres Preservation Trust Fund," established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19), to the Department of Environmental Protection the sum of $3,000,000 for the acquisition or development of lands by the State for recreation and conservation purposes. This sum shall be allocated as follows:

Project	County	Municipality	Amount
URBAN PARKS			$3,000,000
	Bergen	Edgewater Boro	
	Camden	Camden City	
	Essex	Belleville Twp	
		Bloomfield Twp	
		Caldwell Boro	
		East Orange City	
		Glen Ridge Boro	
		Irvington Twp	
		Maplewood Twp	
		Montclair Twp	
		Newark City	
		Nutley Twp	
		Orange City Twp	
		South Orange Village Twp	
		West Orange Twp	
	Hudson	Bayonne City	
		East Newark Boro	
		Guttenberg Town	
		Harrison Town	
		Hoboken City	
		Jersey City	
		Kearny Town	
		North Bergen Twp	
		Union City	
		Weehawken Twp	
		West New York Town	
	Mercer	Trenton City	
	Middlesex	Edison Twp	
	Passaic	Paterson City	
	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	**$ 3,000,000**

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

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, section 1 or 3 of this act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

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

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 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 or 2 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

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

4. This act shall take effect July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 81

AN ACT appropriating $6,515,000 from the "Garden State Farmland Preservation Trust Fund" for grants to qualifying tax exempt nonprofit organizations for farmland preservation purposes, and canceling certain prior appropriations for withdrawn farmland preservation projects.

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

1. a. There is appropriated from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), to the State Agriculture Development Committee the following sums for the purpose of providing grants to qualifying tax exempt nonprofit organizations listed in subsection b. of this section for up to 50% of the cost of acquisition of development easements on farmland or for up to 50% of the cost of acquisition of fee simple titles to farmland for resale or lease with agricultural deed restrictions approved by the committee:

(1) $3,900,000 from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20); and

(2) $2,615,000 from the "Garden State Farmland Preservation Trust Fund," made available due to project withdrawals and canceled obligations.

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

Applicant (Project)	**County**	**Municipality**	**Amount of Grant Not to Exceed**
Delaware & Raritan Greenway Inc (Hopewell Twp Project)	Mercer	Hopewell Twp	$1,000,000

Hunterdon Land Trust (Holland Twp Project Area)	Hunterdon	Holland Twp	$750,000
Monmouth Conservation Foundation (Middletown Twp Project Area)	Monmouth	Middletown Twp	$1,000,000
Morris Land Conservancy (Dower)	Somerset	Peapack-Gladstone Boro	$1,000,000
Morris Land Conservancy (Sussex/Warren Project Area)	Sussex/Warren	All municipalities	$765,000
New Jersey Conservation Foundation (Raccoon/Oldmans Farm Belt)	Gloucester	East Greenwich Twp Elk Township Harrison Twp South Harrison Twp Woolwich Twp	$1,000,000
	Salem	Alloway Twp Mannington Twp Pilesgrove Twp Upper Pittsgrove Twp	
New Jersey Conservation Foundation (Wickecheoke Project Area)	Hunterdon	Delaware Twp Franklin Twp Raritan Twp	$1,000,000

2. Of the monies appropriated or reappropriated pursuant to P.L.1999, c.138, P.L.2001, c.105, P.L.2003, c.82, P.L.2003, c.83, P.L.2003, c.272, and P.L.2005, c.180 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 $2,615,000 is canceled due to project withdrawals and canceled obligations.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of 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 July 1, 2006 or on the date of enactment, whichever is later.

Approved August 2, 2006.

CHAPTER 82

AN ACT concerning the duties of the State Auditor, and amending and supplementing chapter 24 of Title 52 of the Revised Statutes.

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

1. R.S.52:24-4 is amended to read as follows:

Duties, responsibilities of State Auditor.

52:24-4. It shall be the duty of the State Auditor to conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the State Government, to report to the Legislature or to any committee thereof and to the Governor, and to the Executive Director of the Office of Legislative Services, as provided by this chapter and as shall be required by law, and to perform such other similar or related duties as shall, from time to time, be required of him by law.

The State Auditor shall personally or by any of his duly authorized assistants, or by contract with independent public accountant firms, examine and post-audit all the accounts, reports and statements and make independent verifications of all assets, liabilities, revenues and expenditures of the State, its departments, institutions, boards, commissions, officers, and any and all other State agencies, now in existence or hereafter created, hereinafter in this chapter called "accounting agencies."

The State Auditor shall conduct, at the direction of the Legislative Services Commission or of the presiding officer of either house of the Legislature or on the State Auditor's own initiative, a performance review audit of any program of any accounting agency, any independent authority, or any public entity or grantee that receives State funds, in a manner that is consistent with the Government Auditing Standards for performance audits utilized by the United States Government Accountability Office or its successor.

When the State Auditor conducts any audit or performance review audit, the accounting agency, or authority, entity or grantee, shall respond in writing to each item in the State Auditor's report and the State Auditor, at

an appropriate time determined by him, shall conduct a post-audit review of the accounting agency's, or authority's, entity's, or grantee's, compliance with the State Auditor's recommendations.

The officers and employees of each accounting agency , or authority, entity, or grantee, shall assist the State Auditor, when and as required by him, and provide the State Auditor with prompt access to all records necessary for the State Auditor to perform his duties, notwithstanding any statutory or regulatory requirements of confidentiality with regard to the records, for the purpose of carrying out the provisions of this chapter. The State Auditor shall report the failure of any accounting agency , or authority, entity, or grantee, to provide prompt access to any relevant record to the presiding officer of each house of the Legislature. The State Auditor shall not disclose a confidential record provided by an accounting agency, or authority, entity, or grantee, except as may be necessary for the State Auditor to fulfill his constitutional or statutory responsibilities. Working papers prepared by the State Auditor shall be confidential and shall not be considered government records under P.L.1963, c.73 (C.47:1A-1 et seq.).

Notwithstanding any law to the contrary, post-audits and performance review audits shall be conducted within the limits of the resources and personnel available to the State Auditor. If resources and personnel are insufficient to conduct all such required post-audits and performance review audits, the State Auditor may prioritize certain audits and forgo others upon notice to the Governor and the presiding officer of each house of the Legislature.

2. R.S.52:24-6 is amended to read as follows:

Reports to Legislature and Governor.

52:24-6. The State Auditor shall report in writing to the Legislature or to any committee thereof, when so required, and to the Governor the findings of any special condition disclosed by his audit of the accounts of the State and of each accounting agency.

The State Auditor shall submit a written report that describes the findings of any performance review audit conducted by the State Auditor to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

Such report shall be made by him to the Legislature and the Governor as promptly as possible after the conclusion of every audit and investigation made or caused to be made by him or upon the completion of any performance review audit conducted by the State Auditor.

3. R.S.52:24-7 is amended to read as follows:

Report malfeasance, etc., to Governor; Legislature, suspension of offender; hearing; removal.

52:24-7. The State Auditor shall report, forthwith, to the Governor and the presiding officer of each house of the Legislature any and all instances of malfeasance, misfeasance or nonfeasance which may be disclosed by any audit or investigation of said accounts or by any performance review audit.

Any State officer or employee charged with the custody of State funds whose accounts are found by the State Auditor to be inaccurate shall be automatically suspended from having any further connection with such funds until the audit is completed and the findings reported to the Governor and the presiding officer of each house of the Legislature.

Immediately upon receipt of such report from the State Auditor, the Governor shall fix a time and place for hearing such charges as the State Auditor may bring by giving not less than five days' notice thereof in writing to such officer or head of a department so charged and to the State Auditor.

After due hearing, he shall take such action as may be necessary, in his judgment, including the removal of any officer or head of a department found guilty of such charges or any of them, but if the right of removal in any case is vested exclusively in the Legislature, the Governor may suspend from further duty any such officer or head of a department so charged and shall transmit to the Legislature at the earliest possible date a written report of his findings with his recommendations thereon for consideration and action by the legislature.

4. R.S.52:24-8 is amended to read as follows:

Failure or refusal of officer, department head to keep accounts, etc.; procedure.

52:24-8. If the State Auditor shall find that any officer or head of a department of the State government willfully or negligently fails or refuses to keep or have kept such accounts, render such reports or perform such other duties as may be prescribed or directed by the State Comptroller, or fails or refuses to comply with the provisions of this article, he shall notify such officer or head of a department in writing of such failure and the particulars thereof, and the officer or head of a department shall promptly respond in writing to each specific failure. If such failure should not be explained to the satisfaction of the State Auditor, he shall notify the State

Comptroller and the presiding officer of each house of the Legislature of such failure and the State Comptroller shall take such action against such officer or head of a department as he may be authorized to do under any law or laws of this State.

C.52:24-4.4 Compliance of State entity with recommendation of State Auditor.

5. Prior to approving any request of a principal department or accounting agency in the Executive Branch of the State government, the Joint Budget Oversight Committee, or its successor, may require the department or agency to comply with any recommendation of the State Auditor made as the result of any audit or investigation or performance review audit of that department or agency.

6. This act shall take effect immediately.

Approved August 3, 2006.

CHAPTER 83

AN ACT concerning the regulation of cable television service, amending and supplementing P.L.1972, c.186 (C.48:5A-1 et seq.) and amending P.L.1985, c.356, P.L.1991, c.412, and P.L.2003, c.38.

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

1. Section 2 of P.L.1972, c.186 (C.48:5A-2) is amended to read as follows:

C.48:5A-2 Legislative findings, determinations, and declarations.

2. The Legislature finds, determines and declares:

a. That, after careful investigation, it appears that the rates, services and operations of cable television companies in this State are affected with a public interest;

b. That it should be, and is hereby declared, the policy of this State to provide fair regulation of cable television companies in the interest of the public;

c. That the objects of such regulation are (1) to promote adequate, economical and efficient cable television service to the citizens and residents of this State, (2) to encourage the optimum development of the educational and community-service potentials of the cable television medium, (3)

to provide just and reasonable rates and charges for cable television system services without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices, (4) to promote and encourage harmony between cable television companies and their subscribers and customers, (5) to protect the interests of the several municipalities of this State in relation to the issuance of municipal consents for the operation of cable television companies within their several jurisdictions, and to secure a desirable degree of uniformity in the practices and operations of cable television companies in those several jurisdictions; and (6) to cooperate with other states and with the Federal Government in promoting and coordinating efforts to regulate cable television companies effectively in the public interest;

d. That to secure such regulation and promote the objectives thereof, authority to regulate cable television companies generally, and their rates, services and operations, in the manner and in accordance with the policies set forth in P.L.1972, c.186 (C.48:5A-1 et seq.) (the "act"), shall be vested in the Board of Public Utilities;

e. That the Federal Communications Commission (the "FCC") reported in its 2005 assessment of video programming competition that increased competition in the multichannel video programming distributor ("MVPD") market has led to improvements in cable television services, including more channels of video programming and increased service options for consumers, and in the case of facilities-based competition, lower prices for customers;

f. That, as a result of ongoing technological innovations, non-traditional providers of MVPD services such as local telephone common carriers are offering or preparing to offer MVPD services over existing telephone lines or over newly-installed high-speed fiber lines to customers in their local telephone service areas, and such developments have the potential for stimulating additional competition in the MVPD market that should lead to further improvements for MVPD customers;

g. That, in order to afford an equal opportunity for non-traditional MVPD providers such as local telephone common carriers to compete with existing providers, and to ensure that customers receive the benefits of a more competitive MVPD market, it is in the public interest to encourage common carriers to enter the MVPD market by adapting the existing regulatory framework to the changed circumstances brought about by recent technological developments while allowing the State to retain its necessary and appropriate regulatory oversight with regard to consumer protection and customer service elements; and

h. That nothing in this act shall be seen to limit or otherwise reduce the protection afforded to cable television customers, and it is in the public interest to include additional provisions in this act to ensure that customers continue to be provided a high level of consumer protection and customer service in a more competitive MVPD market.

2. Section 3 of P.L.1972, c.186 (C.48:5A-3) is amended to read as follows:

C.48:5A-3 Definitions.

3. As used in this act, except as the context may otherwise clearly require or indicate:

a. "Board" means the Board of Public Utilities.

b. "Office" means the Office of Cable Television established by the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.).

c. "Director" means the Director of the Office of Cable Television.

d. "Cable television system", "CATV system" or "cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is designed to provide cable television service which includes video programming, without regard to the technology used to deliver such video programming, including Internet protocol technology or any successor technology, and which is provided to multiple subscribers within a community, but such term does not include: (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves subscribers without using any public right-of-way; (3) a facility of a common carrier which is subject, in whole or in part, to regulation by the board pursuant to Title 48 of the Revised Statutes, except that such facility shall be considered a CATV system to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; (4) an open video system that has been certified by the Federal Communications Commission as being in compliance with the provisions of Part 76, "Multichannel Video and Cable Television Service," of Title 47 of the Code of Federal Regulations; (5) any facilities of any electric public utility used solely for operating its electric utility systems; or (6) a facility of an electric public utility which is subject, in whole or in part, to regulation by the board pursuant to Title 48 of the Revised Statutes, except that such facility shall be considered a CATV system solely to the extent that such facility is used in the transmission of video programming directly to the subscribers. The term "facility" as used in this

subsection is limited to the optical spectrum wavelengths, bandwidth, or other current or future technological capacity used for the transmission of video programming directly to subscribers.

e. "Cable television reception service" means the simultaneous delivery through a CATV system of the signals of television broadcast stations to members of the public subscribing to such service for a fee or other consideration, which service may include additional nonbroadcast signals delivered as a part of the service with no additional charge.

f. (Deleted by amendment, P.L.2006, c.83).

g. "Cable television company" or "CATV company" means any person or group of persons (1) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (2) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

h. "Highway" includes every street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public.

i. "Certificate" means a certificate of approval issued by the board pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.).

j. "Cable television service", "CATV service" or "cable service" means (1) the one-way transmission to subscribers of (a) video programming, or (b) other programming service; and (2) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service, regardless of the technology utilized by a cable television company to enable such selection or use.

k. "Basic cable service" means any service tier which includes the retransmission of local television broadcast signals and any public, educational and governmental channels.

l. "Hearing impaired individual" means an individual who, because of injury to, disease of, or defect in the inner, middle or outer ear, or any combination thereof, has suffered a loss of hearing acuity such that the individual cannot receive linguistic information without amplification, dubbing or captions.

m. "In series connection" means a connection where the coaxial service wire entering the residence of a subscriber connects first to a television receiver or monitor, with the television receiver or monitor being connected by coaxial wire to a video cassette recorder or other auxiliary equipment or where the coaxial service wire connects first to a video cassette recorder or auxiliary equipment, with the equipment being connected to a television receiver or monitor and where no external splitting device is used.

n. "Municipality" means one municipality acting singularly or two or more municipalities acting jointly in the granting of municipal consent for the provision of cable television service in accordance with the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented.

o. "Open video system" means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable television service to multiple subscribers within a municipality and which has been certified by the Federal Communications Commission as being in compliance with Part 76 "Multichannel Video and Cable Television Service" of Title 47 of the Code of Federal Regulations.

p. "Private aggregator" means a duly-organized business or non-profit organization authorized to do business in this State that enters into a contract with two or more municipalities for the purpose of facilitating the joint action of those municipalities in granting municipal consent for the provision of cable television service to those municipalities.

q. "Franchise" means an initial authorization, or renewal thereof, issued by a franchising authority in accordance with the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a cable television system.

r. "System-wide franchise" means a competitive franchise issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) which authorizes a CATV company to construct or operate a cable television system in any location within this State in which the CATV company, at the time of the issuance of the system-wide franchise, either has plant or equipment in use for the provision of any consumer video, cable or telecommunications service, including telephone service, or has proposed to place such plant or equipment into use to provide such service.

s. "Local franchising authority" or "franchising authority" means a governmental entity empowered by federal, State, or local law to grant a franchise.

t. "Telecommunications service provider" or "telecommunications provider" means any owner of facilities and equipment located in public rights-of-way used to provide telecommunications services, except that such term does not include aggregators of telecommunications services.

u. "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

v. "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

w. "Other programming service" means information other than video programming that a CATV company makes available to all subscribers generally.

x. "Gross revenues" means all revenues actually received by the holder of a system-wide franchise or certificate of approval derived during the calendar year from all the charges or fees paid by subscribers in the municipality to the CATV company for providing basic cable service, cable programming service, as that term is defined in 47 C.F.R. s.76.901, and premier tier programming service, for pay-per-view events, seasonal or sporting events of limited duration, and for all similar programming or channels, but gross revenues shall not include: (1) amounts not actually received, even if billed, such as bad debt; refunds, rebates or discounts to subscribers or other third parties; or revenue imputed from the provision of cable services for free or at reduced rates to any person as required or allowed by law, including, without limitation, the provision of such services to public institutions, public schools, governmental entities, or employees, other than forgone revenue chosen not to be received in exchange for trades, barters, services, or other items of value; (2) any revenue from any charges or fees derived from services classified as non-cable services under federal law, including, without limitation, revenue derived from telecommunications services and information services and any other revenues attributed by the holder of a certificate of approval or system-wide franchise to non-cable services in accordance with Federal Communications Commission rules, regulations, standards, or orders; (3) amounts billed to and collected from subscribers to recover any tax, fee or surcharge of general applicability imposed by any governmental entity on the holder of a certificate of approval or a system-wide franchise, including without limitation, sales and use taxes, gross receipts taxes, excise taxes, utility users taxes, public service taxes, communication taxes, and any other fee not imposed by section 30 of P.L.1972, c.186 (C.48:5A-30). In the case of cable service that may be bundled or integrated functionally with other services, capabilities or applications, the gross revenues shall only include those charges or fees derived from or attributable to the provision of cable service, as reflected on the books and records of the holder of a certificate of approval or a system-wide franchise, as the case may be, in accordance with the rules, regulations, standards and orders of the Federal Communications Commission.

3. Section 4 of P.L.1972, c.186 (C.48:5A-4) is amended to read as follows:

C.48:5A-4 Office of Cable Television; establishment; inapplicability of Title 48 to cable television.

4. There is hereby established in the Board of Public Utilities an Office of Cable Television; but nothing in P.L.1972, c.186 (C.48:5A-1 et seq.) shall be construed as declaring or defining cable television to be a public utility or subjecting it to the application of any of the provisions of Title 48 of the Revised Statutes, except as otherwise specifically provided in P.L.1972, c.186 (C.48:5A-1 et seq.).

4. Section 6 of P.L.1972, c.186 (C.48:5A-6) is amended to read as follows:

C.48:5A-6 Director; powers and duties.

6. The director under the supervision of the President of the Board shall organize the work of the office and establish therein such administrative subdivisions as may be deemed necessary, proper and expedient. The director may formulate rules and regulations for the board's consideration and prescribe duties for the efficient conduct of the business, work and general administration of the office. The director may delegate to subordinate officers or employees in the office such powers as may be deemed desirable, to be exercised under the supervision and direction of the director.

5. Section 7 of P.L.1972, c.186 (C.48:5A-7) is amended to read as follows:

C.48:5A-7 Officers and employees; appointment; terms of employment.

7. Subject to the provisions of Title 11A of the New Jersey Statutes, and within the limits of funds appropriated or otherwise made available, the director with the approval of the President of the Board may appoint such officers and employees of the office as may be deemed necessary for the performance of its duties, and may fix and determine their qualifications, duties and compensation, and may retain or employ engineers and private consultants on a contract basis or otherwise for rendering professional or technical service or assistance.

6. Section 9 of P.L.1972, c.186 (C.48:5A-9) is amended to read as follows:

C.48:5A-9 Board and director; power, authority and jurisdiction.

9. The board, which is empowered pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) to be the local franchising authority in this State, and

the director under the supervision of the board, shall have full right, power, authority and jurisdiction to:

a. Receive or initiate complaints of the alleged violation of any of the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or of any of the rules and regulations made pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) or of the terms and conditions of any municipal consent or franchise granted pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.); and for this purpose and all other purposes necessary to enable the director to administer the duties of the office as prescribed by law may hold hearings and shall have power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation at any such hearing;

b. Supervise and regulate every CATV company operating within this State and its property, property rights, equipment, facilities, contracts, certificates and franchises so far as may be necessary to carry out the purposes of P.L.1972, c.186 (C.48:5A-1 et seq.), and to do all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction;

c. Institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), of the rules and regulations adopted thereunder, or of any municipal consents issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.);

d. Institute, or intervene as a party in, any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of P.L.1972, c.186 (C.48:5A-1 et seq.), of any rule, regulation or order adopted thereunder or of any municipal consent or franchise issued thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith.

7. Section 10 of P.L.1972, c.186 (C.48:5A-10) is amended to read as follows:

C.48:5A-10 Rules and regulations; promulgation; subject matter; cooperation with federal regulatory agencies.

10. The director with the approval of the board shall establish, consistent with federal law, for the purpose of assuring safe, adequate and proper cable television service, after hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations governing:

a. Technical standards of performance for CATV systems and the equipment and facilities thereof, including standards of maintenance and safety, not inconsistent with applicable Federal regulations;

b. The prohibition and prevention of the imposition of any unjust or unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, charge or schedule for any service supplied or rendered by a CATV company within this State, or the adoption or imposition of any unjust or unreasonable classification in the making or as the basis of any individual or joint rate, charge or schedule for any service rendered by a CATV company within this State;

c. Requirements for the reasonably prompt and complete exercise of the rights conferred by any certificate, subject to revocation thereof or other penalty provided under P.L.1972, c.186 (C.48:5A-1 et seq.);

d. Procedures and forms for the application by a CATV company for municipal consents or for a franchise required under P.L.1972, c.186 (C.48:5A-1 et seq.);

e. Procedures and forms for review by the director of municipal consents or franchises issued pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.);

f. Procedures and forms for the application by CATV companies to municipalities for amendment of rates or other terms and conditions of municipal consents or franchises and, for the review by the director of the terms of such amendments, and for the resolution by the director of disputes between municipalities and CATV companies over such applications;

g. Procedures and forms for submission to and resolution by the director of complaints or disputes by or between CATV companies, municipalities or citizens regarding proper compliance with the implementation of the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or the rules and regulations made or municipal consents or franchises issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.); provided, however, that, notwithstanding the foregoing provisions of this section or any of the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), it is the intent of P.L.1972, c.186 (C.48:5A-1 et seq.) that all the provisions, regulations and requirements imposed by or pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall be operative only to the extent that the same are not in conflict with the laws of the United States or with any rules, regulations or orders adopted, issued or promulgated pursuant thereto by any Federal regulatory body having jurisdiction. No requirement, regulation, term, condition, limitation or provision imposed by or pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) which is contrary to or inconsistent with any such Federal law, regulation or order now

or hereafter adopted shall be enforced by the director or shall be authority for the granting, denial, amendment or limitation of any municipal consent or certificate of approval which may be applied for or issued under the terms of P.L.1972, c.186 (C.48:5A-1 et seq.).

The board through the office is hereby empowered and directed to cooperate with any Federal regulatory agency in the enforcement within this State of all Federal laws, rules, regulations and orders relating to CATV systems and CATV companies, and therein to act as agent for such Federal regulatory body to the extent authorized by or pursuant to Federal law, and to enter into agreements for said purpose.

8. Section 11 of P.L.1972, c.186 (C.48:5A-11) is amended to read as follows:

C.48:5A-11 Rates, charges and classifications for services; filing; publication; notice; review; hearings; limitation on revenues; effective competition.

11. a. The board through the office shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a CATV company, and the tariffs therefor shall be filed and published in such manner and on such notice as the director with the approval of the board may prescribe, and shall be subject to change on such notice and in such manner as the director with the approval of the board may prescribe.

b. The board shall from time to time cause the established rates and rate schedules of each CATV company for cable TV reception service to be reviewed, and if upon such review it shall appear to the board that, under federal law, such rates, or any of them, are or may be excessive, unreasonable, unjustly discriminatory or unduly preferential, the board shall require the CATV company to establish to its satisfaction that such rates are just, reasonable and not excessive or unjustly preferential or discriminatory, and for such purpose shall order the director to hold a hearing thereon. After a hearing upon notice and full opportunity to be heard afforded to the CATV company, the director may recommend amendment of the schedule of cable television subscription rates charged by such company, and such amended schedule if approved by the board shall supersede and replace the schedule so amended.

c. Any hearing held pursuant to this section shall be open to the public, and notice thereof shall be published by the cable television company at least 10 days prior thereto in a newspaper or newspapers of general circulation in the certificated area wherein the rate schedule which is the subject of

the hearing applies. Every municipality may intervene in any hearing held by the director pursuant to this section affecting the municipality or the public within the municipality.

d. No CATV company shall derive from the operations of cable television reception service or cable communications systems any revenues other than the fees, charges, rates and tariffs provided for in subsection a. of this section and in subsection g. of section 28 of this act.

e. Whenever pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) the board or the director is required to determine whether any of the rates, charges, fees, tariffs and classifications of a CATV company are unjust, unreasonable, discriminatory or unduly preferential, there shall be taken into consideration any fees which are charged for the use of a CATV system, or part thereof, as an advertising medium, or for services ancillary to such use, and from which the CATV system derives revenue, directly or indirectly, and the effect thereof upon, the company's requirements for revenue from such fees, rates, charges, tariffs and classifications subject to the provisions of this section.

f. The provisions of this section shall not apply in any area where there is effective competition as that term is used in 47 U.S.C. s.543.

9. Section 2 of P.L.1985, c.356 (C.48:5A-11.2) is amended to read as follows:

C.48:5A-11.2 Discounted CATV rates; qualifications.

2. Notwithstanding the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or of any other State law to the contrary, any CATV company providing service may establish rates or schedules which provide for a reduction or discount in rates for cable television reception service for senior citizens, disabled citizens, or other economically disadvantaged citizens who meet the eligibility requirements of either the "Pharmaceutical Assistance to the Aged and Disabled" program pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), as amended and supplemented; or are receiving or are eligible to receive benefits under the Supplemental Security Income program, as defined in section 1 of P.L.1973, c.256 (C.44:7-85); or are receiving disability insurance benefits under Title II of the federal Social Security Act, 42 U.S.C. s.401 et seq., and meet the income and residency requirements of the "Pharmaceutical Assistance to the Aged and Disabled Program," established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).

The Board of Public Utilities through the Office of Cable Television shall adopt regulations for the prompt, fair and efficient establishment and

maintenance of these reduced or discounted rates and schedules. Subscription to the "Tenants' Lifeline Assistance Program," established pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.), or to the "Lifeline Credit Program," established pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), shall not be a basis for exclusion from any reduction or discount provided under this section, nor shall subscription to any cable television service from such provider be a basis for exclusion from the Tenants' Lifeline Assistance Program or the Lifeline Credit Program.

"Senior citizen" means any person 62 years of age or older who subscribes for CATV service and who does not share the subscription with more than one other person in the same dwelling unit who is less than 62 years of age.

10. Section 3 of P.L.1985, c.356 (C.48:5A-11.3) is amended to read as follows:

C.48:5A-11.3 Discount in rates not mandatory.

3. A cable television company shall not be required, as part of any franchising agreement, or renewal thereof, or as part of any negotiations leading up to a franchising agreement, or renewal thereof, or pursuant to order, rule or regulation of the office or the board, to provide the reduction or discount in rates which is permitted under section 2 of P.L.1985, c.356 (C.48:5A-11.2).

11. Section 15 of P.L.1972, c.186 (C.48:5A-15) is amended to read as follows:

C.48:5A-15 Certificate of approval or system-wide franchise for extension, operation of CATV system; exceptions.

15. No person shall hereafter begin the construction or extension of a CATV system, or begin the operation of a CATV system, or acquire ownership or control thereof, without first obtaining from the board a certificate of approval or franchise issued in accordance with the provisions and procedures specified in P.L.1972, c.186 (C.48:5A-1 et seq.); except that the director may, by order, rule or regulation, exempt a CATV company from the above requirement in a case in which the CATV company's temporary acts or operations do not require the issuance of a certificate of approval or a system-wide franchise in the public interest. The issuance of a certificate of approval or a system-wide franchise by the board to a CATV company shall be deemed to confer a franchise upon the CATV company. A tele-

communications service provider holding authority, granted prior to the enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.), to utilize the public rights-of-way to construct, upgrade, operate or maintain a communications network shall not be required to obtain a certificate of authority, system-wide franchise or any other authorization, except for being subject to generally applicable non-discriminatory permit requirements, to construct, upgrade, operate or maintain a communications network capable of providing cable service, and a certificate of authority or a system-wide franchise shall be required only prior to the actual provision of cable service on a commercial basis to the general public.

12. Section 16 of P.L.1972, c.186 (C.48:5A-16) is amended to read as follows:

C.48:5A-16 Application for certificate of approval, system-wide franchise, fees; decision; appeal; hearings.

16. a. Any entity that seeks to provide cable service in this State after the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.) may apply for either individual certificates of approval or a system-wide franchise. The application for a certificate of approval or a system-wide franchise from the board shall be in writing.

b. (1) If the application is for an individual certificate of approval, it shall have attached thereto the municipal consents required under section 22 of P.L.1972, c.186 (C.48:5A-22), except that a CATV company which is authorized under section 25 of P.L.1972, c.186 (C.48:5A-25) to continue operations after the expiration of a municipal consent and pending municipal action upon application made for renewal or reissuance of such consent may in lieu of such municipal consent attach to its application a statement regarding its authorization to continue operations under the provisions of section 25 of P.L.1972, c.186 (C.48:5A-25); and shall contain such other information as the director may from time to time prescribe by duly promulgated rule, regulation or order. Each such application shall be accompanied by a filing fee of $200.

(2) Upon receipt of an application for a certificate of approval, the board shall review the application and shall, within 30 days of the receipt thereof, either issue the certificate of approval applied for or order the director to schedule a hearing upon the application. No application shall be denied without a hearing thereon. In determining whether a certificate of approval should be issued, the board shall consider only the requirements of sections 17 and 28 of P.L.1972, c.186 (C.48:5A-17 and C.48:5A-28).

c. (Deleted by amendment, P.L.2006, c.83).

d. If the application is for a system-wide franchise, it shall be accompanied by a filing fee of $1,000, and shall specify the information required in section 28 of P.L.1972, c.186 (C.48:5A-28).

e. A hearing held pursuant to subsection b. of this section shall be held not later than the sixtieth day following the date of receipt of the application; it may be adjourned from time to time, but not to a date later than the sixtieth day following the date on which it commenced, except with the consent of the applicant. If such hearing is held, the director shall within 60 days after the conclusion thereof, transmit his findings of fact and recommendations to the board, which shall either issue or deny the certificate for which application was made, or may issue a certificate with such limitations and conditions as the public interest may require. The board shall transmit notice of its decision to the applicant.

f. Upon receipt of an application for a system-wide franchise submitted pursuant to subsection a. of this section, the board shall review the application and shall, within 45 days of the receipt thereof, schedule two public hearings to be held in different geographical areas of the State during the 45-day review period to consider the application. In determining whether a system-wide franchise should be issued, the board shall consider only the requirements of sections 17 and 28 of P.L.1972, c.186 (C.48:5A-17 and C.48:5A-28). On or before the expiration of the 45-day period, the board shall issue an order in writing approving the application if the applicant has complied with the requirements for a system-wide franchise, or the board shall disapprove the application in writing citing the reasons for disapproval if the board determines that the application for a system-wide franchise does not comply with the requirements for a system-wide franchise. If, during the 45-day review period, the board determines to disapprove the application, the board shall schedule a meeting with the applicant to explain to the applicant the reasons for the board's disapproval and to allow the applicant to question the board concerning the reasons for the board's disapproval. Such meeting shall be scheduled no later than two weeks following the expiration of the 45-day review period required by this subsection. The applicant shall have 30 days following the date of the meeting with the board required by this subsection to file an appeal of the board's decision. The board shall thereafter schedule an administrative hearing not later than the thirtieth day following the date of the filing of the applicant's appeal in order to consider the applicant's appeal. The board shall issue a final decision in written form on the applicant's appeal not later than the sixtieth day following the administrative hearing, required by this subsection, on the applicant's appeal.

13. Section 17 of P.L.1972, c.186 (C.48:5A-17) is amended to read as follows:

C.48:5A-17 Certificate of approval, system-wide franchise for CATV operations.

17. a. The board shall issue a certificate of approval or a system-wide franchise, as appropriate, when, after reviewing the application, and after the required meeting and hearings have been held pursuant to section 16 of P.L.1972, c.186 (C.48:5A-16), the applicant establishes to the board's satisfaction that the applicant has all the municipal consents necessary to support the application, if such consents are required, and that such consents and the issuance thereof are in conformity with the requirements of P.L.1972, c.186 (C.48:5A-1 et seq.), and that the applicant has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the applicant's proposed CATV operations; provided, that in the case of any application for a certificate of approval which has omitted the attachment of municipal consent in the circumstance provided for in subsection a. of section 16 of P.L.1972, c.186 (C.48:5A-16), the board shall condition the issuance of the certificate upon the applicant's reasonably prompt attainment of the omitted municipal consent or reasonably prompt initiation of proceedings under subsection d. of this section.

b. In considering any application for a certificate of approval, the board shall take into consideration the probable effects upon both the area for which certification is sought and neighboring areas not covered in the municipal consents; and if it finds that the probable effects, for technical and financial reasons, would be to impede the development of adequate cable service, or create an unreasonable duplication of services likely to be detrimental to the development of adequate cable service in any area either within or without the area for which certification is sought, it may deny the certificate or it may amend the certificate in issuing it so as to:

(1) Direct that areas covered in the application be excluded from the area certified; or

(2) Direct that areas not covered in the application be included in the area certified.

c. No such certificate of approval amended pursuant to subsection b. of this section shall be issued except after hearing of which each affected municipality shall be given notice and afforded opportunity to be heard. No such amended certificate of approval shall be issued which would impair the terms of any existing certificate of approval or of any municipal consent upon which such existing certificate is based, except with the con-

sent of the holder of such existing certificate and of any municipality having issued such municipal consent.

d. If a municipality shall arbitrarily refuse to grant the municipal consent required under the terms of P.L.1972, c.186 (C.48:5A-1 et seq.) prerequisite to issuance of a certificate, or to act upon an application for such municipal consent within 90 days after such application is filed, then the applicant may avoid the necessity of first obtaining such municipal consent by showing to the satisfaction of the board that the municipal consent is being arbitrarily withheld. But any CATV company certificated without municipal consent shall nevertheless pay the franchise tax to the municipality imposed under section 30 of P.L.1972, c.186 (C.48:5A-30). An application for certificate filed pursuant to this subsection shall be accompanied by a filing fee of $1,000.

e. If any municipality or county shall refuse to any CATV company, whether the holder of a municipal consent from that municipality or otherwise, any zoning variance or other municipal act or authorization, or any county act or authorization, necessary to permit such CATV company to locate any facility of such CATV company within such municipality or county, or to install transmission facilities through such municipality or county for the purpose of serving subscribers or customers in any area for which such CATV company has been issued a certificate or system-wide franchise by the board, the CATV company may apply to the board for an order setting aside such municipal or county refusal and permitting such location of facility or installation of transmission facilities as requested by the CATV company. An application pursuant to this subsection shall be accompanied by a filing fee of $500. The board, after hearing upon notice and full opportunity for both the applicant and the municipality or county to be heard, shall issue such order when it appears to the board's satisfaction that such permission is necessary to enable the CATV company to provide safe, adequate and proper CATV service to its customers or subscribers in the manner required by P.L.1972, c.186 (C.48:5A-1 et seq.) and that such location or installation will not adversely affect the public health, safety and welfare.

f. The director shall issue a certificate of approval to any CATV company lawfully engaged in the construction, extension or operation of a CATV system within the boundaries of the municipality cited in the application, for the construction, extension or operation then being conducted within such municipality, without further review, if application for such certificate is filed with the board within 90 days after such effective date. The construction, extension or operation of such a CATV system may be

lawfully continued pending the filing of such an application unless the director orders otherwise. An application for such certificate which is untimely shall be determined in accordance with the procedures prescribed in subsections a. through d. of this section. A certificate of approval issued under this subsection shall expire five years from the date of issuance; and no CATV company holding such certificate shall be authorized to continue its operations after such expiration unless prior thereto it shall have obtained a certificate of approval under the procedures specified in subsections a. through d. of this section, except that such a CATV company which has initiated proceedings for certification under subsections a. through d. of this section prior to the expiration of a certificate of approval granted under this subsection may continue its operations pending the final disposition of such proceedings. An application pursuant to this subsection shall be accompanied by a filing fee of $50.

14. Section 18 of P.L.1972, c.186 (C.48:5A-18) is amended to read as follows:

C.48:5A-18 Hearings; conduct; notice; intervention by municipalities; fees; disposition of fees and charges.

18. a. Any hearing held pursuant to the provisions of section 16 or section 17 of P.L.1972, c.186 (C.48:5A-16 or C.48:5A-17) shall be open to the public, and notice thereof shall be published by the applicant at least 10 days prior thereto in a newspaper or newspapers of general circulation throughout the State or (1) if the hearing is upon application for certification, in each municipality comprised, in whole or part, in the area for which certification is sought, or (2) if the hearing is upon an application under subsection e. of section 17 of P.L.1972, c.186 (C.48:5A-17), in each municipality whose refusal of municipal action or authorization is involved in the application.

b. Every municipality may intervene in any hearing or investigation held under the authority of P.L.1972, c.186 (C.48:5A-1 et seq.) which involves rates, charges, services or facilities affecting the municipality or the public within the municipality.

c. For the purpose of defraying the administrative expenses of hearings held pursuant to section 16 or 17 of P.L.1972, c.186 (C.48:5A-16 or C.48:5A-17), the applicant CATV company shall be required to pay to the Office of Cable Television a fee not in excess of $500 per day of hearing or fraction thereof, according to such fee schedule as the director shall from time to time adopt by rule. Such fee shall be in addition to any filing fee imposed pursuant to sections 16 and 17 of P.L.1972, c.186 (C.48:5A-16 and

C.48:5A-17); the amount shall be due and payable upon presentation of an invoice.

d. All fees and charges collected under the provisions of sections 16 and 17 of P.L.1972, c.186 (C.48:5A-16 and C.48:5A-17) shall be received by the director for the sole use of the State, and the director shall report on and return to the State Treasurer all such fees and charges collected.

15. Section 19 of P.L.1972, c.186 (C.48:5A-19) is amended to read as follows:

C.48:5A-19 Certificate of approval, system-wide franchise; transferability; duration; renewal.

19. a. A certificate of approval issued by the board shall be nontransferable, except by consent of the board and shall specify the area to which it applies and the municipal consents upon which it is based. A certificate of approval issued by the board shall be valid for 15 years from the date of issuance or 20 years from the date of issuance if the board certifies that a CATV company has implemented an open video system in accordance with 47 U.S.C. s.573 within one year after receiving a municipal consent, or until the expiration, revocation, termination or renegotiation of any municipal consent upon which it is based, whichever is sooner. But amendment of the terms of a municipal consent by mutual consent and in conformity with the procedures specified in P.L.1972, c.186 (C.48:5A-1 et seq.) during the term for which it was issued shall not require the issuance of a new certificate of approval. A CATV company holding a certificate based upon a municipal consent with a provision for automatic renewal for a term not exceeding 10 years beyond its expiration date or 15 years beyond its expiration date if the board certifies that the CATV company has implemented an open video system in accordance with 47 U.S.C. s.573, shall be entitled to automatic reissuance of a certificate for such term, unless it shall forfeit such entitlement by violation of any terms of P.L.1972, c.186 (C.48:5A-1 et seq.), regulations issued pursuant thereto, or by the terms of the municipal consent.

b. A system-wide franchise issued by the board shall be nontransferable, except by consent of the board, and shall specify the area to which it applies. A system-wide franchise issued by the board shall be valid for seven years from the date of issuance. A system-wide franchise issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall not require: (1) a CATV company to operate outside of the areas in which the CATV company either has plant or equipment in use for the provision of any consumer video, cable or telecommunications service, or has proposed to place into use such

plant or equipment for the provision of such services; or (2) a CATV company with municipal consents issued prior to the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.) to operate outside of the areas covered by such consents. Renewal of a system-wide franchise shall be valid for a period of seven years from the date of the renewal issuance, and the board shall establish rules governing the renewal of a system-wide franchise.

16. Section 20 of P.L.1972, c.186 (C.48:5A-20) is amended to read as follows:

C.48:5A-20 Highways and rights-of-way; use; joint use with other CATV company or public utility.

20. a. Upon obtaining the prior approval of the board, if necessary, a CATV company may construct and maintain the wires, cables, and conduits necessary to its business upon, under or over any highway, and may erect and maintain the necessary fixtures, including poles and posts, for sustaining such wires and cables; provided, however, that such wires, cables and fixtures shall be so placed or constructed as not to unreasonably inconvenience public travel on the highway or the use thereof by public utilities or other persons or organizations having rights therein. This subsection shall not apply to a telecommunications service provider deploying telecommunications facilities that can be used as shared-use facilities to carry cable television service at a later date.

b. Whenever the board shall find that public convenience and necessity require the use by a CATV company or a public utility of the wires, cables, conduits, poles or other equipment, or any part thereof, on, over or under any highway or any right-of-way and belonging to another CATV company or public utility, and that such use will not result in injury to the owner or other users of such equipment or any right-of-way or in any substantial detriment to the service, and that such CATV companies or public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the board may order that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use is ordered, the CATV company or public utility to which the use is permitted shall be liable to the owner or other users of such equipment for such damage as may result therefrom to the property of such owner or other users thereof.

17. Section 7 of P.L.1991, c.412 (C.48:5A-20.1) is amended to read as follows:

C.48:5A-20.1 Notice of development applications to CATV general manager, municipal registration.

7. Within 30 days after the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.), the board shall notify the general manager of every cable television company that, in order to receive notice by an applicant pursuant to subsection h. of section 7.1 of P.L.1975, c.291 (C.40:55D-12), the cable television company shall register with any municipality in which the cable television company has plant located in a right-of-way or easement.

18. Section 21 of P.L.1972, c.186 (C.48:5A-21) is amended to read as follows:

C.48:5A-21 Lease, rental of facilities, rights-of-way.

21. Upon the prior approval of the board, any person may lease or rent or otherwise make available facilities or rights-of-way, including pole space, to a CATV company for the redistribution of television signals to or toward the customers or subscribers of such CATV company. The terms and conditions, including rates and charges to the CATV company, imposed by any public utility under any such lease, rental or other method of making available such facilities or rights-of-way, including pole space, to a CATV company shall be subject to the jurisdiction of the board in the same manner and to the same extent that rates and charges of public utilities generally are subject to the board's jurisdiction by virtue of the appropriate provisions of Title 48 of the Revised Statutes.

C.48:5A-25.1 Municipal consents, certificates of approval previously issued remain in effect, conversion to system-side franchise; conditions.

19. a. Municipal consents and certificates of approval for applications to provide cable television services in a municipality issued prior to the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.) shall remain in effect until such time as they may expire or until such time as the cable television company is granted a renewal of the franchise as a municipal franchise or converts the franchise to a system-wide franchise. Except as may otherwise be provided by subsection b. of this section and section 30 of P.L.1972, c.186 (C.48:5A-30), both the municipality and the cable television company shall be bound by the terms of the municipal consents and certificates of approval until such time as the municipal consents and certificates of approval have been converted into a system-wide franchise. A cable television company with a municipal franchise or franchises issued prior to the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.) may, if it wishes,

automatically convert any or all such franchise or franchises into a system-wide franchise upon notice to the board and the affected municipality, but without the need for the consent of either the board or the affected municipality and without regard to the requirements of P.L.2006, c.83 (C.48:5A-25.1 et al.) applicable to applications for such a franchise, except that the commitments required pursuant to subsections h. through n. of section 28 of P.L.1972, c.186 (C.48:5A-28) shall be applicable to any or all such system-wide franchises and any failure of a CATV company to abide by or conform its practices to such commitments shall be considered a violation of the system-wide franchise and the board may enforce these provisions through the imposition of monetary penalties under section 51 of P.L.1972, c.186 (C.48:5A-51), or the suspension or revocation of the system-wide franchise, or it may seek to renew such franchise or franchises as a municipal franchise or franchises pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.). Such conversion need not take place with respect to all municipalities at the same time, but rather the cable television company may convert additional municipal franchises and add affected municipalities to the service area covered by such system-wide franchise at any time during the term of the system-wide franchise.

b. If a cable television company is granted a system-wide franchise by the board pursuant to the provisions of P.L.2006, c.83 (C.48:5A-25.1 et al.), the company shall be able thereafter to be issued a municipal franchise or franchises and the renewal of a municipal franchise or franchises which had been issued prior to the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.). Nothing herein shall preclude a municipality from enforcing its right-of-way management powers on a reasonable and non-discriminatory basis, except that such powers shall not include the authority to impose any fees, taxes, assessments or charges of any nature for the use of public rights-of-way by a CATV company except as expressly provided by P.L.2006, c.83 (C.48:5A-25.1 et al.). The provisions of this subsection shall not be construed to relieve any cable television company issued a system-wide franchise of its obligations to meet the requirements of section 20 of P.L.2006, c.83 (C.48:5A-25.2).

C.48:5A-25.2 Requirements for CATV system-wide franchise.

20. a. As part of any system-wide franchise issued by the board pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), a CATV company shall be required to:

(1) begin providing cable television service on a commercial basis, within three years of issuance of the system-wide franchise, in:

(a) each county seat that is within the CATV company's service area; and

(b) each municipality within the CATV company's service area that has a population density greater than 7,111 persons per square mile of land area, as determined by the most recent federal decennial census prior to the enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.).

The requirements of this paragraph shall only apply to CATV companies that on the date of the issuance of the system-wide franchise provide more than 40 percent of the local exchange telephone service market in this State;

(2) make cable television service available throughout the residential areas of any such municipalities within six years of the date the CATV company first provides cable television service on a commercial basis directly to multiple subscribers within such central office area, subject to the CATV company's line extension policy; provided, however, that such provision of service shall not be required in: (a) areas where developments or buildings are subject to claimed exclusive arrangements with other CATV companies; (b) developments or buildings that the CATV company cannot access, using its standard technical solutions, under commercially reasonable terms and conditions after good faith negotiation; or (c) areas in which the CATV company is unable to access the public rights-of-way under reasonable terms and conditions. The requirements of this paragraph shall only apply to CATV companies that on the date of the issuance of the system-wide franchise provide more than 40 percent of the local exchange telephone service market in this State. As used in this subsection, "central office" has the same meaning as that term is defined in 47 C.F.R. Part 36, Appendix, and "central office area" means the towns or portions of towns served by such central office;

(3) provide service within the CATV company's service area where cable television service is being offered, without discrimination against any group of potential residential cable subscribers because of the income levels of the residents of the local area in which such groups reside; and

(4) fully complete a system capable of providing cable television service to all households within the CATV company's service area where cable television service is being offered, subject to the CATV company's line extension policy and the provisions of paragraphs (1) through (3) of this subsection.

b. Any person affected by the requirements of subsection a. of this section may seek enforcement of such requirements by initiating a proceeding with the board. As used in this section, an affected person includes a municipality within which the potential residential subscribers referred to in

subsection a. of this section reside.

c. If the board determines that a CATV company has denied access to cable television service to a group of potential residential subscribers because of the income levels of the residents of the local area in which such group resides or has failed to meet the requirements of paragraph (2) of subsection a. of this section, the board is authorized to, after conducting a hearing with full notice and opportunity to be heard, impose monetary penalties of not less than $50,000, nor more than $100,000 per municipality, not to exceed a total of $3,650,000 per year for all violations. A municipality in which the provider offers cable television service shall be an appropriate party in any such proceeding.

d. The board shall convene proceedings within 36 months after the grant of the first issued system-wide franchise to examine the effects of the entry of system-wide franchisees into the State's cable television market, and shall, within six months of convening such proceedings, report to the Legislature on the following: (1) the extent of actual deployment of cable service by each system-wide franchisee, including the income and race of persons in the areas where such facilities were deployed; (2) the franchisee's effect on choice in the marketplace; and (3) the effect that introduction of system-wide competitors has had on consumers. The study shall be transmitted to the Governor, the President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, the Minority Leader of the General Assembly, and the members of the Senate Economic Growth Committee and the Assembly Telecommunications and Utilities Committee, or their respective successor committees.

21. Section 26 of P.L.1972, c.186 (C.48:5A-26) is amended to read as follows:

C.48:5A-26 Designation of municipal "complaint officer;" Office of CATV for system-wide franchises.

26. a. Any ordinance issuing a municipal consent pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall designate some officer, office, bureau or other agency of the municipal government as "complaint officer" to receive and act upon complaints by subscribers to cable television reception service of the CATV company to which such consent is issued; and shall provide for the establishment of procedures and methods by which such complaints shall be received, processed and acted upon, for the resolution and settlement of complaints and disputes between such subscribers and the company, and for the enforcement of decisions made by such "complaint offi-

cer." All complaints by such subscribers alleging inadequate, unsafe or improper service or failure by the company to comply with the terms of the municipal consent shall be made in the first instance to such "complaint officer." The "complaint officer" shall, within 30 days of the receipt of such a complaint, report in writing to the subscriber the disposition or status of the subscriber's complaint. Any subscriber or CATV company aggrieved by the action of a "complaint officer" in connection with such complaint or dispute, or any subscriber who shall not have received the written report required under this section within 30 days, may petition the office for a hearing upon said complaint, under the rules promulgated by the director for the hearing and disposition of such matters.

b. Any municipality may, in lieu of complying with the terms of subsection a. of this section, provide in the ordinance issuing its municipal consent that complaints by local subscribers to cable television reception service shall be filed directly with the office, which shall thereupon be deemed the "complaint officer" for purposes of this section.

c. Each CATV company receiving a municipal consent or a system-wide franchise issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), shall provide to each subscriber to its cable television reception service, at the time that person becomes a subscriber and at least once in each calendar year thereafter while that person remains a subscriber, in a form approved by the director, information as to the identity of the "complaint officer," which for system-wide franchises shall be the Office of Cable Television, the identity and location of the local business office or agent required under subsection d. of this section, and the procedure to be followed in making and pursuing complaints to the "complaint officer" or the office pursuant to this section.

d. A municipal consent or system-wide franchise issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall require that the CATV company to which it is issued shall maintain local business offices or agents, for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters.

22. Section 8 of P.L.2003, c.38 (C.48:5A-26.1) is amended to read as follows:

C.48:5A-26.1 Record of complaints, annual report.

8. a. In addition to the requirements as provided in section 26 of P.L.1972, c.186 (C.48:5A-26), the board shall, upon notice, by order in writing require every CATV company to keep for at least a period of three years, a record of complaints received at the CATV company's office,

which shall include the name and address of the subscriber, the date, the nature of the complaint, any corrective action taken if required, and the final disposition of the complaint. The record shall be available for inspection by the staff of the office. Copies of such record shall be provided to the staff of the office upon request.

b. Every CATV company shall furnish to the office annually a detailed report of the number and character of complaints made by customers and communicated to the CATV company. In meeting such requirement, the board shall establish a procedure for CATV companies to record and characterize those customer complaints using a uniform reporting methodology and containing those matters as the board may from time to time prescribe. Copies of the report shall be forwarded to the Governor and members of the Legislature. All reports submitted to the office shall comply with the provisions of the "Cable Subscriber Privacy Protection Act," P.L.1988, c.121 (C.48:5A-54 et seq.).

23. Section 28 of P.L.1972, c.186 (C.48:5A-28) is amended to read as follows:

C.48:5A-28 Contents of application, commitments by system-wide franchises.

28. Each application for a municipal consent or system-wide franchise shall contain:

a. A description of the initial area to be served.

b. A description of the proposed service in terms of the number of channels of cable television reception service.

c. Sufficient evidence that the applicant has the financial and technical capacity and the legal, character and other qualifications to construct, maintain and operate the necessary installations, lines and equipment and to provide the service proposed in a safe, adequate and proper manner.

d. Evidence of sufficient bond, or commitment therefor, with sureties to be approved by the office, in the penal sum of not less than $25,000 for the faithful performance of all undertakings by the applicant as represented in the application; the sufficiency of which shall be subject to review by the director and approval by the board.

e. An undertaking to hold the board and all municipalities served harmless from any liability arising out of the applicant's operation and construction of its CATV system.

f. Evidence of sufficient insurance insuring the board, all municipalities served and the applicant with respect to all liability for any death, personal injury, property damage or other liability arising out of the applicant's

construction and operation of its CATV system; the sufficiency of which shall be subject to review by the director and approval by the board. Such insurance shall be no less than: (1) $150,000 for bodily injury or death to any one person, within the limit, however, of $500,000 for bodily injury or death resulting from any one accident, (2) $100,000 for property damage resulting from any one accident, and (3) $50,000 for all other types of liability; the sufficiency of which shall be subject to review by the director and approval by the board.

g. A schedule of proposed rates for cable television reception service, which rates shall not be altered during the term for which the municipal consent is issued, except by application to the board for amendment of the terms and conditions of said consent after public hearing, subject to the rules of the office, review by the director and approval by the board, or amendment pursuant to the provisions of subsection b. of section 11 of P.L.1972, c.186 (C.48:5A-11).

h. (1) With regard only to applications for a system-wide franchise, a commitment as to those municipalities that are served by a CATV company at the time of the application, to match or surpass any line extension policy operative at the time the system-wide franchise is granted and placed into effect prior to the enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.) by a local franchise or certificate of approval, for the duration of the system-wide franchise. In any event, the CATV company shall extend its plant along public rights-of-way to all residences and businesses within 150 aerial feet of the CATV company's existing plant at no cost beyond the normal installation rate, and to all residences and businesses within 100 underground feet of the CATV company's plant at no cost beyond the normal installation rate, and shall set a minimum house per mile density of not less than 35 homes per square mile.

(2) This commitment shall be in addition to any and all board orders and rules that impact upon the extension of plant, except that such commitment shall supersede the board's regulations adopted as N.J.A.C. 14:3-8.1 et seq., which shall not apply to CATV companies, including telecommunications service providers that have obtained a system-wide franchise.

i. With regard only to applications for a system-wide franchise, a commitment to provide to each municipality that is served by a CATV company, with two public, educational and governmental access channels. In the event that two or more access channels are requested by a municipality, the municipality shall demonstrate that its cable-related needs require the provision of such additional access channels. Any and all CATV companies operating in a municipality shall provide interconnection to all other

CATV companies on reasonable terms and conditions, and the board shall adopt regulations for procedures by which disputes between such CATV companies shall be determined and expeditiously resolved. Each municipality or its non-profit designee shall assume responsibility for the management, operations and programming of the public, educational and governmental access channels.

j. With regard only to applications for a system-wide franchise, a commitment to install and retain or provide, without charge, one service outlet activated for basic service to any and all fire stations, public schools, police stations, public libraries, and other such buildings used for municipal purposes.

k. With regard only to applications for a system-wide franchise, a commitment to provide free Internet service, without charge, through one service outlet activated for basic service to any and all fire stations, public schools, police stations, public libraries, and other such buildings used for municipal purposes.

l. With regard only to applications for a system-wide franchise, a commitment to provide equipment and training for access users, without charge, on a schedule to be agreed upon between the municipality and the CATV company.

m. With regard only to applications for a system-wide franchise, a commitment to provide a return feed from any one location in the municipality, without charge, to the CATV company's headend or other location of interconnection to the cable television system for public, educational or governmental use, which return feed, at a minimum, provides the ability for the municipality to cablecast live or taped access programming, in real time, as may be applicable, to the CATV company's customers in the municipality. No CATV company is responsible for providing a return access feed unless a municipality requests such a feed in writing. A CATV company that has interconnected with another CATV company may require the second CATV company to pay for half of the CATV company's absorbed costs for extension.

n. With regard only to applications for a system-wide franchise, a commitment to meet any consumer protection requirements applicable, pursuant to board regulations, to cable television companies operating under certificates of approval.

C.48:5A-28.1 Rules for dispute resolution between companies and municipalities.

24. The board shall adopt rules for procedures for resolving disputes between CATV companies and between CATV companies and municipalities concerning the provisions of subsections i. through m. of section 28 of P.L.1972, c.186 (C.48:5A-28).

C.48:5A-28.2 Application requirements relevant to board's decision on applications; enforcement of commitments.

25. a. All of the elements required to be included in the franchise application pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall form, in part, the foundation for the board's decision as to the certificate of approval or system-wide franchise.

b. The failure of a cable television company to abide by or conform its practices to the commitments in the application shall be considered a violation of the certificate of approval or system-wide franchise, and the board may enforce these provisions through any appropriate method, including the imposition of monetary penalties under section 51 of P.L.1972, c.186 (C.48:5A-51), or the suspension or revocation of the certificate of approval or system-wide franchise.

26. Section 29 of P.L.1972, c.186 (C.48:5A-29) is amended to read as follows:

C.48:5A-29 Conformance of proposals, representations to rules, regulations.

29. All proposals and representations included in an application for municipal consent or a system-wide franchise shall conform to applicable rules and regulations of the office; except that nothing in P.L.1972, c.186 (C.48:5A-1 et seq.) shall be construed to prevent an applicant from exceeding minimum requirements set by the office, or offering facilities and services not required or forbidden by such rules and regulations.

27. Section 30 of P.L.1972, c.186 (C.48:5A-30) is amended to read as follows:

C.48:5A-30 Payment from CATV company to municipality; system-wide franchise fees, local and State.

30. a. Except as provided in subsection d. of this section, in consideration of a municipal consent issued under P.L.1972, c.186 (C.48:5A-1 et seq.), the CATV company to which the municipal consent is issued shall annually pay to each municipality served by the CATV company, in lieu of all other franchise taxes and municipal license fees, a sum equal to two percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in such municipality. Each CATV company shall, on or before the twenty-fifth day of January each year, file with the chief fiscal officer of each municipality in the territory in which it is certificated to operate a statement,

verified by oath, showing the gross receipts from such charges, and shall at the same time pay thereon to the chief fiscal officer of the municipality the two percent charge hereby imposed on those receipts as a yearly franchise revenue for the use of the streets.

b. Any CATV company which, pursuant to any agreement in effect prior to December 15, 1972, paid or had agreed to pay to any municipality in fees or other charges in consideration of the consent of such municipality to the use of streets, alleys and public places thereof for the installation and operation of a CATV system, or similar consideration, a sum or rate exceeding that which it would pay pursuant to this section shall, in applying for a certificate of approval show to the satisfaction of the board that the reduction in such payments effectuated by the application of this section shall be reflected in (1) commensurate reduction of rates to subscribers to cable television reception service or (2) commensurate improvements in such service made available to such subscribers. If the board is not so satisfied it shall amend, as excessive, the rate schedule contained in the application so that such rates shall be reduced to a degree commensurate with the reduction in payments by the CATV company to the municipality.

c. In consideration of a municipal consent issued to a CATV company pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), a municipality may petition the board for permission to charge a yearly franchise fee exceeding that prescribed in subsection a. of this section. A municipal consent setting such a fee in excess of the amount prescribed in subsection a. of this section shall be deemed to constitute such a petition when filed with the board pursuant to section 16 of P.L.1972, c.186 (C.48:5A-16) as part of an application for a certificate of approval. A hearing pursuant to the provisions of section 16 of P.L.1972, c.186 (C.48:5A-16) shall be held upon any application containing such petition, or upon any such petition separately filed, and at such hearing full notice and opportunity to be heard upon the matter shall be accorded to both the municipality and any CATV company affected thereby. The board after such hearing and upon recommendation of the director may grant such petition and allow the imposition of a franchise revenue exceeding that prescribed in subsection a. of this section, and at a rate to be prescribed by the board, when the board is satisfied that the same is warranted by the expenses to the municipality with respect to the regulation or supervision within its territory of cable television, or any other expenses caused by the existence and operation within its territory of cable television service.

d. In consideration of a system-wide franchise issued under P.L.1972, c.186 (C.48:5A-1 et seq.), once the CATV company receiving such system-

wide franchise serves one or more residents within a municipality, then such CATV company shall pay the fees as provided in paragraphs (1) and (2) of this subsection, and once such CATV company files a certification with the board certifying that the company is capable of serving 60 percent or more of the households within such municipality that are served by a CATV company that has received a municipal consent issued under P.L.1972, c.186 (C.48:5A-1 et seq.) and the board approves such certification, both the CATV company receiving such system-wide franchise and a CATV company in such municipality that has received a municipal consent issued under P.L.1972, c.186 (C.48:5A-1 et seq.), shall annually pay:

(1) to such municipality served by the CATV company, in lieu of all other franchise taxes and municipal license fees, and for the purpose of providing local property tax relief, a sum equal to three and one half percent of the gross revenues, as this term is defined in section 3 of P.L.1972, c.186 (C.48:5A-3), that the company derives during the calendar year from cable television service charges or fees paid by subscribers in the municipality to the company; and

(2) to the State Treasurer, on behalf of persons residing in the municipality who are eligible for the "Pharmaceutical Assistance to the Aged and Disabled" program established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), a sum equal to the amount that such eligible persons pay as charges or fees to the company for providing basic cable service to such persons, provided that the yearly total of such payments from the company shall not exceed one half of one percent of the gross revenues, as this term is defined in section 3 of P.L.1972, c.186 (C.48:5A-3), that the company derives during the calendar year from cable television service charges or fees paid by subscribers in the municipality to the company. The State Treasurer shall establish a "CATV Universal Access Fund," for the purposes described in this paragraph.

e. Each CATV company shall, on or before the twenty-fifth day of January each year, file with the chief fiscal officer of each municipality in the territory in which it is certificated to operate a statement, verified by oath, showing the gross receipts from the charges described in subsection d. of this section, and shall at the same time pay thereon: (1) to the chief fiscal officer of the municipality the three and one-half percent charge hereby imposed on those receipts as a yearly franchise revenue for the purpose of providing local property tax relief; and (2) to the State Treasurer, for deposit into the "CATV Universal Access Fund," for the purpose of providing payment to eligible subscribers residing in the municipality an amount equal to the charges or fees paid by such subscribers during the preceding calendar

year to the company for providing basic cable service to such subscribers, provided that the yearly total of such payments by the company to such subscribers does not exceed the one half of one percent charge hereby imposed.

f. For the purposes of this section, in the case of a cable service that may be bundled or integrated functionally with other services, capabilities or applications, the fee required by this section shall be applied only to the gross revenue from charges or fees derived from revenues attributable to the provision of cable service, as reflected on the books and records of the holder in accordance with Federal Communications Commission rules, regulations, standards or orders.

g. For the purposes of this section, within 45 days of the date of receipt of the certification filed pursuant to subsection d. of this section, the board shall issue an order in writing approving the certification, or the board shall disapprove the certification in writing citing the reasons for disapproval. If the board fails to either approve or disapprove the certification within the 45-day period, the certification shall be deemed to be approved. If, during the 45-day period, the board determines to disapprove the certification, the board shall schedule a meeting with the CATV company to explain to the CATV company the reasons for the board's disapproval and to allow the CATV company to question the board concerning the reasons for the board's disapproval. Such meeting shall be scheduled no later than two weeks following the expiration of the 45-day period required by this subsection. The CATV company shall have 30 days following the date of the meeting with the board required by this subsection to file an appeal of the board's decision. The board shall thereafter schedule an administrative hearing not later than the thirtieth day following the date of the filing of the CATV company's appeal in order to consider the CATV company's appeal. The board shall issue a final decision in written form on the CATV company's appeal not later than the sixtieth day following the administrative hearing, required by this subsection, on the CATV company's appeal.

28. Section 47 of P.L.1972, c.186 (C.48:5A-47) is amended to read as follows:

C.48:5A-47 Revocation, suspension, alteration of certificate, franchise.

47. The board may, after affording the holder an opportunity to be heard, revoke, suspend or alter any certificate of approval or franchise for the violation of any provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or the rules, regulations or orders made under authority of P.L.1972, c.186 (C.48:5A-1 et seq.), or for other reasonable cause, upon a finding that the

revocation, suspension or alteration will not adversely affect the public interest in the provision of safe, adequate and proper cable television service in this State.

29. Section 51 of P.L.1972, c.186 (C.48:5A-51) is amended to read as follows:

C.48:5A-51 Penalties, enforcement.

51. a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a misdemeanor.

b. Any person who shall violate any provision of P.L.1972, c.186 (C.48:5A-1 et seq.) or any rule, regulation or order duly promulgated hereunder, shall be liable to a penalty of not more than $1,000 for a first offense, not less than $2,000 nor more than $5,000 for a second offense, and not less than $5,000 nor more than $10,000 for a third and every subsequent offense. The penalties provided in this subsection may be enforced by summary proceedings instituted by the board in the name of the State in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). For the purposes of the fines imposed pursuant to this subsection, a "cable television company" shall include all of the affiliates of such company.

c. Whenever it shall appear to the board that any person has violated, intends to violate, or will violate any provisions of this act or any rule, regulation or order duly promulgated hereunder, the board may institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

30. a. The Commissioner of Community Affairs, in consultation with the Board of Public Utilities, shall develop and conduct a study to investigate how CATV companies can overcome the technical, physical and other barriers to the provision of cable television services to residents of multiple dwellings in New Jersey. The Commissioner is directed to consider the relevant experiences of those CATV companies that have received a certificate of approval, those CATV companies that have received a system-wide franchise, or any other new or existing entrants to the cable television market in this State.

b. In preparing the study, the commissioner shall investigate any model codes, such as the "BOCA National Existing Structures Code of 1987," the New Jersey Housing Rehabilitation code promulgated pursuant to P.L.1995, c.78 (C.52:27D-123.7 et seq.) and experiences of other code enforcement jurisdictions, to consult with individuals and organizations experienced in the construction or rehabilitation of multiple dwellings in this State and conduct research as may be relevant to the purposes of P.L.1972, c.186 (C.48:5A-1 et seq.).

c. The commissioner shall, within 18 months of the date of enactment of P.L.2006, c.83 (C.48:5A-25.1 et al.), submit a written report to the Governor and Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), setting forth the findings and recommendations of this study as well as making such recommendations for further legislative action as the commissioner may deem likely to remove those barriers.

31. Except as otherwise provided in paragraph (2) of subsection h. of section 28 of P.L.1972, c.186 (C.48:5A-28), the provisions of P.L.2006, c.83 (C.48:5A-25.1 et al.) shall not be construed to in any way conflict with any obligations that may exist under any and all applicable board orders and rules that are in place on the effective date of P.L.2006, c.83 (C.48:5A-25.1 et al.).

32. This act shall take effect immediately, but sections 1 through 31 shall be inoperative until the 90th day after enactment, except that the board may take such anticipatory administrative action as may be necessary to effectuate the purposes of P.L.2006, c.83 (C.48:5A-25.1 et al.).

Approved August 4, 2006.

CHAPTER 84

AN ACT establishing the "New Jersey Prescription Drug Retail Price Registry" and supplementing Title 45 of the Revised Statutes.

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

C.45:14-81 "New Jersey Prescription Drug Retail Price Registry."

1. a. There is established the "New Jersey Prescription Drug Retail Price Registry" in the Division of Consumer Affairs in the Department of

Law and Public Safety for the purpose of making retail price information for the 150 most frequently prescribed prescription drugs in the State readily available to consumers.

(1) For the purpose of establishing the registry, the Director of the Division of Consumer Affairs, in consultation with the Commissioners of Human Services and Health and Senior Services, shall obtain drug retail price information for these prescription drugs, which indicates the actual price to be paid to a pharmacy by a retail purchaser for a listed drug at the listed dosage, from data collected by the Division of Medical Assistance and Health Services in the Department of Human Services that includes the charge for the cost of the medication and the dispensing fee, and does not exceed the usual and customary or posted or advertised charge by the pharmacy. The establishment of the registry shall be subject to any federal approval that may be required to effectuate the purposes of this act and shall conform with any requirements of State or federal law regarding the confidentiality and use of the information contained therein.

(2) The registry shall include the information obtained by the director pursuant to paragraph (1) of this subsection, and shall be updated by the division at least weekly to reflect the most current information obtained by the director.

(3) The registry shall be organized by the director in a format that is conducive to review and comparison by consumers of prescription drug retail prices charged by pharmacies in each zip code within the State, and shall include the name and address of each pharmacy.

b. The division shall make available electronically on its Internet website in English and Spanish the information contained in the registry, and shall provide the information to consumers upon request by means of a toll-free telephone service operated by the division.

The information made available on the Internet website shall:

(1) be organized to meet the requirements of paragraph (3) of subsection a. of this section and be designed so that the consumer may download and print the displayed information;

(2) include Internet web links to other governmental information resources that provide information relating to the regulation of prescription drugs and State and federal health care coverage and pharmaceutical assistance programs;

(3) include an advisory statement by the division alerting consumers of the need to tell their health care practitioner and pharmacist about all the medications they may be taking and to ask them how to avoid harmful interactions between those drugs, if any; and

(4) contain clearly understandable language that is designed to assist consumers in understanding the content of, and how to access, the information made available on the website pursuant to this section.

c. The director may require each pharmacy practice site in the State to furnish to the director such information as the director deems necessary to effectuate the provisions of this section.

d. The division may contract with a public or private entity for the purpose of developing, administering, and maintaining the registry established pursuant to this section. The contract shall specify the duties and responsibilities of the entity with respect to the development, administration, and maintenance of the registry. The division shall monitor the work of the entity to ensure that the registry is developed, administered, and maintained pursuant to the requirements of this act.

C.45:14-82 Annual list of 150 most frequently prescribed prescription drugs distributed to pharmacies; drug retail price list maintained by pharmacy.

2. a. The Director of the Division of Consumer Affairs shall prepare at least annually, and shall make available to each pharmacy practice site in the State without charge, a list of the 150 most frequently prescribed prescription drugs that includes the usual dosages prescribed for each drug.

b. Each pharmacy practice site in the State shall maintain a prescription drug retail price list, which contains the names of the drugs on the list provided by the division pursuant to subsection a. of this section and the retail price for each drug on the list charged at that pharmacy practice site, including the date of the update of the retail price list, and shall make the prescription drug retail price list available to customers upon request.

(1) The prescription drug retail price list shall include an advisory statement prepared by the division alerting consumers of the need to tell their health care practitioner and pharmacist about all the medications that they may be taking and to ask them how to avoid harmful interactions between those drugs, if any.

(2) The pharmacy practice site shall post a sign that notifies customers of the availability of the drug retail price list in a conspicuous location that is: at or adjacent to the place where prescriptions are presented for compounding and dispensing; in the waiting area for customers; or in the area where prescribed drugs are delivered.

c. The provisions of this section shall not be construed to prevent a pharmacy practice site from changing or charging the current retail price at any time, provided that the listed price is updated at least weekly to reflect the new retail price.

3. The Director of the Division of Consumer Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

4. This act shall take effect on the first day of the thirteenth month after enactment, but the Director of the Division of Consumer Affairs may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved August 21, 2006.

CHAPTER 85

AN ACT requiring persons transacting business in this State and making payments to certain unincorporated construction contractors to withhold from those payments, amending N.J.S.54A:7-1 and supplementing chapter 7 of Title 54A of the New Jersey Statutes.

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

1. N.J.S.54A:7-1 is amended to read as follows:

Requirement of withholding tax from wages.

54A:7-1. Requirement of withholding tax from wages.

(a) General.--From and after September 1, 1976, every employer maintaining an office or transacting business within this State and making payment of any wages subject to New Jersey personal income tax or making payment of any remuneration for employment subject to contribution under the New Jersey "unemployment compensation law" pursuant to R.S.43:21-1 et seq. that is subject to New Jersey personal income tax to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due resulting from the inclusion in the employee's New Jersey income of his wages received during such calendar year. The method of determining the amount to be withheld shall be prescribed by regulations of the director, with due regard to the withholding exemptions of the employee.

(b) Withholding exemptions.--For purposes of this section:

An employee shall be entitled to the equivalent of the same number of New Jersey withholding exemptions as the number of withholding exemptions to which he is entitled for Federal income tax withholding purposes. An employer may rely upon the number of Federal withholding exemptions claimed by the employee.

(c) The payor of New Jersey gambling winnings shall withhold New Jersey gross income tax on those winnings at a rate of 3% in all instances where the payor is required to withhold for federal income tax purposes under subsection (q) of section 3402 of the federal Internal Revenue Code of 1986 (26 U.S.C. s. 3402), as amended, except that this subsection shall not apply to the New Jersey State Lottery.

C.54A:7-1.2 Entities making payments to unincorporated contractors, 7 percent withholding; exceptions; definitions.

2. a. A person, other than a governmental entity, homeowner, or tenant, maintaining an office or transacting business in this State and making a payment of compensation or remuneration for services rendered in this State to a resident unincorporated contractor or nonresident unincorporated contractor shall deduct and withhold from the payment a tax equal to 7 percent of the amount paid, except as otherwise provided by this section.

b. A person that obtains from its unincorporated contractor proof of the contractor's registration with the Division of Revenue in the Department of the Treasury shall not be required to withhold pursuant to subsection a. of this section. The types of proof required and the length of the retention period of the proofs shall be as prescribed by the Director of the Division of Taxation.

c. Withholding pursuant to subsection a. of this section shall not be required for payments for which withholding is required pursuant to N.J.S.54A:7-1 or such other payments as the director may prescribe by regulation.

d. A person required to deduct and withhold tax from a payment under subsection a. of this section shall furnish to each unincorporated contractor an annual written statement reflecting the total of all payments made and tax withheld in a calendar year on or before February 15 following the close of that calendar year in the form prescribed by the director.

e. Payments to an unincorporated contractor for which withholding is required by subsection a. of this section shall be taxable or subject to employer withholding under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., as if no withholding were required by this section, but any amount actually deducted and withheld under this section in any

calendar year shall be deemed to have been paid to the director on behalf of the unincorporated contractor from whom withheld, and the contractor shall be credited with having paid that amount for the taxable year beginning in such calendar year.

A person required to deduct and withhold tax under subsection a. of this section shall, for each calendar month, on or before the 15th day of the month following the close of the calendar month, file a return as prescribed by the director and pay over to the director or to a depository designated by the director the amounts required to be deducted and withheld. The director may, if the director believes such action necessary for the protection of the revenues, require a person to make a return and pay to the director the amounts deducted and withheld at any time, or from time to time. The director may, by regulation, require the filing of withholding returns and the payment of withheld amounts on a semimonthly or more frequent basis or require the filing of returns on a quarterly basis, with payments of the amounts withheld on a monthly or more frequent basis, if the director deems such action in the best interest of the State.

Any reconciliation of withholding shall be filed on or before February 15 following the close of the calendar year in accordance with rules and regulations prescribed by the director.

f. If a person required to deduct and withhold tax under subsection a. of this section fails to collect, truthfully account for, pay over the withholding, or make returns of the withholding as required in this section, the director may serve a notice requiring such person to withhold the amounts that become withholdable after service of such notice, to deposit such withholdings in a bank approved by the director in a separate account, in trust for and payable to the State of New Jersey and keep the amount of such withholdings in such account until payment over to the director. Such notice shall remain in effect until a notice of cancellation is served by the director.

g. (1) A person required to deduct and withhold tax under subsection a. of this section is hereby made liable for such withholding, except as that person may be excused from that withholding pursuant to subsection b. of this section.

(2) The owner or lessor of the real property to which construction, improvement, alteration, or repair of a building, structure, or improvement shall be made, required to deduct and withhold tax under subsection a. of this section for a contractor with whom the owner or lessor is in direct privity of contract and who is liable pursuant to paragraph (1) of this subsection for such withholding, is hereby also made liable for that contractor's withholding from a subcontractor, or the subcontractor's withholding from a lower tier subcontractor on that contract, except as the contractor, subcon-

tractor or lower tier subcontractor may be excused from that withholding pursuant to subsection b. of this section.

(3) For purposes of assessment and collection, any tax required to be withheld and paid over to the director and any additions to tax, penalties and interest with respect to that tax shall be considered the tax of that person required to deduct and withhold. Any amount actually withheld under this section shall be held to be a special fund in trust for the director. No unincorporated contractor shall have any right of action against a person required to deduct and withhold an amount of a payment in respect to any moneys deducted and withheld and paid over to the director in compliance or in intended compliance with this section.

h. If a person required to withhold under subsection a. of this section fails to deduct and withhold tax as required, and thereafter the tax against which the tax may be credited is paid, the tax required to be deducted and withheld shall not be collected from the person required to withhold under subsection a. of this section, provided however that the person required to withhold under subsection a. of this section shall not be relieved from liability for any additions to tax, penalties and interest with respect to that tax otherwise applicable in respect of that failure to deduct and withhold.

i. For the purposes of this section:

"Contractor" means a person entering into a contract for services to construct, improve, alter, or repair a building, structure, or improvement to real property and includes a subcontractor, but shall not include professional services as defined in section 1 of P.L.1960, c.40 (C.17:16C-1);

"Governmental entity" means: the State of New Jersey, or any of its agencies, instrumentalities, public authorities, political subdivisions or public corporations, including a public corporation created pursuant to agreement or compact with another state; the United States of America and any of its agencies and instrumentalities; and the United Nations or any international organization of which the United States of America is a member;

"Homeowner" means an individual who makes a payment to a contractor to construct, improve, alter, or repair a dwelling which the individual owns and in which the individual resides or will reside;

"Subcontractor" means a person entering into a contract with a contractor for services to construct, improve, alter, or repair a building, structure, or improvement to real property, but shall not include professional services as defined in section 1 of P.L.1960, c.40 (C.17:16C-1);

"Tenant" means an individual who makes a payment to a contractor to construct, improve, alter, or repair a dwelling unit which the individual rents or leases and in which the individual resides or will reside; and

"Unincorporated contractor" means an individual contractor or a contractor organized as a sole proprietorship, a partnership, or any other business form not taxable as a corporation for federal tax purposes.

3. This act shall take effect immediately and apply to payments made on or after the January 1 next following enactment.

Approved August 21, 2006.

CHAPTER 86

AN ACT concerning pronouncement of death and amending P.L.1983, c.308.

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

1. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read as follows:

C.26:6-8.1 Determination, pronouncement of death by registered professional nurse.

4. a. Where there has been an apparent death that is not governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-4), a registered professional nurse licensed by the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) may make the actual determination and pronouncement of death and shall attest to this pronouncement by: signing in the space designated for this signature on the certificate of death under R.S.26:6-7; or, for the purposes of the NJ-EDRS, transmitting orally or in writing a report of the pronouncement to the attending, covering or resident physician, or the county medical examiner.

b. (Deleted by amendment, P.L.2006, c.86).

2. This act shall take effect on the 60th day after enactment.

Approved August 21, 2006.

CHAPTER 87

AN ACT concerning access to health insurance coverage and supplementing P.L.2005, c.156 (C.30:4J-8 et seq.) and P.L.1992, c.160 (C.26:2H-18.51 et al.).

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

C.30:4J-17 Annual report on Access to Employer-Based Health Insurance; contents.

1. The Commissioner of Human Services, in consultation with the Commissioners of Health and Senior Services, Labor and Workforce Development, and Banking and Insurance, as appropriate, shall prepare, to the extent data are available, an annual report on Access to Employer-Based Health Insurance, as provided in this act.

a. The report shall include the following information about each employer in the State with an aggregate of 50 or more NJ FamilyCare enrollees or Medicaid recipients:

(1) the employer's name and address, unless the employer has more than one work site, in which case the employer's name and the number of work sites and the counties in which the work sites are located;

(2) the number of NJ FamilyCare enrollees and Medicaid recipients who are employed by the employer;

(3) the number of NJ FamilyCare enrollees and Medicaid recipients who are spouses or dependents of employees of the employer;

(4) whether the employer offers health insurance coverage to its employees; and

(5) the cost to the State of providing NJ FamilyCare and Medicaid coverage for the employer's employees and their dependents.

The commissioner may include comparable information about recipients of other public health care coverage programs, and such other information as he deems appropriate regarding employer-based coverage for persons covered under public insurance programs.

The commissioner shall also include the information compiled by the Commissioner of Health and Senior Services concerning recipients of charity care pursuant to section 2 of P.L.2006, c.87 (C.26:2H-18.55a). With respect to the information provided by the Commissioner of Health and Senior Services, the commissioner, in consultation with the Commissioners of Labor and Workforce Development and Banking and Insurance, shall ascertain whether the employer of a recipient of charity care offers health insurance coverage to its employees. The commissioner shall include that information about employers in the report.

In addition, the commissioner may make any recommendations he deems appropriate for legislative action.

b. The report shall not include the name of any NJ FamilyCare enrollee or Medicaid recipient or any family member of an enrollee or recipient.

c. The commissioner shall submit the report by September 1 of each year to the Governor and the chairmen of the Senate and Assembly standing reference committees on human services, health and appropriations.

C.26:2H-18.55a Compilation of information relative to employed recipients of charity care.

2. a. The Commissioner of Health and Senior Services shall compile, to the extent data are available, the following information about recipients of charity care who are employed:

(1) the employer's name and address;

(2) the number of recipients of charity care who are employed by the employer; and

(3) the cost to the State of providing charity care for the employer's employees and their dependents.

b. In order to compile the information required pursuant to this section, the commissioner may require hospitals and other health care facilities to submit such information as may be necessary for this purpose.

c. The commissioner may include comparable information about recipients of other public health care coverage programs, and such other information as the commissioner deems appropriate regarding employer-based coverage for persons covered under public insurance programs.

d. The information compiled by the commissioner shall not include the name of any charity care recipient or any family member of a recipient.

e. The commissioner shall provide the information required pursuant to this section to the Commissioner of Human Services for inclusion in the annual report on Access to Employer-Based Health Insurance, as provided in section 1 of P.L.2006, c.87 (C.30:4J-17).

3. This act shall take effect immediately.

Approved August 21, 2006.

CHAPTER 88

AN ACT concerning access to housing, public facilities and transportation for certain working dogs and supplementing Title 2C of the New Jersey Statutes.

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

C.10:5-29.7 Definitions relative to access for certain working dogs.

1. As used in this act:

"Housing accommodation" means the same as the term is defined in subsection u. of section 5 of P.L.1945, c.169 (C.10:5-5);

"Public facility" means the same as the term is defined in subsection v. of section 5 of P.L.1945, c.169 (C.10:5-5); and

"Working dog" means any dog trained for the purpose of human search and rescue, body recovery, arson detection, bomb detection, narcotics detection, criminal apprehension, police assistance or other related purposes, whether in the performance of such tasks or while traveling to or from such tasks.

C.10:5-29.8 Law enforcement, emergency service workers with working dog entitled to full access.

2. Any member of a police, fire, law enforcement or other related emergency service agency, accompanied by a working dog, trained by a recognized training agency or school, is entitled, with the dog, to full and equal access to all public facilities and modes of public transportation, subject only to the following conditions:

a. A member of a police, fire, law enforcement or other related emergency service agency, if accompanied by a working dog, shall keep the dog in immediate custody at all times;

b. A member of a police, fire, law enforcement or other related emergency service agency, accompanied by a working dog, shall not be charged an extra fee or payment for the dog for admission to, or use of, any public facility; and

c. A member of a police, fire, law enforcement or other related emergency service agency, who has possession of a working dog, shall be liable for any damages done to the premises of a public facility by the dog.

C.10:5-29.9 Possessors of working dog, certain, entitlement to housing, business accommodations.

3. A member of a police, fire, law enforcement or other related emergency service agency who possesses a working dog, is entitled to rent, lease or purchase, as other members of the general public, all housing accommodations and business accommodations offered for rent, lease, or compensation in this State, subject to the rights, conditions and limitations established by law. A member of a police, fire, law enforcement or other related emergency service agency who possesses a working dog, or who obtains a working dog, shall be entitled to full and equal access to all housing accommodations and business accommodations and shall not be required to

pay extra compensation for the dog, but shall be liable for any damages done to the premises by the dog. Any provision in any lease or rental agreement prohibiting maintenance of a pet or pets on or in the premises shall not be applicable to a working dog owned by a tenant who is a member of a police, fire, law enforcement or other related emergency service agency.

C.10:5-29.10 Violations; fine.

4. Any person who violates a provision of this act shall be subject to a fine of between $100 and $500.

5. This act shall take effect immediately.

Approved August 21, 2006.

CHAPTER 89

AN ACT concerning site remediation grants to local governments, and amending P.L.1993, c.139.

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

1. Section 28 of P.L.1993, c.139 (C.58:10B-6) is amended to read as follows:

C.58:10B-6 Financial assistance and grants from the fund; allocations; purposes.

28. a. Except for moneys deposited in the remediation fund for specific purposes, financial assistance and grants from the remediation fund shall be rendered for the following purposes. A written report shall be sent to the Senate Environment Committee, and the Assembly Environment and Solid Waste Committee, or their successors at the end of each calendar quarter detailing the allocation and expenditures related to the financial assistance and grants from the fund.

(1) Moneys shall be allocated for financial assistance to persons, for remediation of real property located in a qualifying municipality as defined in section 1 of P.L.1978, c.14 (C.52:27D-178);

(2) Moneys shall be allocated to: (a) municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), for:

(i) projects in brownfield development areas pursuant to subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5),

(ii) matching grants up to a cumulative total amount from the fund of $5,000,000 per year of up to 75% of the costs of the remedial action for projects involving the redevelopment of contaminated property for recreation and conservation purposes, provided that the use of the property for recreation and conservation purposes is included in the comprehensive plan for the development or redevelopment of contaminated property, or up to 50% of the costs of the remedial action for projects involving the redevelopment of contaminated property for affordable housing pursuant to P.L.1985, c.222 (C.52:27D-301 et seq.),

(iii) grants for preliminary assessment, site investigation or remedial investigation of a contaminated site,

(iv) financial assistance for the implementation of a remedial action, or

(v) financial assistance for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area; or

(b) persons for financial assistance for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area.

Except as provided in subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5), financial assistance and grants to municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may be made for real property: (1) on which they hold a tax sale certificate; (2) that they have acquired through foreclosure or other similar means; or (3) that they have acquired, or, in the case of a county governed by a board of chosen freeholders, have passed a resolution or, in the case of a municipality or a county operating under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), have passed an ordinance or other appropriate document to acquire, by voluntary conveyance for the purpose of redevelopment, or for recreation and conservation purposes. Financial assistance and grants may only be awarded for real property on which there has been or on which there is suspected of

being a discharge of a hazardous substance or a hazardous waste. Grants and financial assistance provided pursuant to this paragraph shall be used for performing preliminary assessments, site investigations, remedial investigations, and remedial actions on real property in order to determine the existence or extent of any hazardous substance or hazardous waste contamination, and to remediate the site in compliance with the applicable health risk and environmental standards on those properties. No financial assistance or grants for a remedial action shall be awarded until the municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), actually owns the real property, provided that a matching grant for 75% of the costs of a remedial action for a project involving the redevelopment of contaminated property for recreation and conservation purposes, or a matching grant for 50% of the costs of a remedial action for a project involving the redevelopment of contaminated property for affordable housing pursuant to P.L.1985, c.222 (C.52:27D-301 et seq.) may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 even if it does not own the real property and a grant may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) for a remediation in a brownfield development area pursuant to subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5) even if the entity does not own the real property. No grant shall be awarded for a remedial action for a project involving the redevelopment of contaminated property for recreation or conservation purposes unless the use of the property is preserved for recreation and conservation purposes by conveyance of a development easement, conservation restriction or easement, or other restriction or easement permanently restricting development, which shall be recorded and indexed with the deed in the registry of deeds for the county. A municipality that has performed, or on which there has been performed, a preliminary assessment, site investigation or remedial investigation on property may obtain a loan for the purpose of continuing the remediation on those properties as necessary to comply with the applicable remediation regulations adopted by the department. No grant shall be awarded pursuant to this paragraph to a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) unless that entity has adopted by ordinance or resolution a comprehensive plan specifically for the development or redevelopment of contaminated or potentially contaminated real property in that municipality or the entity can demonstrate to the authority that a realistic opportunity exists that the subject real property

will be developed or redeveloped within a three-year period from the completion of the remediation;

(3) Moneys shall be allocated for financial assistance to persons who voluntarily perform a remediation of a hazardous substance or hazardous waste discharge;

(4) Moneys shall be allocated for grants to persons who own real property on which there has been a discharge of a hazardous substance or a hazardous waste and that person qualifies for an innocent party grant. A person qualifies for an innocent party grant if that person acquired the property prior to December 31, 1983, the hazardous substance or hazardous waste that was discharged at the property was not used by the person at that site, and that person certifies that he did not discharge any hazardous substance or hazardous waste at an area where a discharge is discovered. A grant authorized pursuant to this paragraph may be for up to 50% of the remediation costs at the area of concern for which the person qualifies for an innocent party grant, except that no grant awarded pursuant to this paragraph to any person may exceed $1,000,000;

(5) Moneys shall be allocated for (a) financial assistance to persons who own and plan to remediate an environmental opportunity zone for which an exemption from real property taxes has been granted pursuant to section 5 of P.L.1995, c.413 (C.54:4-3.154), or (b) matching grants for up to 25% of the project costs to qualifying persons, municipalities, counties, and redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), who propose to perform a remedial action that uses an innovative technology, or for the implementation of a limited restricted use remedial action or an unrestricted use remedial action except that no grant awarded pursuant to this paragraph may exceed $250,000; and

(6) Twenty percent of the moneys in the remediation fund shall be allocated for financial assistance or grants for any of the purposes enumerated in paragraphs (1) through (5) of this subsection.

For the purposes of paragraph (5) of this subsection, "qualifying persons" means any person who has a net worth of not more than $2,000,000 and "project costs" means that portion of the total costs of a remediation that is specifically for the use of an innovative technology or to implement an unrestricted use remedial action or a limited restricted use remedial action, as applicable.

b. Loans issued from the remediation fund shall be for a term not to exceed ten years, except that upon the transfer of ownership of any real property for which the loan was made, the unpaid balance of the loan shall become immediately payable in full. The unpaid balance of a loan for the

remediation of real property that is transferred by devise or succession shall not become immediately payable in full, and loan repayments shall be made by the person who acquires the property. Loans to municipalities, counties, and redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), shall bear an interest rate equal to 2 points below the Federal Discount Rate at the time of approval or at the time of loan closing, whichever is lower, except that the rate shall be no lower than 3 percent. All other loans shall bear an interest rate equal to the Federal Discount Rate at the time of approval or at the time of the loan closing, whichever is lower, except that the rate on such loans shall be no lower than five percent. Financial assistance and grants may be issued for up to 100% of the estimated applicable remediation cost, except that the cumulative maximum amount of financial assistance which may be issued to a person, in any calendar year, for one or more properties, shall be $1,000,000. Financial assistance and grants to any one municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may not exceed $3,000,000 in any calendar year except as provided in subsection f. of P.L.1993, c.139 (C.58:10B-5). Grants to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 may be for up to 100% of the total costs of the preliminary assessment, site investigation, or remedial investigation regardless of when the application was received by the department. Grants to a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may not exceed 75% of the total costs of the remedial action at any one site for any application received by the department on or after September 15, 2005. Repayments of principal and interest on the loans issued from the remediation fund shall be paid to the authority and shall be deposited into the remediation fund.

The total amount of grant moneys awarded in any one year may not exceed 70 percent of the total amount of financial assistance and grants awarded in that year.

c. No person, other than a qualified person planning to use an innovative technology for the cost of that technology, a qualified person planning to use a limited restricted use remedial action or an unrestricted use remedial action for the cost of the remedial action, a person performing a remediation in an environmental opportunity zone, or a person voluntarily performing a remediation, shall be eligible for financial assistance from the remediation fund to the extent that person is capable of establishing a

remediation funding source for the remediation as required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3).

d. The authority may use a sum that represents up to 2% of the moneys issued as financial assistance or grants from the remediation fund each year for administrative expenses incurred in connection with the operation of the fund and the issuance of financial assistance and grants.

e. Prior to March 1 of each year, the authority shall submit to the Senate Environment Committee and the Assembly Environment and Solid Waste Committee, or their successors, a report detailing the amount of money that was available for financial assistance and grants from the remediation fund for the previous calendar year, the amount of money estimated to be available for financial assistance and grants for the current calendar year, the amount of financial assistance and grants issued for the previous calendar year and the category for which each financial assistance and grant was rendered, and any suggestions for legislative action the authority deems advisable to further the legislative intent to facilitate remediation and promote the redevelopment and use of existing industrial sites.

2. This act shall take effect immediately.

Approved August 21, 2006.

CHAPTER 90

AN ACT concerning water use registration fees, and amending P.L.1981, c.262.

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

1. Section 11 of P.L.1981, c.262 (C.58:1A-11) is amended to read as follows:

C.58:1A-11 Administration fees; diversion permits; water use registration; disposition.

11. a. The department shall in accordance with a fee schedule adopted by rule and regulation, establish and charge reasonable administrative fees, which fees shall be based upon, and not exceed, the estimated cost of processing, monitoring, administering and enforcing the diversion permits issued by the department pursuant to the provisions of sections 6 and 7 of P.L.1981, c.262 (C.58:1A-6 and 58:1A-7) or section 39 of P.L.2004, c.120 (C.58:1A-5.1).

Any person who is required to apply for and obtain a water use registration pursuant to rules and regulations adopted by the department to administer and enforce the provisions of P.L.1981, c.262 (C.58:1A-1 et seq.), P.L.1993, c.202 (C.58:1A-7.3 et al.) or P.L.2004, c.120 (C.13:20-1 et al.) shall, in conjunction with a completed registration form, submit an initial registration fee.

Each person who holds a valid water use registration shall pay an annual renewal fee.

An annual renewal fee shall not be charged for a volunteer fire company created pursuant to N.J.S.40A:14-70.1.

b. The department shall deposit the fees in the "Environmental Services Fund" created by P.L.1975, c.232 (C.13:1D-30 et seq.). There shall be annually appropriated an amount equivalent to the amount anticipated to be collected as fees by the department for the administration of the water supply management program.

2. This act shall take effect immediately.

Approved August 21, 2006.

CHAPTER 91

AN ACT concerning abandoned and unclaimed motor vehicles and amending P.L.1964, c.81.

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

1. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read as follows:

C.39:10A-1 Public auction of abandoned motor vehicles; notices required.

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to (1) the Chief Administrator of the Motor Vehicle Commission on a form prescribed by the administrator, for verification of ownership and (2) the National Insurance Crime Bureau.

Upon receipt of verification of ownership of the vehicle from the administrator, the public agency shall within three business days provide notice of possession of the vehicle to the owner of record and the holder of any security interest filed with the administrator by telephone, mail, facsimile or electronically. The public agency may assess the person claiming the vehicle, be it the owner of record or the holder of any security interest, for the actual costs of providing the notice required under this paragraph.

The public agency shall also within three business days notify the person storing the abandoned motor vehicle. The notice shall be given in the same manner as in the case of notification of the owner of record and the security interest holder and shall include the name and address of the owner of record and the holder of any security interest in the stored motor vehicle. Upon receipt of that notice, the person storing the abandoned motor vehicle shall provide notice to the owner of record and to any security interest holder. The notice shall be by first class mail, with a certificate of mailing, and shall include a schedule of the costs imposed for storing the motor vehicle and instructions explaining how the owner of record or the security interest holder may claim the stored motor vehicle. If the person storing the motor vehicle fails to provide this notice to the owner of record and to the security interest holder within 30 days of the date on which the storer of the vehicle received the notice required under this paragraph from the public agency, the maximum amount that person may charge the owner of record or the security interest holder for storing that motor vehicle shall be $750, provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the 30th day following the date the notice is delivered from the public agency to the person storing the motor vehicle. If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that 30th day, the person storing the motor vehicle may charge the security interest holder reasonable costs for the removal and storage of the motor vehicle. If the notice is properly provided by the person storing the motor vehicle, that person may charge the owner of record or the security interest holder reasonable costs for the removal and storage of the motor vehicle from the date the person removed and stored the motor vehicle. The public agency may assess the person storing the abandoned motor vehicle, and the person storing the abandoned motor vehicle may assess the security interest holder, for the actual costs of providing the notices required under this paragraph.

b. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall have remained unclaimed by the owner or

other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Motor Vehicle Commission, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle, except that a waiver of the 90-day limit may be obtained for good cause from the Division of Local Government Services in the Department of Community Affairs.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the administrator, and by publication in a form to be prescribed by the administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

2. This act shall take effect on the first day of the third month following enactment.

Approved August 21, 2006.

CHAPTER 92

AN ACT concerning emergency management plans and amending P.L.1989, c. 222.

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

1. 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. The plan shall include provisions, which shall be developed in consultation with the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including a service animal, in a major disaster or emergency. 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.

2. 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. These plans shall include provisions, which shall be developed in consultation with the Department of Agriculture, to support the needs of animals and individuals with an animal under their care, including a service animal, in a major disaster or emergency. 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.

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

Approved August 21, 2006.

CHAPTER 93

AN ACT concerning the disruption of funerals 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. The Legislature finds and declares:

a. Families have a substantial interest in attending funeral services for their loved ones;

b. The interests of families in privately and peacefully mourning the loss of their relatives are violated when funerals are targeted for disruption, picketing and other demonstrations;

c. Such disruption causes emotional disturbance and distress to grieving families; and

d. It is in the interest of the State of New Jersey to protect families' privacy immediately prior to, during and after a funeral service.

C.2C:33-8.1 Definitions relative to disruption of funerals, violations, disorderly persons offense.

2. a. As used in this act:

"funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and

"demonstration" includes the following:

(1) any picketing or similar conduct,

(2) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral,

(3) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, or

(4) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral.

b. A person is guilty of disrupting a funeral if, during the period beginning one hour prior to the scheduled commencement of a funeral, and until one hour following the actual completion of the funeral, with the purpose of causing inconvenience, annoyance or alarm to the funeral or its participants, or of recklessly creating the risk thereof, the person knowingly:

(1) obstructs, hinders, impedes or blocks another person's entry to or exit from the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship or other location at which a funeral takes place as part of demonstration activities, or

(2) engages in demonstration activities within 500 feet of the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship or other location at which a funeral takes place and makes or assists in the making of noise, diversions, or threatening

gestures, or engages in any other disruptive conduct, that disrupts or tends to disrupt the peace or good order of the funeral.

c. Disrupting a funeral is a disorderly persons offense.

3. This act shall take effect immediately.

Approved August 21, 2006.

CHAPTER 94

AN ACT concerning regulation of fine particle emissions from certain vehicles and equipment powered by diesel engines, and amending P.L.2005, c.219.

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

1. Section 6 of P.L.2005, c.219 (C.26:2C-8.31) is amended to read as follows:

C.26:2C-8.31 Closed crankcase technology for regulated school buses.

6. a. No later than two years after the effective date of P.L.2005, c.219 (C.26:2C-8.26 et al.), or two years after the date on or by which both certifications required in this subsection have been made, whichever is later, every owner of a regulated school bus shall have installed on the regulated school bus closed crankcase technology as specified by the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

No owner of a regulated school bus shall be required to install closed crankcase technology pursuant to this subsection unless:

(1) the State Treasurer certifies in each of the two years after the effective date of P.L.2005, c.219 (C.26:2C-8.26 et al.) that the constitutionally dedicated moneys have been deposited in the Diesel Risk Mitigation Fund; and

(2) the Department of Environmental Protection certifies that sufficient moneys are available in the fund to pay the cost of purchase and installation of the closed crankcase technology required pursuant to this subsection in that two-year period.

Provided that the State Treasurer has issued the certification required under paragraph (1) of this subsection for that year, the department may determine the amount of moneys available in the fund for that year, require the purchase and installation of those retrofit devices in those regulated ve-

hicles or pieces of regulated equipment for which sufficient moneys are available, and certify that sufficient moneys are available for those retrofit devices in those regulated vehicles or pieces of equipment.

b. The Department of Environmental Protection shall provide, and each owner of a regulated school bus shall obtain from the department, a compliance form for each regulated school bus. The owner of the regulated school bus shall submit a cost estimate to the department detailing the cost of any retrofit device to be installed as part of the closed crankcase technology and any cost associated with the installation of the closed crankcase technology prior to its purchase or installation. The department may determine whether the estimated costs are unreasonable, based upon criteria including, but not limited to, prevailing market rates and acquisition by the State of comparable technology. If the department makes such a determination, the department shall enter into negotiations with the owner of the regulated school bus to resolve the discrepancy.

The owner of the regulated school bus shall complete the compliance form, retain a copy for the owner's records, and return it to the department as soon as practicable after the installation of the closed crankcase technology to verify compliance with the requirements of subsection a. of this section and to seek reimbursement for the cost of the closed crankcase technology. The compliance form shall include the cost of any retrofit device installed as part of the closed crankcase technology and any cost associated with the installation of the closed crankcase technology. After the installation of the closed crankcase technology on a regulated school bus, a copy of the completed compliance form shall be kept on each regulated school bus at all times.

c. The department shall review the compliance forms submitted pursuant to subsection b. of this section and forward them to the State Treasurer. The State Treasurer shall reimburse each owner of a regulated school bus the cost of any retrofit device installed as part of the closed crankcase technology requirement and any cost associated with the installation of the closed crankcase technology indicated on the compliance form, in accordance with the provisions of sections 28 through 31, inclusive, of P.L.2005, c.219 (C.26:2C-8.53 through C.26:2C-8.56).

d. The Department of Environmental Protection shall provide any training necessary to implement the provisions of subsection d. of this section for any employees of, or persons contracted or licensed by, the New Jersey Motor Vehicle Commission, as determined necessary by the Chief Administrator of the New Jersey Motor Vehicle Commission.

e. The Department of Environmental Protection and the New Jersey Motor Vehicle Commission shall adopt jointly, pursuant to the "Administra-

tive Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the installation of the crankcase technology required pursuant to this section and establishing the inspection requirements and procedures for verification of compliance with the crankcase technology requirement established pursuant to this section, the use of the compliance form in any inspection or as part of the inspection procedures and verification of compliance, any training necessary for any employees of, or persons contracted or licensed by, the New Jersey Motor Vehicle Commission, and the extent of that training to be provided by the Department of Environmental Protection, and in what manner that training shall be provided.

f. If for any reason, the owner of the regulated school bus is unable to comply with the requirements specified in this section, the owner shall notify the department, as soon as practicable, of the inability to comply. The department shall resolve the situation with the owner as soon as practicable, and the department shall issue any necessary documentation and other information to the owner of the regulated school bus.

2. Section 9 of P.L.2005, c.219 (C.26:2C-8.34) is amended to read as follows:

C.26:2C-8.34 Submissions to DEP by owner of regulated vehicle, equipment.

9. a. Except as otherwise provided for in this section, any owner of a regulated vehicle or regulated equipment shall submit to the Department of Environmental Protection:

(1) an inventory of all on-road diesel vehicles and off-road diesel equipment owned, operated, or leased by the owner;

(2) notice by the owner that the owner shall comply with the requirements of P.L.2005, c.219 (C.26:2C-8.26 et al.) through the use of the best available retrofit technologies as designated and provided for under the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28), or that the owner cannot comply in that manner and is submitting a fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan;

(3) the fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan being submitted in lieu of complying through the use of the best available retrofit technologies as designated and provided for under the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28), if the owner has elected to do so; and

(4) an estimate of the cost of any retrofit device and any cost associated with the installation of that retrofit device, in accordance with the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

The department may disapprove any notice submitted pursuant to paragraph (2) of this subsection by an owner complying with the requirements as designated and provided for under the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28), if the department determines that the costs or cost estimates, submitted pursuant to paragraph (4) of this subsection, for the best available retrofit technology described in the notice, are unreasonable based upon criteria including, but not limited to, prevailing market rates and acquisition by the State of comparable technology. If the department makes such a determination, the department shall enter into negotiations with the owner to resolve the discrepancy. For owners complying by submitting a fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan pursuant to this subsection, the department shall review any notice, plan, cost, or cost estimate in accordance with the provisions of section 10 of P.L.2005, c.219 (C.26:2C-8.35).

b. Each owner of a regulated vehicle or regulated equipment shall make the submittals required pursuant to subsection a. in accordance with the following schedule:

(1) for regulated solid waste vehicles, no later than 180 days after the effective date of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28);

(2) for public regulated commercial buses, no later than one year after the effective date of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28);

(3) for private regulated commercial buses, no later than one year and 180 days after the effective date of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28); and

(4) for regulated on-road diesel vehicles and regulated equipment other than regulated solid waste vehicles and regulated commercial buses, no later than four years after the effective date of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

c. No owner of a private regulated commercial bus shall be required to make any submittal pursuant to subsection b. of this section until the owners of public regulated commercial buses have made their submittals required pursuant to that subsection, and no installation and use of a retrofit device on a private regulated commercial bus may be required earlier than 180 days after the owners of public regulated commercial buses have been required to install and have begun the use of retrofit devices on public regulated commercial buses.

d. The owner of regulated vehicles or regulated equipment who commences operation of a fleet after the effective date of the rules and regula-

tions adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28) shall make the submittals required pursuant to subsection a. of this section within 180 days after the date on which they began operations, or the date provided in subsection b. of this section, whichever is later.

e. The owner of regulated vehicles or regulated equipment may coordinate or combine the development of a fleet retrofit plan with the development of a fleet retrofit plan of any other owner, or a group of owners, of regulated vehicles or regulated equipment, and with the guidance of the Department of Environmental Protection submit a combined fleet retrofit plan.

f. The fleet retrofit plan submitted pursuant to subsection a. of this section shall include a description by the owner of the best available retrofit technology and the specific regulated vehicle or piece of regulated equipment on which the specific best available retrofit technology would be used, as determined by the owner pursuant to the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

g. If the owner of regulated vehicles or regulated equipment determines that the best available retrofit technology as required under the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28) is not feasible for a specific regulated vehicle or pieces of regulated equipment, the owner may document this determination in the fleet retrofit plan and request the use of another level of best available retrofit technology to meet the requirement for that specific regulated vehicle or piece of regulated equipment, or provide documentation as to why the owner cannot use the best available retrofit technology that is required. The owner may also propose and negotiate an enforceable commitment to:

(1) retire the regulated vehicle or piece of regulated equipment and replace it with a vehicle or piece of equipment certified to fine particle emission levels at or below the emission levels that would have been achieved by the use of the required best available retrofit technology; or

(2) replace the engine of the vehicle or the equipment with an engine certified to that fine particle emissions level.

h. The owner of 75 or more regulated vehicles or pieces of regulated equipment, or any group of owners who elect to develop a combined fleet retrofit plan pursuant to subsection e. of this section under which 75 or more regulated vehicles or pieces of regulated equipment would be regulated, may propose to the Department of Environmental Protection a fleet averaging plan, in lieu of a fleet retrofit plan or a combined fleet retrofit plan, for the fleet or fleets affected. The owner or owners may propose a fleet averaging plan provided that the total net percent reductions in fine particle emissions under the proposed fleet averaging plan are equivalent to the estimated re-

ductions in fine particle emissions that would have been achieved by the owner if a fleet retrofit plan were submitted and implemented for the regulated vehicles or regulated equipment, or both, or by the owners if the owners had submitted and implemented a combined fleet retrofit plan for their regulated vehicles or regulated equipment, or both, as calculated pursuant to the provisions of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28). The owner or group of owners may propose achieving fine particle emissions reductions from any on-road diesel vehicle, off-road diesel equipment, regulated vehicle, or regulated equipment owned by the owner or group of owners, or the retirement of any of those vehicles or equipment, and shall submit the proposed fleet averaging plan to the department as required by the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

i. A fleet averaging plan proposed pursuant to subsection h. of this section that proposes the use of retrofit devices on any on-road diesel vehicle, off-road diesel equipment, regulated vehicle, or regulated equipment shall include: (1) a description by the owner of the best available retrofit technology and the specific vehicle or equipment on which the specific best available retrofit technology would be used, the specific vehicle or equipment to be retired, and how the required fine particle reductions shall be achieved through a combination of the use of best available retrofit technology on the specific vehicles or equipment; and (2) other measures or applications of best available retrofit technology consistent with the provisions of the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28).

j. The Department of Environmental Protection shall give due consideration in the application of the fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan requirements to any efforts or actions by owners of regulated vehicles or regulated equipment who voluntarily retrofit, retire, or repower vehicles or equipment prior to the adoption of rules and regulations pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28), and may modify any of the requirements of this section for such an owner in order to provide such due consideration.

k. The Department of Environmental Protection shall provide any technical guidance needed in preparing the fleet retrofit plans, combined fleet retrofit plans, and fleet averaging plans required pursuant to this section and any revisions, supplements, or modifications thereto required pursuant to P.L.2005, c.219 (C.26:2C-8.26 et al.).

l. No owner of regulated vehicles or regulated equipment shall be required to install or use a retrofit device on a regulated vehicle or regulated equipment as required pursuant to the rules and regulations adopted pursu-

ant to section 3 of P.L.2005, c.219 (C.26:2C-8.28) or under a plan submitted pursuant to this section in any year unless the State Treasurer certifies for that year that the constitutionally dedicated moneys have been deposited in the Diesel Risk Mitigation Fund and the Department of Environmental Protection certifies that sufficient moneys are available in the fund to pay the cost of purchase and installation of the retrofit devices required to be used by rule and regulation or under an approved fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan or supplement or modification thereto, as applicable, by an owner in that year.

Provided that the State Treasurer has issued the certification that the constitutionally dedicated moneys have been deposited in the fund for that year, the department may determine the amount of moneys available in the fund for that year, require the purchase and installation of those retrofit devices in those regulated vehicles or pieces of regulated equipment for which sufficient moneys are available, and certify that sufficient moneys are available for those retrofit devices to be purchased for, and installed in, those regulated vehicles or pieces of regulated equipment.

3. Section 10 of P.L.2005, c.219 (C.26:2C-8.35) is amended to read as follows:

C.26:2C-8.35 Approval of fleet retrofit plans.

10. a. The department shall review, and approve or disapprove all parts of any fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan submitted pursuant to section 9 of P.L.2005, c.219 (C.26:2C-8.34). The department may approve or disapprove any fleet retrofit plan, combined fleet retrofit plan, or the fleet averaging plan in part, and:

(1) may direct the owner to comply with the approved part or parts of the fleet retrofit plan, the combined fleet retrofit plan, or the fleet averaging plan, as applicable, prior to final approval of other parts of the fleet retrofit plan, the combined fleet retrofit plan, or the fleet averaging plan; or

(2) in the case of a fleet averaging plan, may determine that the owner or the group of owners cannot comply with the requirements of P.L.2005, c.219 (C.26:2C-8.26 et al.) by implementing the proposed fleet averaging plan, and may require the owner to submit a fleet retrofit plan, or the group of owners of the fleets to submit a combined fleet retrofit plan or individual fleet retrofit plans.

Any determination made, or requirement established, pursuant to paragraph (2) of this subsection shall be made in writing and shall be provided in writing to each owner affected by the determination or requirement.

The department may disapprove any fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or any part thereof, submitted pursuant to paragraph (3) of subsection a. of section 9 of P.L.2005, c.219 (C.26:2C-8.34), if the department determines that the costs or cost estimates, submitted pursuant to paragraph (4) of subsection a. of section 9 of P.L.2005, c.219 (C.26:2C-8.34) for retrofit devices described in the fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, as appropriate, are unreasonable based upon criteria including, but not limited to, prevailing market rates and acquisition by the State of comparable technology. If the department makes such a determination, the department shall enter into negotiations with the owner to resolve the discrepancy.

b. If the department exercises its authority under paragraph (2) of subsection a. of this section, the department shall issue a modified timetable for submittal of a fleet retrofit plan for the regulated vehicles or regulated equipment, a combined fleet retrofit plan for the group of owners, or individual fleet retrofit plans for the owners in the group. The department may require the submittal of these plans no earlier than 180 days after the date of the determination pursuant to paragraph (2) of subsection a. of this section, or the date on or by which both of the certifications required pursuant to subsection l. of section 9 of P.L.2005, c.219 (C.26:2C-8.34) have been made, whichever is later. The department shall review, approve or disapprove any fleet retrofit plan or combined fleet retrofit plan submitted in accordance with this modified timetable.

c. Whenever the department disapproves a fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or a part thereof, the department shall provide a detailed explanation to the owner indicating the deficiencies of the disapproved fleet retrofit plan, disapproved combined fleet retrofit plan, or the disapproved fleet averaging plan, or part thereof, and the recommendations of the department to correct the deficiencies.

d. During the review process or prior to final approval of a fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or the part thereof in question, the department may contact and enter into negotiations with the owner to resolve discrepancies between the rules and regulations adopted pursuant to section 3 of P.L.2005, c.219 (C.26:2C-8.28), the submitted fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, and any requests by the owner for alternatives pursuant to subsection g. of section 9 of P.L.2005, c.219 (C.26:2C-8.34).

e. The owner or a group of owners whose fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or any part thereof, is disapproved by the department shall make the recommended revisions to the dis-

approved fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or the disapproved part thereof, within 60 days after the receipt of the disapproval notification from the department, and shall submit to the department the final revised fleet retrofit plan, final revised combined fleet retrofit plan, or the final revised fleet averaging plan, or the final revised part thereof that had been disapproved and revised. If the department does not take further action within 30 days after receipt of the final revised fleet retrofit plan, final revised combined fleet retrofit plan, the final fleet averaging plan, or the final revised part that had been disapproved, the fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or the part that had been disapproved and revised, shall be considered approved and in effect. If the department finds within 30 days after the receipt of the final revised fleet retrofit plan, final revised combined fleet retrofit plan, or the final revised fleet averaging plan, that the owner has not complied with the recommended revisions, the department may take further action to require compliance with this subsection, but the plan shall be in effect as of the date of the close of the 30-day period following the submittal of the final revised plan, or part thereof.

f. Upon the date of final approval of the fleet retrofit plan, combined fleet retrofit plan, or fleet averaging plan, or any part thereof, the owner shall be subject to the provisions of the fleet retrofit plan, combined fleet retrofit plan, fleet averaging plan, or that part thereof, and shall be required to comply with these provisions on or after the final approval date or the date on or by which both certifications required pursuant to subsection l. of section 9 of P.L.2005, c.219 (C.26:2C-8.34) have been made, whichever is later.

4. Section 25 of P.L.2005, c.219 (C.26:2C-8.50) is amended to read as follows:

C.26:2C-8.50 Percentage of ultra-low sulfur diesel fuel required on-road.

25. a. (Deleted by amendment, P.L.2006, c.94).

b. No sooner than July 15, 2006, and following a public hearing held by the Department of Environmental Protection on the availability of ultra-low sulfur diesel fuel in the State for use in on-road diesel vehicles and off-road diesel equipment, the department shall determine and issue a written notice of its determination as to whether sufficient supplies of ultra-low sulfur diesel fuel are available in the State to require a minimum of 80 percent of all diesel fuel annually sold, distributed, or used in the State to be ultra-low sulfur diesel fuel for use in on-road diesel vehicles or off-road diesel equipment, or both, on and after January 15, 2007, without signifi-

cant disruption of, or significant price increases in, the wholesale and retail fuel market. If the department determines that supplies would be sufficient, the department shall require a certain percentage, to be determined by the department, of all diesel fuel annually sold, distributed, or used in the State to be ultra-low sulfur diesel fuel for use in on-road diesel vehicles or off-road diesel equipment, or both, on or after the 180th day after the date on which the department issues a written determination that supplies would be sufficient, provided that this percentage shall be the highest percentage that can practicably be required without significant disruption of, or significant price increases in, the wholesale and retail fuel market, but shall be no less than 80 percent of all diesel fuel annually sold, distributed, or used in the State.

c. If the department determines that sufficient supplies are not available pursuant to subsection b. of this section, the requirement to sell, distribute, or use only ultra-low sulfur diesel fuel in the State shall take effect only 180 days after the department issues a written determination that the supplies are sufficient to sell, distribute, or use only ultra-low sulfur diesel fuel in the State.

d. The Department of Environmental Protection, in consultation with the Department of Law and Public Safety, the Department of Labor and Workforce Development, and the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of this section.

5. This act shall take effect immediately.

Approved August 22, 2006.

CHAPTER 95

AN ACT concerning the board of trustees of the University of Medicine and Dentistry of New Jersey and amending and supplementing P.L.1970, c.102.

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

1. Section 4 of P.L.1970, c.102 (C.18A:64G-4) is amended to read as follows:

C.18A:64G-4 Board of trustees; membership; appointment; terms, vacancies, oath, removal, meetings, officers, committees.

4. a. The government, control, conduct, management and administration of the university shall be vested in the board of trustees of the university. The membership of the board of trustees shall consist of the Commissioner of Health and Senior Services, who shall serve ex officio, without vote, and 19 voting members appointed by the Governor as follows: two members shall be appointed by the Governor upon recommendation of the Senate President; two members shall be appointed by the Governor upon recommendation of the Speaker of the General Assembly; and 15 members shall be appointed by the Governor with the advice and consent of the Senate. A voting member shall serve for a term of five years and shall serve until his successor is appointed and has qualified. The voting members of the board shall be residents of the State, except that the Governor may appoint up to three members who are not residents of the State to serve as voting members of the board. The voting members shall represent the gender, racial, and ethnic diversity of the State. The voting members shall include at least two members from the seven northern counties, two members from the seven central counties, and two members from the seven southern counties. No trustee shall be appointed who is an employee or paid official of any hospital affiliated with the university. Any vacancies in the voting membership of the board occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. Each voting member of the board of trustees before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oath shall be filed in the office of the Secretary of State. Each voting member of the board may be removed from office by the Governor, for cause, after a public hearing.

In the case of the initial terms of the additional members of the board appointed pursuant to P.L.2006, c.95, three members shall serve for a term of five years, three members shall serve for a term of four years, and two members shall serve for a term of three years.

b. The members of the board of trustees shall meet at the call of the Governor for purposes of organizing. The board shall thereafter meet at such times and places as it shall designate.

c. The Governor shall designate one of the voting members as chairman of the board. The board shall select such other officers from among its members as shall be deemed necessary.

d. The board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from

its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the university, consistent with this act and other applicable statutes. The board shall include representatives from the faculty, the appropriate bargaining unit, and the student body on relevant advisory committees or bodies.

2. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to read as follows:

C.18A:64G-6 Powers and duties of board.

6. The board of trustees of the university shall have the general supervision over and be vested with the conduct of the university, including its health care facilities regardless of the source of funding, except as otherwise provided in section 3 of P.L.2006, c.95 (C.18A:64G-6.1). It shall have the power and duty to:

(a) Adopt and use a corporate seal;

(b) Determine the educational curriculum and program of the university;

(c) Determine policies for the organization, administration, and development of the university;

(d) Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;

(e) Disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;

(f) Direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

(g) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university, and appoint and fix the compensation and term of office of a vice-president of the university;

(h) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative and teaching staffs as shall be required and fix their compensation and terms of employment;

(i) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, remove, promote and transfer such other officers, agents, or employees as may be required to carry out the provisions of this act and assign their duties, determine their salaries, and prescribe qualifications for all positions and in accordance with the salary schedules of the Civil Service Commission wherever possible;

(j) Fix and determine tuition rates, and other fees to be paid by students;

(k) Grant diplomas, certificates or degrees;

(l) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

(m) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

(n) (1) Acquire (by gift, purchase, condemnation or otherwise), own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for university purposes;

(2) Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment and supplies, for doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds $12,500.00 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invita-

tion for bids, will be most advantageous to the university, price and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

This subsection shall not prevent the university from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist, and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

(3) Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

(4) Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university; and

(5) Invest certain moneys in such obligations, securities and other investments as the board shall deem prudent, consistent with the purposes and provisions of this act and in accordance with State and federal law, as follows:

Investment in not-for-profit corporations or for-profit corporations organized and operated pursuant to the provisions of subsection (v) of this section may utilize income realized from the sale or licensing of intellectual

property as well as the reinvestment of earnings on intellectual property. Investment in not-for-profit corporations may also utilize income from the operation of faculty practice plans of the university and income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph 5 of subsection (v) of this section;

(o) Borrow money and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement for the needs of the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

(p) Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

(q) Adopt bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this act as are necessary and proper for the administration and operation of the university and to implement the provisions of this act;

(r) Authorize any new program, educational department or school not inconsistent with the programmatic mission of the institution or approved by the Commission on Higher Education which will require, at the time of establishment or thereafter, an additional expenditure of money, if provision is made therefor by law;

(s) Function as a public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and conduct all labor negotiations, and with the participation of the Governor's Office of Employee Relations act as the chief spokesperson with respect to all matters under negotiation;

(t) Sue and be sued in its own name;

(u) Retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6);

(v) (1) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services and create or form for-profit or not-for-profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have deter-

mined that such participation is prudent. Nothing herein shall be construed to authorize any change in the legal status of University Hospital;

(2) The decision to participate in any activity described in paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6), including the creation or formation of for-profit or not-for-profit corporations, shall be articulated in the minutes of the Board of Trustees meeting in which the action was approved. A true copy of the minutes shall be delivered to the Governor. No such action shall have effect until 30 days, Saturdays, Sundays and public holidays excepted, after the copy of the minutes shall have been delivered to the Governor. If, within the 30-day period, the Governor returns the minutes of the meeting with a veto of the action taken by the board, the action taken by the board shall be null and void and of no effect;

(3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees and officers;

(4) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) Funds directly appropriated to the university from the State or derived from the university's academic programs or derived from payment for coverage provided by the self insurance fund for claims accruing prior to the effective date of this act shall not be utilized by the for-profit or not-for-profit corporations organized and operated pursuant to this subsection in the development, manufacture or marketing of products, technology or scientific information;

(6) Employees of any joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed public employees;

(7) A joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) Income realized by the university as a result of participation in the development, manufacture or marketing of products, technology, or scientific information may be invested or reinvested pursuant to paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102 (C.18A:64G-6) or any other provision of this act or State or federal law or retained by the board for use in furtherance of any of the purposes of this act or of other applicable statutes;

(9) The board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships or such other jural entities entered into or owned wholly or in part by the university;

(w) (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including

loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) Moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers and servants but only to the extent that the University has elected on behalf of itself and its employees to obtain representation from the Attorney General pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee but for the provision of subsection (t) of section 6 of P.L.1970, c.102 (C.18A:64G-6). Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not limited to the provisions of chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly the activities of any joint venture, partnership or corporation entered into or created by the university pursuant to paragraphs (1) and (2) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6);

(x) Create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.);

(y) Adopt a code of ethics that complies with the requirements of all statutes applicable to the institution, including, but not limited to the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the State Ethics Commission, and any applicable executive orders; and

(z) Establish a procedure for the confidential, anonymous submission of employee concerns regarding alleged wrongdoing at the university or its health care facilities.

C.18A:64G-6.1 Board of directors of University Hospital; appointment; organization; powers.

3. a. The management, supervision and administration of University Hospital shall be vested in a nine-member board of directors of University Hospital. The board shall be comprised of four members of the board of trustees of the University of Medicine and Dentistry of New Jersey who shall serve ex officio and be appointed by the chairman of the board and five members who shall be appointed by the Governor, with the advice and consent of the Senate, for a five-year term; except that in the case of the initial gubernatorial appointments to the board of directors, two shall serve for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. A member of the board of directors shall serve until his successor is appointed and has qualified. Any vacancies 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. Each member of the board of directors before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of the oath shall be filed in the office of the Secretary of State. Each member of the board may be removed from office by the Governor, for cause, after a public hearing.

b. The members of the board of directors shall meet at the call of the Governor for purposes of organizing. The board shall thereafter meet at such times and places as it shall designate.

c. The Governor shall designate one of the members as chairman of the board of directors. The board shall select the other officers from among its members as shall be deemed necessary.

d. The board of directors shall have the power to appoint and regulate the duties and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the hospital.

C.18A:64G-6.2 Maintenance of Internet website for board of trustees; public access, postings.

4. The university shall maintain an Internet website for the board of trustees. The purpose of the website shall be to provide increased public access to board operations and activities. The following information shall be posted on the board's website:

a. the board's rules, regulations, resolutions, and official policy statements;

b. notice, posted at least five business days prior to a meeting of the board or any of its committees, setting forth the time, date, location, and agenda of the meeting;

c. the minutes of each meeting of the board and its committees; and

d. information on any contract entered into by the board that was not competitively bid and the statutory authority for the contracting process.

The website shall be updated on a regular basis.

5. This act shall take effect immediately.

Approved August 22, 2006.

CHAPTER 96

AN ACT concerning the prompt payment of construction contracts and amending P.L.1991, c.133.

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

1. Section 1 of P.L.1991, c.133 (C.2A:30A-1) is amended to read as follows:

C.2A:30A-1 Definitions.

1. As used in this act:

"Billing" means, in accordance with the terms and definitions of the applicable contract, any periodic payment, final payment, written approved change order or request for release of retainage.

"Prime contractor" means a person who contracts with an owner to improve real property.

"Improve" means: to build, alter, repair or demolish any structure upon, connected with, on or beneath the surface of any real property; to excavate, clear, grade, fill or landscape any real property; to construct driveways and private roadways on real property; to furnish construction related materials, including trees and shrubbery, for any of the above purposes; or to perform any labor upon a structure, including any design, professional or skilled services furnished by an architect, engineer, land surveyor or landscape architect licensed or registered pursuant to the laws of this State.

"Structure" means all or any part of a building and other improvements to real property.

"Owner" means any person, including any public or governmental entity, who has an interest in the real property to be improved and who has contracted with a prime contractor for such improvement to be made. "Owner" shall be deemed to include any successor in interest or agent acting on behalf of an owner.

"Prime rate" means the base rate on corporate loans at large United States money center commercial banks.

"Real property" means the real estate that is improved upon or to be improved upon.

"Subcontractor" means any person who has contracted to furnish labor, materials or other services to a prime contractor in connection with a contract to improve real property.

"Subsubcontractor" means any person who has contracted to furnish labor, materials or other services to a subcontractor in connection with a contract to improve real property.

2. Section 2 of P.L.1991, c.133 (C.2A:30A-2) is amended to read as follows:

C.2A:30A-2 Payment to prime contractor, subcontractor, subsubcontractor, timely payment; exceptions; disputes; resolution.

2. a. If a prime contractor has performed in accordance with the provisions of a contract with the owner and the billing for the work has been approved and certified by the owner or the owner's authorized approving agent, the owner shall pay the amount due to the prime contractor for each periodic payment, final payment or retainage monies not more than 30 calendar days after the billing date, which for a periodic billing, shall be the periodic billing date specified in the contract. The billing shall be deemed approved and certified 20 days after the owner receives it unless the owner provides, before the end of the 20-day period, a written statement of the amount withheld and the reason for withholding payment, except that in the case of a public or governmental entity that requires the entity's governing body to vote on authorizations for each periodic payment, final payment or retainage monies, the amount due may be approved and certified at the next scheduled public meeting of the entity's governing body, and paid during the entity's subsequent payment cycle, provided this exception has been defined in the bid specifications and contract documents.

b. If a subcontractor or subsubcontractor has performed in accordance with the provisions of its contract with the prime contractor or subcontractor and the work has been accepted by the owner, the owner's authorized approving agent, or the prime contractor, as applicable, and the parties have not otherwise agreed in writing, the prime contractor shall pay to its subcontractor and the subcontractor shall pay to its subsubcontractor within 10 calendar days of the receipt of each periodic payment, final payment or receipt of retainage monies, the full amount received for the work of the subcontractor or subsubcontractor based on the work completed or the services rendered under the applicable contract. In the case of ongoing work on the same project for which partial payments are made, the amount of money owed for work already completed shall only be payable if the subcontractor or subsubcontractor is performing to the satisfaction of the prime contractor or subcontractor, as applicable.

c. If a payment due pursuant to the provisions of this section is not made in a timely manner, the delinquent party shall be liable for the amount of money owed under the contract, plus interest at a rate equal to the prime rate plus 1%. Interest on amounts due pursuant to this section shall be paid to the prime contractor, subcontractor or subsubcontractor for the period beginning on the day after the required payment date and ending on the day on which the check for payment has been drawn. The provisions of this subsection c. shall not apply to any transportation project as defined in section 3 of P.L. 1984, c.73 (C.27:1B-3), if that project receives federal funding and the awarding agency has been notified by the federal government that it will be classified as a high risk grantee pursuant to 49 C.F.R. 18.12.

d. A prime contractor, subcontractor or subsubcontractor may, after providing seven calendar days' written notice to the party failing to make the required payments, suspend performance of a construction contract, without penalty for breach of contract, until the payment required pursuant to this section is made, if the contractor, subcontractor or subsubcontractor: is not paid as required by this section; is not provided a written statement of the amount withheld and the reason for the withholding; and the payor is not engaged in a good faith effort to resolve the reason for the withholding. The provisions of this subsection d. shall not apply to any transportation project as defined in section 3 of P.L. 1984, c.73 (C.27:1B-3), if that project receives federal funding and the application of this provision would jeopardize the funding because the owner could not meet the federal standards for financial management systems as outlined in 49 C.F.R. 18.20.

e. (1) The rights, remedies or protections provided by this section for prime contractors, subcontractors and subsubcontractors shall be in addition

to other remedies provided pursuant to any other provision of State law. To the extent that the provisions of this section provide greater rights, remedies or protections for prime contractors, subcontractors and subsubcontractors than other provisions of State law, the provisions of this section shall supersede those other provisions.

(2) No provision of this section shall be construed as restricting in any way the rights or remedies provided by any other applicable State or federal law to an owner who is a resident homeowner or purchaser with respect to the real property being improved.

f. All contracts for the improvement of structures entered into after the effective date of P.L.2006, c.96 between owners, prime contractors, subcontractors or subsubcontractors shall provide that disputes regarding whether a party has failed to make payments required pursuant to this section may be submitted to a process of alternative dispute resolution. Alternative dispute resolution permitted by this section shall not apply to disputes concerning the bid solicitation or award process, or to the formation of contracts or subcontracts. In any civil action brought to collect payments pursuant to this section, the action shall be conducted inside of this State and the prevailing party shall be awarded reasonable costs and attorney fees.

3. This act shall take effect immediately, but shall not apply to contracts for the improvement of structures entered into before the effective date.

Approved September 1, 2006.

CHAPTER 97

AN ACT concerning the authorization for certain municipalities to collect certain local taxes, amending P.L.1981, c.77.

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

1. Section 5 of P.L.1981, c.77 (C.40:48E-5) is amended to read as follows:

C.40:48E-5 Hotel owners, tax payments; calculation, refund.

5. a. Except as provided in subsection e. of this section, for any calendar year, the owner of a hotel shall be required to pay the greater of the real

property tax (defined to be the payment of ad valorem taxes or payment in lieu of taxes or payment of annual service charges) or the hotel use or occupancy tax, to be calculated as follows:

(1) If the quarterly installment of the real property tax is less than the quarterly installment of the hotel use or occupancy tax, the owner shall be required to pay only the hotel use or occupancy tax.

(2) If the quarterly installment of the real property tax is greater than the quarterly installment of the hotel use or occupancy tax, the owner shall be required to pay the hotel use or occupancy tax, and, in addition, the owner shall be required to make a supplemental payment. For the purposes of this section, "supplemental payment" means an amount equal to the excess of the real property tax installment over the hotel use or occupancy tax installment.

b. At the end of the calendar year, the total hotel use or occupancy tax payments made during the year shall be adjusted as follows:

(1) If the total of the hotel use or occupancy tax payments, excluding any supplemental payments, made during the year exceeds the total real property tax for that year, the city shall refund to the owner the total amount of the supplemental payments, if any, made during the year; or

(2) If the total of the hotel use or occupancy tax payments, excluding any supplemental payments, made during the year does not exceed the total real property tax for the year, and if the total of the hotel use or occupancy tax payments and supplemental payments made during the year does exceed the total real property tax for the year, the city shall refund to the owner the difference between: (a) the total property tax paid and (b) the sum of the hotel or occupancy tax paid plus the supplemental payments paid.

c. The refunds shall be paid to the owner without interest by July 1 of the succeeding year or 15 days after the adoption of the annual budget by the municipal council, whichever is later.

d. No refund shall be made in any year in which the owner has failed to be current in its hotel use or occupancy tax, including any supplemental payments required under this section. For the purposes of this section, "current" means that quarterly installments of tax have been paid in accordance with R.S.54:4-66.

e. A city imposing a hotel use or occupancy tax pursuant to the provisions of section 3 of P.L.1981, c.77 (C.40:48E-3), by ordinance, may require that any hotel located within the municipality annually pay to the municipality both the real property tax due and owing on the hotel, defined to be the payment of ad valorem taxes or payment in lieu of taxes or payment of annual service charges, and the hotel use or occupancy tax authorized pursuant to section 3 of P.L.1981, c.77 (C.40:48E-3).

2. This act shall take effect immediately.

Approved September 13, 2006.

CHAPTER 98

AN ACT making a technical change concerning the annual fiscal year timing of statutory deposits of dedicated cigarette tax revenue, amending P.L.1997, c.264 and P.L.2004, c.68.

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

1. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended to read as follows:

C.26:2H-18.58g Disposition of revenue collected from cigarette tax.

4. Notwithstanding the provisions of any other law to the contrary,

a. commencing July 1, 1998 and ending June 30, 2006: after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first $150,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58); and the next $390,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually for health programs, and the next $50,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually to the New Jersey Economic Development Authority for payment of debt service incurred by the authority for school facilities projects and in fiscal years commencing July 1, 2002 and July 1, 2003, the next $30,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall be directed to the Department of Health and Senior Services to fund antismoking initiatives, except that the amount shall be $40,000,000 in the fiscal year commencing July 1, 2004 and $45,000,000 in the fiscal year commencing July 1, 2005; and

b. commencing with fiscal years beginning on and after July 1, 2006, after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first $150,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58). In addition, there shall be deposited $215,000,000 of revenue collected annually from the cigarette tax imposed pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20).

2. Section 5 of P.L.2004, c.68 (C.34:1B-21.20) is amended to read as follows:

C.34:1B-21.20 "Dedicated Cigarette Tax Revenue Fund."

5. a. There is hereby created and established in the Department of the Treasury a separate nonlapsing fund to be known as the "Dedicated Cigarette Tax Revenue Fund." During the State fiscal year beginning July 1, 2006 and during each succeeding State fiscal year in which the authority has outstanding bonds or refunding bonds which have been issued pursuant to this act or is obligated to make any payments under any contract or agreement entered into by the authority pursuant to subsection c. of section 4 of this act, the State Treasurer shall credit to such Fund, on a monthly basis, an amount equivalent to the dedicated cigarette tax revenues received by the State during each calendar month of such fiscal year. Provided however, that:

(1) no credits of dedicated cigarette tax revenues shall be made to the Dedicated Cigarette Tax Revenue Fund in any State fiscal year until the deposits of $150,000,000 of revenue from the cigarette tax required by section 4 of P.L.1997, c.264 (C.26:2H-18.58g) into the Health Care Subsidy Fund have been fully made in such fiscal year,

(2) in each month of a State fiscal year beginning after the month in which the final deposits of $150,000,000 of revenue from the cigarette tax required by section 4 of P.L.1997, c.264 (C.26:2H-18.58g) into the Health Care Subsidy Fund have been fully made for such fiscal year, the State Treasurer shall credit to the Dedicated Cigarette Tax Revenue Fund an amount equivalent to all revenue collected by the State from the cigarette tax during such calendar month until the amount credited to the Dedicated Cigarette Tax Revenue Fund from the beginning of such fiscal year equals

the amount that would have been credited to such Fund since the beginning of such fiscal year in accordance with the preceding sentence if the deposits of $150,000,000 of revenue from the cigarette tax required by section 4 of P.L.1997, c.264 (C.26:2H-18.58g) into the Health Care Subsidy Fund were not required to have been made, and

(3) thereafter, in each month of a State fiscal year, the State Treasurer shall credit (a) to the Dedicated Cigarette Tax Revenue Fund an amount equivalent to the dedicated cigarette tax revenues and (b) to the Health Care Subsidy Fund an amount equivalent to all remaining revenue collected by the State from the cigarette tax during such calendar month; provided, however, that the amount so credited to the Health Care Subsidy Fund shall not exceed $215,000,000 in the aggregate for all such months in the State fiscal year.

b. In each State fiscal year during which the authority has outstanding bonds or refunding bonds which have been issued pursuant to this act or is obligated to make any payments under any contract or agreement entered into by the authority pursuant to subsection c. of section 4 of this act, the State Treasurer shall pay to the authority solely from the Dedicated Cigarette Tax Revenue Fund in accordance with the provisions of any contract between the authority and the State Treasurer authorized and entered into pursuant to section 6 of this act, an amount equal to the debt service payable on the authority's then outstanding bonds or refunding bonds issued pursuant to this act during such fiscal year and any amounts required to be paid by the authority during such fiscal year under any contract or agreement entered into by the authority pursuant to subsection c. of section 4 of this act and such other additional amounts as shall be authorized by this act and required to be paid to the authority pursuant to any contract between the authority and the State Treasurer authorized and entered into pursuant to section 6 of this act; provided, however, that the payment of all such amounts to the authority shall be subject to and dependent upon appropriations being made from time to time by the Legislature of the amounts thereof for the purposes of this act. Notwithstanding any other provision of any law, rule, regulation or order to the contrary, the authority shall be paid only such amounts as shall be required by the provisions of any contract between the authority and the State Treasurer authorized and entered into pursuant to section 6 of this act and the incurrence of any obligation of the State under any such contract, including any payments to be made thereunder from the Dedicated Cigarette Tax Revenue Fund, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of this act.

c. If the authority no longer has outstanding bonds or refunding bonds which have been issued pursuant to this act and is no longer obligated to make any payments under any contract or agreement entered into by the authority pursuant to subsection c. of section 4 of this act or to pay any other costs, fees, expenses, liabilities and other obligations incurred by the authority and the State pursuant to this act, then all monies on deposit in the Dedicated Cigarette Tax Revenue Fund shall be transferred to the General Fund.

3. This act shall take effect immediately.

Approved December 11, 2006.

CHAPTER 99

AN ACT providing for sterile syringe access programs, supplementing Titles 26 and 13 of the Revised Statutes and Title 2C of the New Jersey Statutes, amending P.L.1989, c.34, and making an appropriation.

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

C.26:5C-25 Short title.

1. This act shall be known and may be cited as the "Bloodborne Disease Harm Reduction Act."

C.26:5C-26 Findings, declarations relative to sterile syringe access programs.

2. The Legislature finds and declares that:

a. New Jersey, in comparison with other states nationwide, has the highest rate of cumulative AIDS cases among women, the third highest rate of cumulative pediatric AIDS cases, the fifth highest adult HIV rate, and a rate of injection-related HIV infection that is almost twice the national average;

b. About one in every three persons living with HIV or AIDS is female;

c. More than a million people in the United States are frequent intravenous drug users at a cost to society in health care, lost productivity, accidents and crime of more than $50 billion annually;

d. Sterile syringe access programs have been proven effective in reducing the spread of HIV, hepatitis C and other bloodborne pathogens without increasing drug abuse or other adverse social impacts; yet New Jer-

sey remains the only State nationwide that provides no access to sterile syringes in order to prevent the spread of disease;

e. Every scientific, medical and professional agency or organization that has studied this issue, including the federal Centers for Disease Control and Prevention, the American Medical Association, the American Public Health Association, the National Academy of Sciences, the National Institutes of Health Consensus Panel, the American Academy of Pediatrics, and the United States Conference of Mayors, has found sterile syringe access programs to be effective in reducing the transmission of HIV; and

f. Sterile syringe access programs are designed to prevent the spread of HIV, hepatitis C and other bloodborne pathogens, and to provide a bridge to drug abuse treatment and other social services for drug users; and it is in the public interest to encourage the development of such programs in this State in accordance with statutory guidelines designed to ensure the safety of consumers who use these programs, the health care workers who operate them, and the members of the general public.

C.26:5C-27 Demonstration program for operation of sterile syringe access programs.

3. The Commissioner of Health and Senior Services shall establish a demonstration program to permit up to six municipalities to operate a sterile syringe access program in accordance with the provisions of this act. For the purposes of the demonstration program, the commissioner shall prescribe by regulation requirements for a municipality to establish, or otherwise authorize the operation within that municipality of, a sterile syringe access program to provide for the exchange of hypodermic syringes and needles in accordance with the provisions of this act.

a. The commissioner shall:

(1) request an application, to be submitted on a form and in a manner to be prescribed by the commissioner, from any municipality that seeks to establish a sterile syringe access program, or from other entities authorized to operate a sterile syringe access program within that municipality as provided in paragraph (2) of subsection a. of section 4 of this act;

(2) approve those applications that meet the requirements established by regulation of the commissioner and contract with the municipalities or entities whose applications are approved to establish a sterile syringe access program as provided in paragraph (2) of subsection a. of section 4 of this act to operate a sterile syringe access program in any municipality in which the governing body has authorized the operation of sterile syringe access programs within that municipality by ordinance;

(3) support and facilitate, to the maximum extent practicable, the link-

age of sterile syringe access programs to such health care facilities and programs as may provide appropriate health care services, including mental health and substance abuse treatment, and to housing assistance, career employment-related counseling, and education counseling to consumers participating in any such program;

(4) provide for the adoption of a uniform identification card or other uniform Statewide means of identification for consumers, staff and volunteers of a sterile syringe access program pursuant to paragraph (8) of subsection b. of section 4 of this act; and

(5) maintain a record of the data reported to the commissioner by sterile syringe access programs pursuant to paragraph (10) of subsection b. of section 4 of this act.

b. The commissioner shall be authorized to accept such funding as may be made available from the private sector to effectuate the purposes of this act.

C.26:5C-28 Establishment, authorization by municipality of sterile syringe access program; requirements.

4. a. In accordance with the provisions of section 3 of P.L.2006, c.99 (C.26:5C-27), a municipality may establish or authorize establishment of a sterile syringe access program that is approved by the commissioner to provide for the exchange of hypodermic syringes and needles.

(1) A municipality that establishes a sterile syringe access program, at a fixed location or through a mobile access component, may operate the program directly or contract with one or more of the following entities to operate the program: a hospital or other health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a federally qualified health center, a public health agency, a substance abuse treatment program, an AIDS service organization, or another nonprofit entity designated by the municipality. These entities shall also be authorized to contract directly with the commissioner in any municipality in which the governing body has authorized the operation of sterile syringe access programs by ordinance pursuant to paragraph (2) of this subsection. The municipality or entity under contract shall implement the sterile syringe access program in consultation with a federally qualified health center and the New Jersey Office on Minority and Multicultural Health in the Department of Health and Senior Services, and in a culturally competent manner.

(2) Pursuant to paragraph (2) of subsection a. of section 3 of P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body has authorized the operation of sterile syringe access programs within the municipality

may require within the authorizing ordinance that an entity as described in paragraph (1) of this subsection obtain approval from the municipality, in a manner prescribed by the authorizing ordinance, to operate a sterile syringe access program prior to obtaining approval from the commissioner to operate such a program, or may permit the entity to obtain approval to operate such a program by application directly to the commissioner without obtaining prior approval from the municipality.

(3) Two or more municipalities may jointly establish or authorize establishment of a sterile syringe access program that operates within those municipalities pursuant to adoption of an ordinance by each participating municipality pursuant to this section.

b. A sterile syringe access program shall comply with the following requirements:

(1) Sterile syringes and needles shall be provided at no cost to consumers 18 years of age and older;

(2) Program staff shall be trained and regularly supervised in: harm reduction; substance abuse, medical and social service referrals; and infection control procedures, including universal precautions and needle stick injury protocol; and programs shall maintain records of staff and volunteer training and of hepatitis C and tuberculosis screening provided to volunteers and staff;

(3) The program shall offer information about HIV, hepatitis C and other bloodborne pathogens and prevention materials at no cost to consumers, and shall seek to educate all consumers about safe and proper disposal of needles and syringes;

(4) The program shall provide information and referrals to consumers, including HIV testing options, access to drug abuse treatment programs, and available health and social service options relevant to the consumer's needs, shall encourage consumers to receive an HIV test, and shall also, when appropriate, develop an individualized drug abuse treatment plan for each participating consumer;

(5) The program shall screen out consumers under 18 years of age from access to syringes and needles, and shall refer them to drug abuse treatment and other appropriate programs for youth;

(6) The program shall develop a plan for the handling and disposal of used syringes and needles in accordance with requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated medical waste disposal pursuant to the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.), and shall also develop and maintain protocols for post-exposure treatment;

(7) The program shall maintain the confidentiality of consumers by the use of confidential identifiers, which shall consist of the first two letters of the first name of the consumer's mother and the two-digit day of birth and two-digit year of birth of the consumer, or by the use of such other uniform Statewide mechanism as may be approved by the commissioner for this purpose;

(8) The program shall provide a uniform identification card that has been approved by the commissioner to consumers and to staff and volunteers involved in transporting, exchanging or possessing syringes and needles, or shall provide for such other uniform Statewide means of identification as may be approved by the commissioner for this purpose;

(9) The program shall provide consumers at the time of enrollment with a schedule of program operation hours and locations, in addition to information about prevention and harm reduction and drug abuse treatment services; and

(10) The program shall establish and implement accurate data collection methods and procedures as required by the commissioner for the purpose of evaluating the sterile syringe access programs, including the monitoring and evaluation on a quarterly basis of:

(a) sterile syringe access program participation rates, including the number of consumers who enter drug abuse treatment programs and the status of their treatment;

(b) the effectiveness of the sterile syringe access programs in meeting their objectives, including, but not limited to, return rates of syringes and needles distributed to consumers and the impact of the sterile syringe access programs on intravenous drug use; and

(c) the number and type of referrals provided by the sterile syringe access programs and the specific actions taken by the sterile syringe access programs on behalf of each consumer.

c. A municipality may terminate a sterile syringe access program established or authorized pursuant to this act, which is operating within that municipality, if its governing body approves such an action by ordinance, in which case the municipality shall notify the commissioner of its action in a manner prescribed by regulation of the commissioner.

C.26:5C-29 Reports to Governor, Legislature.

5. a. (1) The Commissioner of Health and Senior Services shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no later than one year after the effective date of this act and biennially thereafter, on the status of sterile syringe access programs established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), and shall include in that report the data provided to the

commissioner by each sterile syringe access program pursuant to paragraph (10) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28).

(2) For the purpose of each biennial report pursuant to paragraph (1) of this subsection, the commissioner shall:

(a) consult with local law enforcement authorities regarding the impact of the sterile syringe access programs on the rate and volume of crime in the affected municipalities and include that information in the report; and

(b) seek to obtain data from public safety and emergency medical services providers Statewide regarding the incidence and location of needle stick injuries to their personnel and include that information in the report.

b. The commissioner shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no later than six months after the date that the initial sterile syringe access program, which is approved by the commissioner pursuant to section 3 of P.L.2006, c.99 (C.26:5C-27), commences its operations, and shall include in that report:

(1) an assessment of whether an adequate number of drug abuse treatment program slots is available to meet the treatment needs of persons who have been referred to drug abuse treatment programs by sterile syringe access programs pursuant to paragraph (4) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28); and

(2) a recommendation for such appropriation as the commissioner determines necessary to ensure the provision of an adequate number of drug abuse treatment program slots for those persons.

c. The commissioner shall contract with an entity that is independent of the department to prepare a detailed analysis of the sterile syringe access programs, and to report on the results of that analysis to the Governor, the Governor's Advisory Council on HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no later than 24 months after the adoption of regulations required pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-31) and annually thereafter. The analysis shall include, but not be limited to:

(1) any increase or decrease in the spread of HIV, hepatitis C and other blood-borne pathogens that may be transmitted by the use of contaminated syringes and needles;

(2) the number of exchanged syringes and needles and an evaluation of the disposal of syringes and needles that are not returned by consumers;

(3) the number of consumers participating in the sterile syringe access programs and an assessment of their reasons for participating in the programs;

(4) the number of consumers in the sterile syringe access programs

who participated in drug abuse treatment programs; and

(5) the number of consumers in the sterile syringe access programs who benefited from counseling and referrals to programs and entities that are relevant to their health, housing, social service, employment and other needs.

d. Within 90 days after receipt of the third report pursuant to subsection c. of this section, the commissioner shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, on a day when both Houses of the Legislature are meeting in the course of a regular or special session, the commissioner's recommendations regarding whether or not to continue the demonstration program established pursuant to this act. The commissioner's recommendations shall be effective unless the Legislature passes a concurrent resolution overriding the commissioner's recommendations no later than the 45th day after its receipt of those recommendations.

C.26:5C-30 Plan for establishment, funding of regional substance abuse treatment facilities.

6. a. The Commissioner of Human Services shall develop a plan for establishing and funding regional substance abuse treatment facilities. The plan shall include a strategy for soliciting proposals from nonprofit agencies and organizations in the State, including State-licensed health care facilities, with experience in the provision of long-term care or outpatient substance abuse treatment services to meet the post-acute health, social, and educational needs of persons living with HIV/AIDS.

b. The commissioner shall submit the plan to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature no later than the 120th day after the effective date of this act, and shall report biannually thereafter to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature on the implementation of the plan.

C.26:5C-31 Rules, regulations.

7. a. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection and 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 P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28).

b. Notwithstanding any provision of P.L.1968, c.410 to the contrary, the commissioner shall adopt, immediately upon filing with the Office of Administrative Law and no later than the 90th day after the effective date of this act, such regulations as the commissioner deems necessary to implement the provisions of sections 3 and 4 of P.L.2006, c.99 (C.26:5C-27

and C.26:5C-28), which shall be effective until the adoption of rules and regulations pursuant to subsection a. of this section and may be amended, adopted or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410.

C.2C:36-6a Possession of syringe, needle, certain circumstances, not an offense.

8. The possession of a hypodermic syringe or needle by a consumer who participates in, or an employee or volunteer of, a sterile syringe access program established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28) shall not constitute an offense pursuant to N.J.S.2C:36-1 et seq. This provision shall extend to a hypodermic syringe or needle that contains a residual amount of a controlled dangerous substance or controlled substance analog.

9. Section 3 of P.L.1989, c.34 (C.13:1E-48.3) is amended to read as follows:

C.13:1E-48.3 Definitions.

3. As used in sections 1 through 25 of this act:

"Board" means the Board of Public Utilities.

"Collection" means the activity related to pick-up and transportation of regulated medical waste from a generator, or from an intermediate location, to a facility, or to a site outside the State, for disposal.

"Commissioners" means the Commissioner of Environmental Protection and the Commissioner of Health and Senior Services.

"Departments" means the Department of Environmental Protection and the Department of Health and Senior Services.

"Dispose" or "disposal" means the storage, treatment, utilization, processing, resource recovery of, or the discharge, deposit, injection, dumping, spilling, leaking, or placing of any regulated medical waste into or on any land or water so that the regulated medical waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Facility" means a solid waste facility as defined in section 3 of P.L.1970, c.39 (C.13:1E-3); or any other incinerator or commercial or noncommercial regulated medical waste disposal facility in this State that accepts regulated medical waste for disposal.

"Federal Act" means the "Medical Waste Tracking Act of 1988" (42 U.S.C. s.6903 et seq.), or any rule or regulation adopted pursuant thereto.

"Generator" means an ambulatory surgical or care facility, community

health center, medical doctor's office, dentist's office, podiatrist's office, home health care agency, health care facility, hospital, medical clinic, morgue, nursing home, urgent care center, sterile syringe access program operating pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), veterinary office or clinic, animal, biological, clinical, medical, microbiological, or pathological diagnostic or research laboratory, any of which generates regulated medical waste, or any other facility identified by the departments that generates regulated medical waste. "Generator" shall not include individual households utilizing home self-care.

"Regulated medical waste" means blood vials; cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; pathological wastes, including tissues, organs, and body parts that are removed during surgery or autopsy; waste human blood and products of blood, including serum, plasma, and other blood components; sharps that have been used in patient care or in medical, research, or industrial laboratories engaged in medical research, testing, or analysis of diseases affecting the human body, including hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades; contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals; any other substance or material related to the transmission of disease as may be deemed appropriate by the departments; and any other substance or material as may be required to be regulated by, or permitted to be exempted from, the Federal Act. The departments may adopt, by rule or regulation and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a more specific definition of regulated medical waste upon the expiration of the demonstration program established under the Federal Act.

"Noncommercial facility" means a facility or on-site generator, as the case may be, which accepts regulated medical waste from other generators for on-site disposal for a cost-based fee not in excess of the costs actually incurred by the facility or on-site generator for the treatment or disposal of the regulated medical waste.

"Transporter" means a person engaged in the collection or transportation of regulated medical waste.

C.13:1E-48.16a Preparation, adoption of sharps disposal component for district solid waste management plan.

10. a. The board of chosen freeholders of each county and the New Jersey Meadowlands Commission, in accordance with standards adopted by the Commissioner of Environmental Protection in consultation with the Commissioner of Health and Senior Services, shall prepare and adopt a sharps disposal component as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) to provide for the proper and safe disposal of medical waste generated at home within the district.

b. The sharps disposal component of each district solid waste management plan shall be developed in consultation with a work group established by the governing body of the affected county and the New Jersey Meadowlands Commission, in the case of the Hackensack Meadowlands District, that includes persons not employed by or affiliated with the county or the commission, as the case may be, who have a demonstrated interest or expertise in the use and disposal of sharps, including, but not limited to, representatives of waste management companies, persons with diabetes and licensed health care facilities.

c. The Commissioner of Environmental Protection shall provide such financial assistance as may be available to the commissioner for the purpose of this section to the various counties to implement the sharps disposal component of the district solid waste management plan. The commissioner shall be authorized to accept such funding as may be made available from the private sector to effectuate the purposes of this section.

C.13:1E-48.16b Rules, regulations.

11. a. The Commissioner of Environmental Protection, in consultation with the Commissioner of Health and Senior Services and 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 section 10 of P.L.2006, c.99 (C.13:1E-48.16a).

b. Notwithstanding any provision of P.L.1968, c.410 to the contrary, the commissioner shall adopt, immediately upon filing with the Office of Administrative Law and no later than the 90th day after the effective date of this act, such regulations as the commissioner deems necessary to implement the provisions of section 10 of P.L.2006, c.99 (C.13:1E-48.16a), which shall be effective until the adoption of rules and regulations pursuant to subsection a. of this section and may be amended, adopted or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410.

12. There is appropriated $10,000,000 from the General Fund to the Division of Addiction Services in the Department of Human Services for inpatient and outpatient drug abuse treatment program slots and outreach.

13. This act shall take effect immediately.

Approved December 19, 2006.

CHAPTER 100

AN ACT concerning the "Law against Discrimination" 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.10:2-1 is amended to read as follows:

Antidiscrimination provisions.

10:2-1. Antidiscrimination provisions. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation or sex;

c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of $50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract or other means of procurement of goods, services, equipment or construction shall be awarded to a small business enterprise, minority business enterprise or a women's business enterprise pursuant to P.L.1985, c.490 (C.18A:18A-51 et seq.).

2. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read as follows:

C.10:5-3 Findings, declarations.

3. The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability or nationality, are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by federal law or otherwise necessary to promote the national interest.

The Legislature further declares its opposition to such practices of discrimination when directed against any person by reason of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, disability or nationality of that person or that person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, in order that the economic prosperity and general welfare of the inhabitants of the State may be protected and ensured.

The Legislature further finds that because of discrimination, people

suffer personal hardships, and the State suffers a grievous harm. The personal hardships include: economic loss; time loss; physical and emotional stress; and in some cases severe emotional trauma, illness, homelessness or other irreparable harm resulting from the strain of employment controversies; relocation, search and moving difficulties; anxiety caused by lack of information, uncertainty, and resultant planning difficulty; career, education, family and social disruption; and adjustment problems, which particularly impact on those protected by this act. Such harms have, under the common law, given rise to legal remedies, including compensatory and punitive damages. The Legislature intends that such damages be available to all persons protected by this act and that this act shall be liberally construed in combination with other protections available under the laws of this State.

3. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read as follows:

C.10:5-4 Obtaining employment, accommodations and privileges without discrimination; civil right.

4. All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for rental or mortgage payments, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

4. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as follows:

C.10:5-5 Definitions relative to discrimination.

5. As used in this act, unless a different meaning clearly appears from the context:

a. "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. "Employment agency" includes any person undertaking to procure employees or opportunities for others to work.

c. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of

dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

d. "Unlawful employment practice" and "unlawful discrimination" include only those unlawful practices and acts specified in section 11 of this act.

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of this act, and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards or bodies.

f. "Employee" does not include any individual employed in the domestic service of any person.

g. "Liability for service in the Armed Forces of the United States" means subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

h. "Division" means the "Division on Civil Rights" created by this act.

i. "Attorney General" means the Attorney General of the State of New Jersey or his representative or designee.

j. "Commission" means the Commission on Civil Rights created by this act.

k. "Director" means the Director of the Division on Civil Rights.

l. "A place of public accommodation" shall include, but not be limited to: any tavern, road house, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theater, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and

university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post secondary school from using in good faith criteria other than race, creed, color, national origin, ancestry, gender identity or expression or affectional or sexual orientation in the admission of students.

m. "A publicly assisted housing accommodation" shall include all housing built with public funds or public assistance pursuant to P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303, P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184, and all housing financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof.

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. Nor does any provision under this act regarding discrimination on the basis of familial status apply with respect to housing for older persons.

o. "Real estate broker" includes a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental

of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesperson" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Disability" means physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic

techniques. Disability shall also mean AIDS or HIV infection.

r. "Blind person" means any individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lens or whose visual acuity is better than 20/200 if accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

s. "Guide dog" means a dog used to assist deaf persons or which is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person, and is used by a blind person who has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.

t. "Guide or service dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide dogs with training, and who is actually involved in the training process.

u. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

v. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

w. "Deaf person" means any person whose hearing is so severely impaired that the person is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on a supportive device or visual communication such as writing, lip reading, sign language, and gestures.

x. "Atypical hereditary cellular or blood trait" means sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

y. "Sickle cell trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin S or one natural parent of the individual is shown to have only normal hemoglo-

bin components (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal proportions by standard chemical and physical analytic tests.

z. "Hemoglobin C trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin C as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin C or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A2, hemoglobin F) in normal proportions by standard chemical and physical analytic tests.

aa. "Thalassemia trait" means the presence of the thalassemia gene which in combination with another similar gene results in the chronic hereditary disease Cooley's anemia.

bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

dd. "Service dog" means any dog individually trained to the requirements of a person with a disability including, but not limited to minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items. This term shall include a "seizure dog" trained to alert or otherwise assist persons subject to epilepsy or other seizure disorders.

ee. "Qualified Medicaid applicant" means an individual who is a qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

ff. "AIDS" means acquired immune deficiency syndrome as defined by the Centers for Disease Control and Prevention of the United States Public Health Service.

gg. "HIV infection" means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS.

hh. "Affectional or sexual orientation" means male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation.

ii. "Heterosexuality" means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the other gender.

jj. "Homosexuality" means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the same gender.

kk. "Bisexuality" means affectional, emotional or physical attraction or behavior which is directed towards persons of either gender.

ll. "Familial status" means being the natural parent of a child, the adoptive parent of a child, the resource family parent of a child, having a "parent and child relationship" with a child as defined by State law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

mm. "Housing for older persons" means housing:

(1) provided under any State program that the Attorney General determines is specifically designed and operated to assist elderly persons (as defined in the State program); or provided under any federal program that the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the federal program); or

(2) intended for, and solely occupied by persons 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Attorney General shall adopt regulations which require at least the following factors:

(a) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing shall not fail to meet the requirements for housing for older persons by reason of: persons residing in such housing as of September 13, 1988 not meeting the age requirements of this subsection, provided that new occupants of such housing meet the age requirements of this subsection; or unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

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

disorder or syndrome.

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

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

qq. "Domestic partnership" means a domestic partnership established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

rr. "Gender identity or expression" means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.

5. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read as follows:

C.10:5-6 Division on Civil Rights created; powers.

6. There is created in the Department of Law and Public Safety a division known as "The Division on Civil Rights" with power to prevent and eliminate discrimination in the manner prohibited by this act against persons because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, familial status, nationality, disability, or sex or because of their liability for service in the Armed Forces of the United States, by employers, labor organizations, employment agencies or other persons and to take other actions against discrimination because of race, creed, color, national origin, ancestry, marital status, sex, familial status, nationality, disability, or age or because of their liability for service in the Armed Forces of the United States, as herein provided; and the division created hereunder is given general jurisdiction and authority for such purposes.

6. Section 8 of P.L.1945, c.169 (C.10:5-8) is amended to read as follows:

C.10:5-8 Attorney General's powers and duties.

8. The Attorney General shall:

a. Exercise all powers of the division not vested in the commission.

b. Administer the work of the division.

c. Organize the division into sections, which shall include but not be

limited to a section which shall receive, investigate, and act upon complaints alleging discrimination against persons because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, familial status, disability, nationality or sex or because of their liability for service in the Armed Forces of the United States; and another which shall, in order to eliminate prejudice and to further good will among the various racial and religious and nationality groups in this State, study, recommend, prepare and implement, in cooperation with such other departments of the State Government or any other agencies, groups or entities both public and private, such educational and human relations programs as are consonant with the objectives of this act; and prescribe the organization of said sections and the duties of his subordinates and assistants.

d. Appoint a Director of the Division on Civil Rights, who shall act for the Attorney General, in the Attorney General's place and with the Attorney General's powers, which appointment shall be subject to the approval of the commission and the Governor, a deputy director and such assistant directors, field representatives and assistants as may be necessary for the proper administration of the division and fix their compensation within the limits of available appropriations. The director, deputy director, assistant directors, field representatives and assistants shall not be subject to the Civil Service Act and shall be removable by the Attorney General at will.

e. Appoint such clerical force and employees as the Attorney General may deem necessary and fix their duties, all of whom shall be subject to the Civil Service Act.

f. Maintain liaison with local and State officials and agencies concerned with matters related to the work of the division.

g. Adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this act.

h. Conduct investigations, receive complaints and conduct hearings thereon other than those complaints received and hearings held pursuant to the provisions of this act.

i. In connection with any investigation or hearing held pursuant to the provisions of this act, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and, in connection therewith, require the production for examination of any books or papers relating to any subject matter under investigation or in question by the division and conduct such discovery procedures which may include the taking of interrogatories and oral depositions as shall be deemed necessary by the Attorney General in any investigation. The Attorney General may make

rules as to the issuance of subpoenas by the director. The failure of any witness when duly subpoenaed to attend, give testimony, or produce evidence shall be punishable by the Superior Court of New Jersey in the same manner as such failure is punishable by such court in a case therein pending.

j. Issue such publications and such results of investigations and research tending to promote good will and to minimize or eliminate discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, familial status, disability, nationality or sex, as the commission shall direct, subject to available appropriations.

k. Render each year to the Governor and Legislature a full written report of all the activities of the division.

l. Appoint, subject to the approval of the commission, a panel of not more than five hearing examiners, each of whom shall be duly licensed to practice law in this State for a period of at least five years, and each to serve for a term of one year and until his successor is appointed, any one of whom the director may designate in his place to conduct any hearing and recommend findings of fact and conclusions of law. The hearing examiners shall receive such compensation as may be determined by the Attorney General, subject to available appropriations.

7. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read as follows:

C.10:5-9.1 Enforcement of laws against discrimination in public housing and real property.

1. The Division on Civil Rights in the Department of Law and Public Safety shall enforce the laws of this State against discrimination in housing built with, or leased with the assistance of, public funds or public assistance, pursuant to any law, and in real property, as defined in the law hereby supplemented, because of race, religious principles, color, national origin, ancestry, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for rental or mortgage payments. The said laws shall be so enforced in the manner prescribed in the act to which this act is a supplement.

8. Section 9 of P.L.1945, c.169 (C.10:5-10) is amended to read as follows:

C.10:5-10 Commission's powers and duties; local commissions.

9. The commission shall:

a. Consult with and advise the Attorney General with respect to the work of the division.

b. Survey and study the operations of the division.

c. Report to the Governor and the Legislature with respect to such matters relating to the work of the division and at such times as it may deem in the public interest.

The mayors or chief executive officers of the municipalities in the State may appoint local commissions on civil rights to aid in effectuating the purposes of this act. Such local commissions shall be composed of representative citizens serving without compensation. Such commissions shall attempt to foster through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the inhabitants of the community, and they may be empowered by the local governing bodies to make recommendations to them for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, familial status, disability, nationality or sex.

9. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

C.10:5-12 Unlawful employment practices, discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for

employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least $27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein con-

tained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has filed a complaint, testified or assisted in any proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, af-

fectional or sexual orientation, disability or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, provided individuals shall be admitted based on their gender identity or expression, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or association, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sub-

lease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property

or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality;

(2) To discriminate against any person because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or

indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, including but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or fi-

nancial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partnership status, liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of

P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

10. Section 12 of P.L.1992, c.146 (C.10:5-12.5) is amended to read as follows:

C.10:5-12.5 Regulation of land use, housing, unlawful discrimination.

12. a. It shall be an unlawful discrimination for a municipality, county or other local civil or political subdivision of the State of New Jersey, or an officer, employee, or agent thereof, to exercise the power to regulate land use or housing in a manner that discriminates on the basis of race, creed, color, national origin, ancestry, marital status, familial status, sex, gender identity or expression, nationality or disability.

b. Notwithstanding the provisions of section 12 of P.L.1945, c.169

(C.10:5-13) any person claiming to be aggrieved by an unlawful discrimination under this section shall enforce this section by private right of action in Superior Court. This section shall not apply to discrimination in housing owned or managed by a municipality, county or other local civil or political subdivision of the State of New Jersey where such discrimination is otherwise prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

11. Section 26 of P.L.1945, c.169 (C.10:5-27) is amended to read as follows:

C.10:5-27 Construction of act; other laws not affected; exception; other remedies.

26. The provisions of this act shall be construed fairly and justly with due regard to the interests of all parties. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this State relating to discrimination because of race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, disability, gender identity or expression, nationality or sex or liability for service in the Armed Forces of the United States; except that, as to practices and acts declared unlawful by section 11 of this act, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. Nothing herein contained shall bar, exclude or otherwise affect any right or action, civil or criminal, which may exist independently of any right to redress against or specific relief from any unlawful employment practice or unlawful discrimination. With respect only to affectional or sexual orientation and gender identity or expression, nothing contained herein shall be construed to require the imposition of affirmative action, plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination.

12. Section 1 of P.L.1975, c.127 (C.10:5-31) is amended to read as follows:

C.10:5-31 Definitions.

1. As used in this act:

a. "Public works contract" means any contract to be performed for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency or authority created by any of the foregoing, for the construction, alteration or repair of any building or public work or for the acquisition of materials, equipment, supplies or services with respect to which discrimination in the hiring of persons for the per-

formance of work thereunder or under any subcontract thereunder by reason of race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, nationality, gender identity or expression, disability or sex is prohibited under R.S.10:2-1.

b. "Equal employment opportunity" means equality in opportunity for employment by any contractor, subcontractor or business firm engaged in the carrying out of a public works project including its development, design, acquisition, construction, management and operation.

13. Section 2 of P.L.1975, c.127 (C.10:5-32) is amended to read as follows:

C.10:5-32 Public works contract not awarded without agreement and guarantee of equal opportunity.

2. No public works contract shall be awarded by the State, a county, municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, nor shall any moneys be paid thereunder to any contractor, subcontractor or business firm which has not agreed and guaranteed to afford equal opportunity in performance of the contract and, except with respect to affectional or sexual orientation, and gender identity or expression, in accordance with an affirmative action program approved by the State Treasurer.

14. Section 3 of P.L.1975, c.127 (C.10:5-33) is amended to read as follows:

C.10:5-33 Contents of bid specs, contract provisions.

3. The State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, shall include in the bid specifications and the contract provisions of any public works contract the following language:

"During the performance of this contract, the contractor agrees as follows:

a. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are

treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause;

b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex;

c. The contractor or subcontractor where applicable, will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment."

In soliciting bids for any public works contract the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, shall include in the advertisement and solicitation of bids the following language: "Bidders are required to comply with the requirements of P.L.1975, c.127."

15. Section 4 of P.L.1975, c.127 (C.10:5-34) is amended to read as follows:

C.10:5-34 Affirmative action program, submission to State Treasurer; fee; approval.

4. Each prospective bidder on a public works contract or contracts and each subcontract bidder to a prime contract bidder shall formulate and submit to the State Treasurer his or its affirmative action program of equal opportunity whereby he or it guarantees minorities employment in all employment categories; the submission shall be accompanied by a fee in an amount to be fixed by the State Treasurer. For the purposes of this section, equal employment opportunity but not affirmative action is required with

respect to persons identified solely by their affectional or sexual orientation and gender identity or expression. The State Treasurer shall notify the bidder of approval or disapproval of his or its program within 60 days of its submission; failure of the State Treasurer to so act within 60 days shall constitute approval of the program. Any existing federally approved or sanctioned affirmative action program shall be approved by the State Treasurer.

No subcontract bidder who has less than five employees need comply with the provisions of this section.

16. This act shall take effect on the 180th day following enactment.

Approved December 19, 2006.

CHAPTER 101

AN ACT concerning criminal history record background checks and supplementing P.L.2001, c.246 (C.App.A:9-64 et seq.).

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

C.App.A:9-79 Definitions relative to criminal history record background checks for certain contractors.

1. As used in this act:

"Applicant" means a person 18 years of age or older who is employed or is being considered for employment by an independent contractor to work in a critical position within a designated facility;

"Critical position" means a position with duties or responsibilities which may affect the public safety or national security as determined by the Attorney General, in consultation with the Director of the Office of Homeland Security and Preparedness, the Commissioner of Environmental Protection, and industry representatives, pursuant to section 3 of this act;

"Designated facility" means "facility" as defined in section 3 of P.L.1985, c.403 (C.13:1K-21), the owner or operator of which is required to submit a registration form pursuant to section 4 of P.L.1985, c.403 (C.13:1K-22);

"Independent contractor" means a person, firm, company or organization which enters into a contract to work within, supply or deliver materials to a designated facility and whose employees have physical access to a des-

ignated facility; and

"Industry representatives" means a group of individuals, chosen by the Attorney General, in consultation with the Director of the Office of Homeland Security and Preparedness and the Commissioner of Environmental Protection with expertise in identifying critical positions which may affect public safety and national security at designated facilities.

C.App.A:9-80 Criminal history record background checks for employees of contractors in critical position at designated facility.

2. The Department of Law and Public Safety shall perform criminal history record background checks on applicants employed by or to be employed by independent contractors in a critical position at a designated facility. The department, or a private vendor approved by the department, also shall perform a thorough identity verification check on these applicants, to include, at a minimum, a credit investigation, a Social Security number verification to detect informational inconsistencies, and a cross-referencing of all applicants against appropriate law enforcement advisories and terror watch lists; provided, however, that in no instance shall information obtained from the Violent Gang and Terrorist Organization File (VGTOF) be disseminated to a non-criminal justice agency or an applicant unless that dissemination is authorized by the Federal Bureau of Investigation and is consistent with federal laws, rules and regulations. An independent contractor shall not employ or hire an applicant for employment in a critical position at a designated facility unless the Attorney General determines that no criminal record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police which would disqualify the individual from being employed, and that the applicant is not otherwise disqualified as a result of required identity verification checks, performed pursuant to the provisions of this act. Any person who is employed on the date of enactment of this act by an independent contractor and who works within a designated facility in a position determined by the Attorney General to be a critical position shall be permitted to serve in that capacity unless and until it is determined that the applicant is disqualified pursuant to this section, provided that within 30 days of the Attorney General's determination that the person will be serving in a critical position, an application has been submitted to the Department of Law and Public Safety with the required fees for that person to qualify for employment in a critical position, and the person has consented to and cooperates with the securing of a criminal history record background check and identity verification check

conducted in accordance with section 4 of this act. The Attorney General, in consultation with the Director of the Office of Homeland Security and Preparedness, the Commissioner of Environmental Protection, and industry representatives, shall develop the criteria for qualification of all applicants. Criminal history record background checks and all identity verification checks shall be repeated for previously qualified employees at least once every five years, for as long as they are employed by an independent contractor in a critical position at a designated facility.

C.App.A:9-81 Determination of titles, positions designated as critical positions.

3. The Attorney General, in consultation with the Director of the Office of Homeland Security and Preparedness, the Commissioner of Environmental Protection, and industry representatives, shall determine the titles and positions which shall be designated as critical positions. These positions shall include any title or position in which the duties or responsibilities may potentially affect the public safety or national security or in which the applicant may have access to information which may potentially affect the public safety or national security. These positions may include, but are not limited to, positions involving information management, preserving and ensuring the public safety, or contractors' access to information or facilities which could be utilized to compromise the public safety and national security.

C.App.A:9-82 Applicants to submit to fingerprinting, background checks.

4. An applicant subject to the provisions of section 2 of this act shall submit to being fingerprinted in accordance with applicable State and federal laws, rules and regulations. An applicant who refuses to consent to, or cooperate in, the securing of a criminal history record background check or identity verification checks, shall not be retained or considered for employment in a critical position at a designated facility. The Department of Law and Public Safety is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation, Identification Section and the Division of State Police, Bureau of Identification for use in making the determinations provided for in section 2 of this act. No criminal history record background check or identity verification checks shall be performed pursuant to this act unless the applicant shall have furnished written consent to such checks. The independent contractor shall bear the cost for the applicant's criminal history record check and identity verification checks.

C.App.A:9-83 Notification of qualification, disqualification of applicant; appeal; maintenance of information.

5. a. Upon receipt of an applicant's criminal history record information and identity verification information, the department shall notify the independent contractor who employs the applicant or is considering the applicant for employment as to whether the applicant is qualified or disqualified for employment pursuant to this act. The independent contractor shall notify the applicant in writing of his qualification for or disqualification from employment pursuant to this act. If the applicant is disqualified for employment, the reasons which constitute the basis for the disqualification shall be identified in the written notice.

b. An applicant shall have 20 days from the date of written notice of disqualification to file an appeal with the department for a review of the criminal history record information or identity verification information to, establish rehabilitation or to dispute the accuracy of such information pursuant to regulations adopted by the Attorney General.

c. An applicant's criminal history record information or identity verification information submitted under this act shall not be maintained for more than six months from the date of the final disposition of the applicant's disqualification.

C.App.A:9-84 Development of system to certify applicants, issuance of credentials; fees.

6. a. The Attorney General, in conjunction with the Commissioner of Environmental Protection, shall develop a system to certify applicants who have been subject to a criminal history record background check and identity verification checks, and who have qualified for employment in a critical position at a designated facility pursuant to the provisions of this act. The Attorney General shall cause to be issued credentials for each such qualified applicant.

b. An independent contractor shall provide written documentation to a designated facility that all employees placed in critical positions have been certified, pursuant to this section.

c. In addition to the fees imposed to cover the cost of criminal history background checks and identity verification checks authorized by section 4 of P.L.2006, c.101 (C.App.A:9-82), the Attorney General may impose a reasonable fee, to be borne by the independent contractor, for each applicant to cover the costs incurred by the department associated with the qualification or disqualification of applicants and the development, creation, and issuance of credentials for qualified applicants authorized pursuant to this act.

C.App.A:9-85 Rules, regulations.

7. The Attorney General shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to implement the provisions of this act, including rules and regulations concerning access to and dissemination of information obtained as a result of conducting a criminal history background check and identity verification checks.

8. This act shall take effect on the 270th day following enactment, except that the Attorney General, Director of the Office of Homeland Security and Preparedness, and Commissioner of Environmental Protection may, prior to the effective date, take such anticipatory action as shall be necessary for the implementation of this act.

Approved December 19, 2006.

CHAPTER 102

AN ACT authorizing the financing of the cost of State capital construction projects, including stem cell research facilities, life sciences research facilities and biomedical research facilities, with the proceeds of bonds to be issued by the New Jersey Economic Development Authority, supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

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

C.34:1B-21.31 Definitions relative to financing of certain stem cell, life sciences, and biomedical research facilities.

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

"Authority" means the New Jersey Economic Development Authority created pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Biomedical research facilities" means one or more facilities owned by Rutgers, the State University, located in Camden, New Jersey, and operated by a consortium of Rutgers, The State University, The Coriell Institute for Medical Research, the Robert Wood Johnson Medical School at Camden, and the Cancer Institute of New Jersey, South Jersey, which will be utilized for biomedical research and related activities, including all facilities ancillary thereto;

"Blood collection facilities" means one or more facilities located in the State that will be utilized by the Elie Katz Umbilical Cord Blood Program at Community Blood Services located in Allendale, New Jersey, for cord blood collection to support stem cell research and related activities, including all facilities ancillary thereto;

"Bonds" means any bonds, notes or other obligations issued or entered into by the authority pursuant to this act;

"Cancer research facilities" means one or more facilities located in Belleville, New Jersey, that will be utilized by the Garden State Cancer Center for cancer research and related activities, including all facilities ancillary thereto;

"Capital cost" means the expenses incurred in connection with: the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of State capital construction projects authorized by this act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property, and the acquisition and construction of new structures and equipment for use in connection with a State capital construction project authorized by this act, including any rights or interests therein, the execution of any agreements and franchises deemed to be necessary or useful and convenient in connection with any State capital construction project authorized by this act; the procurement of engineering, inspection, planning, legal, financial, or other professional services; the administrative, organizational, operating or other expenses incident to the financing, completing, and placing into service of any State capital construction project authorized by this act;

"Refunding bonds" means any bonds, notes or other obligations issued by the authority to refinance bonds, notes or other obligations previously issued or entered into by the authority pursuant to this act;

"State capital construction project" means a project that includes the acquisition of land, and the acquisition and construction of new structures and equipment for capital facilities by grant of the authority for State use and use by other units of government, which use shall include the occupancy by the State and other units of government, and the leasing and licensing of facilities to other entities by the State or other units of government, including stem cell research facilities – New Brunswick and stem cell research facilities – Newark, biomedical research facilities, blood collection facilities and cancer research facilities, whose estimated cost of land, planning, acquisition, construction, furnishing and equipping is estimated to be $50,000 or more;

"Stem cell research facilities - New Brunswick" means facilities located in New Brunswick, New Jersey, which shall be only utilized for stem cell research, including all facilities ancillary thereto; and

"Stem cell research facilities - Newark" means facilities operated by the New Jersey Institute of Technology and located in Newark, New Jersey, which shall be only utilized for stem cell research, including all facilities ancillary thereto.

C.34:1B-21.32 Findings, declarations relative to certain stem cell, life sciences, and biomedical research.

2. The Legislature finds and declares that:

Millions of people suffer from currently incurable diseases and injuries, and recent medical science, including the use of new regenerative medical therapies such as the use of a special type of human cells called "stem cells," provides indications that cures and treatments for certain of these diseases and injuries can be developed;

The development of such cures and treatments will improve New Jersey's health care system, can reduce long-term health care costs, and can benefit the New Jersey economy by creating projects, jobs and therapies;

The State of New Jersey is home to many of the leading life sciences, biotechnology and pharmaceutical companies and the State seeks to preserve its leading role, attract investment, attract scientists, enhance research and, toward that end, seeks to finance facilities for entities involved in stem cell research, life sciences and biomedical research;

Financing stem cell research facilities and life sciences and biomedical research facilities will substantially further the public interest and can most economically be financed through a bond issue; and

The State of New Jersey has determined that bonds issued by the New Jersey Economic Development Authority are the most desirable means to provide funding for such facilities and projects.

C.34:1B-21.33 Powers of authority.

3. Notwithstanding the provisions of any law, rule, regulation or order to the contrary:

a. The authority shall have the power, pursuant to the provisions of this act and P.L.1974, c.80 (C.34:1B-1 et seq.), to issue bonds and refunding bonds, incur indebtedness and borrow money secured, in whole or in part, by money received pursuant to this act for the purpose of providing funds for State capital construction projects and any costs related to the issuance of such bonds. The authority may establish reserve or other funds to

further secure bonds and refunding bonds. The bonds shall be in the amount to yield proceeds to fund, all or in part, the payment of State capital construction projects plus additional bonds to pay for the costs of issuance.

b. The authority may, in any resolution authorizing the issuance of bonds or refunding bonds, pledge the contract with the State Treasurer, provided for in section 4 of P.L.2006, c.102 (C.34:1B-21.34), or any part thereof, to secure the payment, purchase or redemption of the bonds or refunding bonds or any obligations of the authority under any contract or agreement entered into by the authority pursuant to subsection c. of this section, and covenant as to the use and disposition of money available to the authority for the payment, purchase or redemption of bonds and refunding bonds and the payment of any obligations of the authority under any contract or agreement entered into by the authority pursuant to subsection c. of this section. All costs, fees and other expenses related to, or incurred by the authority or the State in connection with, the issuance of bonds and refunding bonds by the authority for the purposes set forth in this act may be paid by the authority from amounts it receives from the proceeds of the bonds or refunding bonds and from amounts it receives pursuant to section 4 of P.L.2006, c.102 (C.34:1B-21.34), which costs, fees and other expenses may include, but are not limited to, any initial or annual administrative costs and fees of the authority attributable to any bonds or refunding bonds issued pursuant to this act, all legal, accounting, trustee or other professional fees, costs or expenses, any costs and fees relating to the issuance of the bonds or refunding bonds, the fees and costs of bond counsel and any other professional fees and costs attributable to the agreements described in subsection c. of this section. The bonds or refunding bonds shall be authorized by resolution, which shall stipulate the manner of execution and form of the bonds, whether the bonds are in one or more series, the date or dates of issue, time or times of maturity, which shall not exceed 20 years, the rate or rates of interest payable on the bonds, which may be at fixed rates or variable rates, and which interest may be current interest or may accrue, the denomination or denominations in which the bonds are issued, conversion or registration privileges, the sources and medium of payment and place or places of payment, terms of redemption, privileges of exchangeability or interchangeability, and entitlement to priorities of payment or security in the amounts to be received by the authority pursuant to section 4 of P.L.2006, c.102 (C.34:1B-21.34). The bonds may be sold at a public or private sale at a price or prices determined by the authority. The authority is authorized to enter into any agreements necessary or desirable to effectuate the purposes of this section, including agreements to sell bonds or re-

funding bonds to any person and to comply with the laws of any jurisdiction relating thereto.

c. In connection with any bonds or refunding bonds issued pursuant to this act, the authority may also enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, currency exchange agreement, interest rate floor or cap, options, puts or calls to hedge payment, currency, rate, spread or similar exposure, or similar agreements, float agreements, forward agreements, insurance contract, surety bond, commitment to purchase or sell bonds, purchase or sale agreement, or commitments or other contracts or agreements and other security agreements approved by the authority.

d. No resolution adopted by the authority authorizing the issuance of bonds or refunding bonds pursuant to this act shall be adopted or otherwise made effective without the approval in writing of the State Treasurer and the Joint Budget Oversight Committee. Except as provided by subsection i. of section 4 of P.L.1974, c.80 (C.34:1B-4), bonds or refunding bonds may be issued without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by this subsection, and without any other proceedings or the occurrence of any other conditions or other things other than those proceedings, conditions or things which are specifically required by this act.

e. Bonds and refunding bonds issued by the authority pursuant to this act shall be special and limited obligations of the authority payable from, and secured by, such funds and moneys determined by the authority in accordance with this section. Neither the members of the authority nor any other person executing the bonds or refunding bonds shall be personally liable with respect to payment of interest and principal on these bonds or refunding bonds. Bonds or refunding bonds issued pursuant to the provisions of this act shall not be a debt or liability of the State or any agency or instrumentality thereof, except as otherwise provided by this subsection, either legal, moral or otherwise, and nothing contained in this act shall be construed to authorize the authority to incur any indebtedness on behalf of or in any way to obligate the State or any political subdivision thereof, and all bonds and refunding bonds issued by the authority shall contain a statement to that effect on their face.

f. The authority is authorized to engage, subject to the approval of the State Treasurer and in such manner as the State Treasurer shall determine, the services of bond counsel, financial advisors and experts, placement agents, underwriters, trustees, verification agents, remarketing agents, broker-dealers, appraisers, and such other advisors, consultants and agents as

may be necessary to effectuate the purposes of this act.

g. The proceeds from the sale of the bonds, other than refunding bonds, issued pursuant to this act, after payment of any costs related to the issuance of such bonds, shall be paid by the authority to be applied to the payment, in full or in part, for the purposes set forth in subsection a. of this section as directed by the State Treasurer.

h. All bonds or refunding bonds issued by the authority are deemed to be issued by a body corporate and politic of the State for an essential governmental purpose, and the interest thereon and the income derived from all funds, revenues, incomes and other moneys received for or to be received by the authority and pledged and available to pay or secure the payment on bonds or refunding bonds and the interest thereon, shall be exempt from all taxes levied pursuant to the provisions of Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, except for transfer inheritance and estate taxes levied pursuant to Subtitle 5 of Title 54 of the Revised Statutes.

i. The State hereby pledges and covenants with the holders of any bonds or refunding bonds issued pursuant to the provisions of this act, that it will not limit or alter the rights or powers vested in the authority by this act, nor limit or alter the rights or powers of the State Treasurer in any manner which would jeopardize the interest of the holders or any trustee of such holders, or inhibit or prevent performance or fulfillment by the authority or the State Treasurer with respect to the terms of any agreement made with the holders of these bonds or refunding bonds or agreements made pursuant to subsection c. of this section except that the failure of the Legislature to appropriate moneys for any purpose of this act shall not be deemed a violation of this section.

j. Notwithstanding any restriction contained in any other law, rule, regulation or order to the contrary, the State and all political subdivisions of this State, their officers, boards, commissioners, departments or other agencies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, saving and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest any sinking funds, moneys or other funds, including capital, belonging to them or within their control, in any bonds or refunding bonds issued by the authority under the provisions of this act; and said bonds and refunding bonds are hereby made securities which may properly and legally be deposited with,

and received by any State or municipal officers or agency of the State, for any purpose for which the deposit of bonds or other obligations of the State is now, or may hereafter be, authorized by law.

C.34:1B-21.34 Appropriations for payment of obligations incurred.

4. In each State fiscal year during which the authority has outstanding bonds or refunding bonds which have been issued pursuant to this act, or is obligated to make any payments under any contract or agreement entered into by the authority pursuant to subsection c. of section 3 of P.L.2006, c.102 (C.34:1B-21.33), the State Treasurer shall pay from the General Fund to the authority, in accordance with a contract or contracts between the State Treasurer and the authority, authorized pursuant to section 5 of P.L.2006, c.102 (C.34:1B-21.35), an amount equivalent to the debt service payable on the authority's then outstanding bonds or refunding bonds issued pursuant to this act during such fiscal year and any amounts required to be paid by the authority during such fiscal year under any contract or agreement entered into by the authority pursuant to subsection c. of section 3 of P.L.2006, c.102 (C.34:1B-21.33). Notwithstanding any other provision of any law, rule, regulation or order to the contrary, the authority shall be paid only such funds as shall be required by the provisions of any contract between the State Treasurer authorized and entered into pursuant to section 5 of P.L.2006, c.102 (C.34:1B-21.35) and further provided that the incurrence of any obligation of the State under any such contract, including any payments to be made thereunder from the General Fund, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of this act.

C.34:1B-21.35 Contracts to implement payment arrangement.

5. The State Treasurer and the authority are authorized to enter into one or more contracts to implement the payment arrangement that is provided for in section 4 of P.L.2006, c.102 (C.34:1B-21.34). The contract or contracts shall provide for payment by the State Treasurer of the amounts required to be paid pursuant to section 4 of P.L.2006, c.102 (C.34:1B-21.34) and shall set forth the procedure for the transfer of moneys for the purpose of paying such amounts. The contract or contracts shall contain such terms and conditions as are determined by the authority and the State Treasurer, and shall include, but not be limited to, terms and conditions necessary and desirable to secure any bonds or refunding bonds of the authority issued pursuant to this act or any obligations of the authority under any contract or agreement entered into by the authority pursuant to subsec-

tion c. of section 4 of P.L.2006, c.102 (C.34:1B-21.34); provided however, that notwithstanding any other provision of any law, rule, regulation or order to the contrary, the authority shall be paid only such amounts as shall be required by the provisions of any contract or contracts and further provided that the incurrence of any obligation of the State under any such contract or contracts, including any payments to be made thereunder from the General Fund, shall be subject to and dependent upon appropriations being made from time to time by the Legislature for the purposes of this act.

C.34:1B-21.36 Amounts provided by authority; projects, amounts, certain.

6. From the proceeds of the bonds issued pursuant to section 3 of P.L.2006, c.102 (C.34:1B-21.33) for State capital construction projects, the following amounts shall be provided by the authority from time to time, and applied as set forth in this section upon written request of the State Treasurer pursuant to an agreement between the authority and the State Treasurer authorized and entered into pursuant to this section:

a. From $270,000,000 in the aggregate from the proceeds of bonds issued after enactment of this act:

(1) an amount not to exceed $150,000,000 shall be utilized by the authority, pursuant to an agreement between the State Treasurer and the authority, to fund the capital costs of stem cell research facilities - New Brunswick;

(2) an amount not to exceed $50,000,000 shall be utilized by the authority, pursuant to an agreement between the State Treasurer and the authority, to fund the capital costs of biomedical research facilities;

(3) an amount not to exceed $50,000,000 shall be utilized by the authority, pursuant to an agreement between the State Treasurer and the authority, to fund the capital costs of stem cell research facilities - Newark;

(4) an amount not to exceed $10,000,000 shall be utilized by the authority, pursuant to an agreement between the State Treasurer and the authority, to fund the capital costs of blood collection facilities; and

(5) an amount not to exceed $10,000,000 shall be utilized by the authority, pursuant to an agreement between the State Treasurer and the authority, to fund the capital costs of cancer research facilities.

b. Any agreement entered into pursuant to this section shall specify the scope of the State capital construction project, the use of the proceeds of the bonds, the acquisition plan for the State capital construction project site, the proposed occupants and permitted uses of the State capital construction project, the proposed operational plan and operating budget for the project

including any rental income from the project, and such other matters as the State Treasurer shall determine.

7. This act shall take effect immediately.

Approved December 20, 2006.

CHAPTER 103

AN ACT concerning marriage and civil unions, establishing a commission and revising and supplementing various parts of the statutory law.

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

C.37:1-28 Findings, declarations concerning civil unions.

1. The Legislature finds and declares that:

a. Same-sex couples in New Jersey live together in committed relationships without the benefits and rights afforded to heterosexual couples who choose to marry;

b. Promoting such stable and durable relationships as well as eliminating obstacles and hardships these couples may face is necessary and proper and reaffirms this State's obligation to insure equality for all the citizens of New Jersey;

c. New Jersey was one of the first states to adopt comprehensive legislation prohibiting discrimination based on affectional or sexual orientation and one of the first states to formally recognize domestic partnerships by enacting the "Domestic Partnership Act," P.L.2003, c.246 (C.26:8A-1 et al.) on January 12, 2004 thereby guaranteeing in law certain rights and benefits to those individuals who enter into domestic partnerships;

d. Those rights and benefits afforded to same-sex couples under the "Domestic Partnership Act" should be expanded by the legal recognition of civil unions between same-sex couples in order to provide these couples with all the rights and benefits that married heterosexual couples enjoy;

e. It is the intent of the Legislature to comply with the constitutional mandate set forth by the New Jersey Supreme Court in the recent landmark decision of Lewis v. Harris, 188 N.J. 415 (October 25, 2006) wherein the Court held that the equal protection guarantee of Article I, paragraph 1 of the State Constitution was violated by denying rights and benefits to committed same-sex couples which were statutorily given to their heterosexual

counterparts. The Court stated that the "State can fulfill that constitutional requirement in one of two ways. It can either amend the marriage statutes to include same-sex couples or enact a parallel statutory structure by another name, in which same-sex couples would not only enjoy the rights and benefits, but also bear the burdens and obligations of civil marriage." Id. at 463.

f. The Legislature has chosen to establish civil unions by amending the current marriage statute to include same-sex couples. In doing so, the Legislature is continuing its longstanding history of insuring equality under the laws for all New Jersey citizens by providing same-sex couples with the same rights and benefits as heterosexual couples who choose to marry.

C.37:1-29 Definitions relative to civil unions.

2. As used in this act:

"Civil union couple" means two persons who have established a civil union pursuant to this act.

"Civil union license or civil union certificate" means a document that certifies that the persons named on the license or certificate have established a civil union in this State in compliance with this act.

"Civil union" means the legally recognized union of two eligible individuals of the same sex established pursuant to this act. Parties to a civil union shall receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage.

"Commissioner" means the Commissioner of Health and Senior Services.

"One partner in a civil union couple" means a person who has established a civil union pursuant to the provisions of this act.

C.37:1-30 Requirements to establish a civil union.

3. For two persons to establish a civil union in this State, it shall be necessary that they satisfy all of the following criteria:

a. Not be a party to another civil union, domestic partnership or marriage in this State;

b. Be of the same sex; and

c. Be at least 18 years of age, except as provided in section 10 of this act.

C.37:1-31 Legal benefits, protections, responsibilities of civil union couples equal to those of married couples.

4. a. Civil union couples shall have all of the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil

law, as are granted to spouses in a marriage.

b. The dissolution of civil unions shall follow the same procedures and be subject to the same substantive rights and obligations that are involved in the dissolution of marriage.

c. The laws of domestic relations, including annulment, premarital agreements, separation, divorce, child custody and support, property division and maintenance, and post-relationship spousal support, shall apply to civil union couples.

d. Civil union couples may modify the terms, conditions or effects of their civil union in the same manner and to the same extent as married persons who execute an antenuptial agreement or other agreement recognized and enforceable under the law, setting forth particular understandings with respect to their union.

e. The rights of civil union couples with respect to a child of whom either becomes the parent during the term of the civil union, shall be the same as those of a married couple with respect to a child of whom either spouse or partner in a civil union couple becomes the parent during the marriage.

f. All contracts made between persons in contemplation of a civil union shall remain in full force after such civil union takes place.

g. A copy of the record of the civil union received from the local or State registrar shall be presumptive evidence of the civil union in all courts.

C.37:1-32 Legal benefits, protections, responsibilities of spouses which apply in like manner to civil union couples; list not exclusive.

5. The following list of legal benefits, protections and responsibilities of spouses shall apply in like manner to civil union couples, but shall not be construed to be an exclusive list of such benefits, protections and responsibilities:

a. laws relating to title, tenure, descent and distribution, intestate succession, survivorship, or other incidents of the acquisition, ownership or transfer, inter vivos or at death, of real or personal property, including but not limited to eligibility to hold real and personal property as tenants by the entirety;

b. causes of action related to or dependent upon spousal status, including an action for wrongful death, emotional distress, loss of consortium, or other torts or actions under contracts reciting, related to, or dependent upon spousal status;

c. probate law and procedure, including nonprobate transfer;

d. adoption law and procedures;

e. laws relating to insurance, health and pension benefits;

f. domestic violence protections pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and domestic violence programs;

g. prohibitions against discrimination based upon marital status;

h. victim's compensation benefits, including but not limited to compensation to spouse, children and relatives of homicide victims;

i. workers' compensation benefits pursuant to chapter 15 of Title 34 of the Revised Statutes, including but not limited to survivors' benefits and payment of back wages;

j. laws relating to emergency and nonemergency medical care and treatment, hospital visitation and notification, and any rights guaranteed to a hospital patient pursuant to P.L.1989, c.170 (C.26:2H-12.7 et seq.) or a nursing home resident pursuant to P.L.1976, c.120 (C.30:13-1 et seq.);

k. advance directives for health care and designation as a health care representative pursuant to P.L.1991, c.201 (C.26:2H-53 et al.);

l. family leave benefits pursuant to P.L.1989, c.261 (C.34:11B-1 et seq.);

m. public assistance benefits under State law, including, but not limited to: Work First New Jersey benefits pursuant to P.L.1997, c.38 (C.44:10-55 et seq.); medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.); Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85 et seq.); pharmaceutical assistance pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) and P.L.2001, c.96 (C.30:4D-43 et seq.); hearing aid assistance pursuant to P.L.1987, c.298 (C.30:4D-36 et seq.); and utility benefits pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.) and P.L.1981, c.210 (C.48:2-29.30 et al.);

n. laws relating to taxes imposed by the State or a municipality including but not limited to homestead rebate tax allowances, tax deductions based on marital status or exemptions from realty transfer tax based on marital status;

o. laws relating to immunity from compelled testimony and the marital communication privilege;

p. the home ownership rights of a surviving spouse;

q. the right of a spouse to a surname change without petitioning the court;

r. laws relating to the making of, revoking and objecting to anatomical gifts pursuant to P.L.1969, c.161 (C.26:6-57 et seq.);

s. State pay for military service;

t. application for absentee ballots;

u. legal requirements for assignment of wages; and

v. laws related to tuition assistance for higher education for surviving

spouses or children.

6. R.S.37:1-1 is amended to read as follows:

Certain marriages or civil unions prohibited.

37:1-1. Certain marriages or civil unions prohibited.

a. A man shall not marry or enter into a civil union with any of his ancestors or descendants, or his sister or brother, or the daughter or son of his brother or sister, or the sister or brother of his father or mother, whether such collateral kindred be of the whole or half blood.

b. A woman shall not marry or enter into a civil union with any of her ancestors or descendants, or her sister or brother, or the daughter or son of her brother or sister, or the sister or brother of her father or mother, whether such collateral kindred be of the whole or half blood.

c. A marriage or civil union in violation of any of the foregoing provisions shall be absolutely void.

7. 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, but 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.

8. R.S.37:1-3 is amended to read as follows:

Where marriage or civil union license to be obtained.

37:1-3. Where marriage or civil union license to be obtained.

The marriage or civil union license shall be issued by the licensing officer in the municipality in which either party resides or, if neither party is a

resident of the State, in the municipality in which the proposed marriage or civil union is to be performed.

9. R.S.37:1-4 is amended to read as follows:

Issuance of marriage or civil union license, emergencies, validity.

37:1-4. Issuance of marriage or civil union license, emergencies, validity.

Except as provided in R.S.37:1-6, the marriage or civil union license shall not be issued by a licensing officer sooner than 72 hours after the application therefor has been made; provided, however, that the Superior Court may, by order, waive all or any part of said 72-hour period in cases of emergency, upon satisfactory proof being shown to it. Said order shall be filed with the licensing officer and attached to the application for the license.

A marriage or civil union license, when properly issued as provided in this article, shall be good and valid only for 30 days after the date of the issuance thereof.

10. R.S.37:1-6 is amended to read as follows:

Consent for minors; requirements.

37:1-6. A marriage or civil union license shall not be issued to a minor under the age of 18 years, unless the parents or guardian of the minor, if there be any, first certify under their hands and seals, in the presence of two reputable witnesses, their consent thereto, which consent shall be delivered to the licensing officer issuing the license. If the parents, or either of them, or guardian of any such minor shall be of unsound mind, the consent of such parent or guardian to the proposed marriage or civil union shall not be required.

When a minor is under the age of 16 years, the consent required by this section must be approved in writing by any judge of the Superior Court, Chancery Division, Family Part. Said approval shall be filed with the licensing officer.

The licensing officer shall transmit to the State registrar all such consents, orders, and approvals so received by him in the same manner and subject to the same penalty as in the case of certificates of marriage or civil union and marriage or civil union licenses.

11. 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 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).

12. 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 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 and their identifying witness.

Any identifying witness or applicant applying for a marriage or civil union license who shall knowingly make false answers to any of the inquiries asked by the licensing officer shall be guilty of perjury.

13. R.S.37:1-11 is amended to read as follows:

Illegal issuance of license a disorderly persons offense.

37:1-11. Illegal issuance of license a disorderly persons offense.

Any licensing officer who issues a marriage or civil union license except as provided in this chapter shall be guilty of a disorderly persons offense.

14. R.S.37:1-12 is amended to read as follows:

Fees; disposition in cities of first class.

37:1-12. Fees; disposition in cities of first class.

For issuing a marriage or civil union license, the licensing officer shall be entitled to receive from the applicants the sum of three dollars ($3.00).

15. Section 1 of P.L.1981, c.382 (C.37:1-12.1) is amended to read as follows:

C.37:1-12.1 Additional fee.

1. In addition to the fee for issuing a marriage or civil union license authorized pursuant to R.S.37:1-12, each licensing officer shall collect a fee of $25 from the marriage license or civil union license applicants which shall be forwarded on a quarterly basis to the Department of Human Services.

16. Section 2 of P.L.1981, c.382 (C.37:1-12.2) is amended to read as follows:

C.37:1-12.2 Trust fund to aid victims of domestic violence.

2. The Department of Human Services shall establish a trust fund for the deposit of the fees received pursuant to section 1 of P.L.1981, c.382 (C.37:1-12.1). The moneys from the trust fund shall be used for the specific purpose of establishing and maintaining shelters for the victims of domestic violence, or a. for providing grants-in-aid to such shelters established by local governments or private nonprofit organizations; or b. for providing grants-in-aid to non-residential agencies whose primary purpose is to serve victims of domestic violence in those counties which do not have emergency residential shelters for victims; or c. for providing grants-in-aid to any nonprofit, Statewide coalition whose membership includes a majority of the programs for battered women in New Jersey and whose board membership includes a majority of representatives of these programs and whose purpose is to provide services, community education, and technical assistance to these programs to establish and maintain shelter and related services for victims of domestic violence and their children.

17. R.S.37:1-13 is amended to read as follows:

Authorization to solemnize marriages and civil unions.

37:1-13. Authorization to solemnize marriages and civil unions.

Each judge of the United States Court of Appeals for the Third Circuit, each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, retired judge of the Superior Court or Tax Court, or judge of the Superior Court or Tax Court, the former County Court, the former County Juvenile and Domestic Relations Court, or the former County District Court who has resigned in good standing, surrogate of any county, county clerk and any mayor or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriages or civil unions between such persons as may lawfully enter into the matrimonial relation or civil union; and every religious society, institution or organization in this State may join together in marriage or civil union such persons according to the rules and customs of the society, institution or organization.

18. R.S.37:1-15 is amended to read as follows:

Solemnizing without presentation of license; disorderly persons offense.

37:1-15. Solemnizing without presentation of license; disorderly persons offense.

Any person, not authorized by R.S.37:1-13 to solemnize marriages or civil unions, who solemnizes a marriage or civil union or any person or religious society, institution or organization, authorized to solemnize marriages or civil unions, who solemnizes a marriage or civil union without the presentation of a license therefor, obtained in accordance with the provisions of article two of this chapter (R.S.37:1-2 et seq.), shall be guilty of a disorderly persons offense, and punished by a fine not exceeding five hundred dollars ($500.00), or imprisonment not exceeding six months, or both.

19. 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, 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 party 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.

20. R.S.37:1-17 is amended to read as follows:

Marriage or civil union license; information provided.

37:1-17. Marriage or civil union license; information provided.

On the marriage or civil union license shall be the form for the certificate of marriage or civil union in quadruplicate, to which the licensing officer shall have set forth particularly therein the name, age, parentage, birthplace, residence, Social Security number and domestic status of each party, whether single, widowed, divorced, or a former civil union or domestic partner and the names and county of birth of their parents. The Social Security number shall be kept confidential and may only be released for child support enforcement purposes, and shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom or the religious society, institution, or organization by or before which, the mar-

riage or civil union was solemnized, shall personally or by legally authorized agent subscribe where indicated on the form the date and place of the marriage or civil union. Each certificate of marriage or civil union shall also contain the signature and residence of at least two witnesses who were present at the marriage or civil union ceremony.

21. 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. The remaining copy shall be retained by the person solemnizing the marriage or civil union.

22. Section 3 of P.L.1980, c.128 (C.37:1-17.2) is amended to read as follows:

C.37:1-17.2 Delayed reports; filing; contents; affidavits; evidence.

3. Delayed reports; filing; contents; affidavits; evidence.

Any marriage or civil union which has occurred or which may hereafter occur and which is not recorded with the State Registrar as required by this chapter, may be recorded by filing a delayed report with the State Registrar, documented by a copy of the application for the license. The delayed report shall contain an affidavit of the person performing the marriage or civil union or if he is deceased or not available, of one or both witnesses to the marriage or civil union ceremony confirming that the ceremony was performed and the date and place of the marriage or civil union.

When it is impossible to secure the affidavit of the officiant or either of the witnesses, the affidavit may be made by a person who was present at the marriage or civil union ceremony, or the contracting parties, provided additional documentary evidence is presented.

The State Registrar may require evidence of the correctness of the information in a delayed report and may refuse to accept a delayed report if the evidence is not submitted.

23. R.S.37:1-18 is amended to read as follows:

Penalty for false certificate.

37:1-18. Penalty for false certificate.

Any person, religious society, institution or organization authorized to solemnize marriages or civil unions, who makes any false certificate of marriage or civil union, shall be liable to a penalty of $100.00.

24. R.S.37:1-19 is amended to read as follows:

Penalty; how recovered.

37:1-19. Penalty; how recovered.

Any penalty incurred under any of the provisions of this article may be recovered with costs, in an action at law by and in the name of the local board of health of the municipality where the marriage or civil union occurred, or by and in the name of the Department of Health and Senior Services.

25. Section 1 of P.L.1977, c.282 (C.37:1-27) is amended to read as follows:

C.37:1-27 Tests; information; distribution by issuer of marriage or civil union licenses.

1. A licensing officer or other person issuing marriage or civil union licenses shall make information available to applicants concerning places where such applicants may be tested for genetic diseases including, but not limited to Cooley's Anemia, Sickle Cell Anemia, and Tay-Sachs Disease. Literature containing such information which has been prepared and provided by private organizations may be distributed to applicants by a licensing officer or other person issuing marriage or civil union licenses.

26. R.S.37:2-31 is amended to read as follows:

Short title.

37:2-31. This article shall be known and may be cited as the "Uniform Premarital and Pre-Civil Union Agreement Act."

27. R.S.37:2-32 is amended to read as follows:

Definitions.

37:2-32. As used in this article:

a. "Premarital or pre-civil union agreement" means an agreement between prospective spouses or partners in a civil union couple made in contemplation of marriage or a civil union and to be effective upon marriage or upon the parties establishing a civil union;

b. "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings;

c. "Unconscionable premarital or pre-civil union agreement" means an agreement, either due to a lack of property or unemployability:

(1) Which would render a spouse or partner in a civil union couple without a means of reasonable support;

(2) Which would make a spouse or partner in a civil union couple a public charge; or

(3) Which would provide a standard of living far below that which was enjoyed before the marriage or civil union.

28. R.S.37:2-33 is amended to read as follows:

Formalties; consideration.

37:2-33. Formalities; consideration.

A premarital or pre-civil union agreement shall be in writing, with a statement of assets annexed thereto, signed by both parties, and it is enforceable without consideration.

29. R.S.37:2-34 is amended to read as follows:

Contents of premarital or pre-civil union agreement.

37:2-34. Contents of premarital or pre-civil union agreement.

Parties to a premarital or pre-civil union agreement may contract with respect to:

a. The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

b. The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;

c. The disposition of property upon separation, marital dissolution, dissolution of a civil union, death, or the occurrence or nonoccurrence of any other event;

d. The modification or elimination of spousal or one partner in a civil union couple support;

e. The making of a will, trust, or other arrangement to carry out the provisions of the agreement;

f. The ownership rights in and disposition of the death benefit from a life insurance policy;

g. The choice of law governing the construction of the agreement; and

h. Any other matter, including their personal rights and obligations, not in violation of public policy.

30. R.S.37:2-35 is amended to read as follows:

Premarital or pre-civil union agreement not to adversely affect right of child support.

37:2-35. Premarital or pre-civil union agreement not to adversely affect right of child support.

A premarital or pre-civil union agreement shall not adversely affect the right of a child to support.

31. R.S.37:2-36 is amended to read as follows:

When premarital or pre-civil union agreement becomes effective.

37:2-36. When premarital or pre-civil union agreement becomes effective.

A premarital or pre-civil union agreement becomes effective upon marriage of the parties or upon the parties establishing a civil union.

32. R.S.37:2-37 is amended to read as follows:

Amendment or revocation of premarital or pre-civil union agreement.

37:2-37. Amendment or revocation of premarital or pre-civil union agreement.

After marriage of the parties or the parties establishing a civil union, a premarital or pre-civil union agreement may be amended or revoked only by a written agreement signed by the parties, and the amended agreement or revocation is enforceable without consideration.

33. R.S.37:2-38 is amended to read as follows:

Enforcement of premarital or pre-civil union agreement; generally.

37:2-38. Enforcement of premarital or pre-civil union agreement; generally.

The burden of proof to set aside a premarital or pre-civil union agreement shall be upon the party alleging the agreement to be unenforceable. A premarital or pre-civil union agreement shall not be enforceable if the party seeking to set aside the agreement proves, by clear and convincing evidence, that:

a. The party executed the agreement involuntarily; or

b. The agreement was unconscionable at the time enforcement was sought; or

c. That party, before execution of the agreement:

(1) Was not provided full and fair disclosure of the earnings, property and financial obligations of the other party;

(2) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided;

(3) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party; or

(4) Did not consult with independent legal counsel and did not voluntarily and expressly waive, in writing, the opportunity to consult with independent legal counsel.

d. The issue of unconscionability of a premarital or pre-civil union agreement shall be determined by the court as a matter of law.

34. R.S.37:2-39 is amended to read as follows:

Enforcement of premarital or pre-civil union agreement; marriage or civil union determined void.

37:2-39. Enforcement of premarital or pre-civil union agreement; marriage or civil union determined void.

If a marriage or civil union is determined to be void, an agreement that would otherwise have been a premarital or pre-civil union agreement is enforceable only to the extent necessary to avoid an inequitable result.

35. R.S.37:2-40 is amended to read as follows:

Construction of article.

37:2-40. Construction of article.

a. This article shall be construed to effectuate its general purpose to make uniform the law with respect to the subject of the article among states enacting the "Uniform Premarital Agreement Act."

b. This article shall be construed to apply to pre-civil union agreements executed on and after the effective date of P.L.2006, c.103 (C.37:1-28 et al.).

36. R.S.37:2-41 is amended to read as follows:

Application of article.

37:2-41. Application of article.

This article shall apply to premarital agreements executed on and after its effective date.

This article as amended by P.L.2006, c.103 (C.37:1-28 et al.) shall apply to pre-civil union agreements executed on and after the effective date of P.L.2006, c.103 (C.37:1-28 et al.).

37. R.S.26:8-1 is amended to read as follows:

Definitions.

26:8-1. As used in this chapter:

"Vital statistics" means statistics concerning births, deaths, fetal deaths, marriages, civil unions and domestic partnerships established pursuant to P.L.2003, c.246 (C.26:8A-1 et al.).

"Vital records" means the birth, death, fetal death, marriage, civil union and domestic partnership records from which vital statistics are produced.

"State registrar" means the State registrar of vital statistics; "Local registrar" or "registrar" means the local registrar of vital statistics of any district; and "registration district" or "district" means a registration district as constituted by this article.

"Live birth" or "birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta attached.

"Authentication" means the entry by the State Medical Examiner or a county medical examiner, funeral director or physician into the New Jersey Electronic Death Registration System of a personal identification code, digital signature or other identifier unique to that user, by which the information entered into the system by the user is authenticated by the user who assumes responsibility for its accuracy. "Authentication" also means the process by which the State registrar or a local registrar, deputy registrar, alternate deputy registrar or subregistrar indicates that person's review and approval of information entered into the system by the State Medical Examiner or a county medical examiner, funeral director or physician.

"Electronic registration system" means any electronic method, including, but not limited to, one based on Internet technology, of collecting, transmitting, recording and authenticating information from one or more responsible parties, which is necessary to complete a vital record, and is designed to replace a manual, paper-based data collection, recordation and signature system.

"New Jersey Electronic Death Registration System" or "NJ-EDRS" is

an electronic registration system for completing a certification of death or fetal death record that is authorized, designed and maintained by the State registrar.

38. R.S.26:8-4 is amended to read as follows:

Duty to furnish information relative to birth, death, marriage, civil union, domestic partnership.

26:8-4. Duty to furnish information relative to birth, death, marriage, civil union, domestic partnership. Upon demand of the State registrar in person, by mail, by means of the NJ-EDRS, or through the local registrar, every physician, midwife, informant, funeral director, or other person having knowledge of the facts relative to any birth, death, fetal death, marriage, civil union or domestic partnership, shall supply such information as he may possess, upon a form provided by the State registrar, or through the NJ-EDRS, or upon the original birth, death, fetal death, marriage, civil union or domestic partnership certificate or its electronic facsimile or digitized form thereof.

39. R.S.26:8-17 is amended to read as follows:

Local registrar; appointment of deputy, alternate deputy registrar.

26:8-17. The local registrar, immediately upon acceptance of the appointment, shall appoint a deputy to assist in the normal, day-to-day operation of the office and whose duty shall be to act in the registrar's stead in case of absence, disability or death of the registrar. In case of death of the local registrar the deputy shall act as local registrar until a new local registrar has been appointed and qualified.

In addition to a deputy registrar, the local registrar may appoint one or two alternate deputy registrars if the local registrar deems such an appointment to be necessary for the office to function efficiently and to provide quality service to the public. The deputy registrar and alternate deputy registrar shall have the authority to receive birth certificates and death certificates; to issue burial permits, and copies of birth, death, marriage, civil union and domestic partnership certificates; to take the oath on marriage and civil union license applications; and to issue marriage and civil union licenses and register domestic partnerships. The deputy registrar and alternate deputy registrar shall receive instructions from and perform their duties under the direct supervision of the registrar, who shall be the final authority with the responsibility of fulfilling the duties of the local registrar

outlined in R.S.26:8-25. The deputy registrar and any alternate deputy registrar shall serve at the pleasure of the local registrar.

40. R.S.26:8-23 is amended to read as follows:

Duty of the department; examination of records.

26:8-23. The Department of Health and Senior Services shall have charge of the registration of births, deaths, fetal deaths, marriages, civil unions and domestic partnerships and shall procure the prompt and accurate registration of the same in each registration district and in the department. The department may promulgate any rule or regulation which it deems necessary for the uniform and thorough enforcement of this section.

The department may decline permission to examine any record except in the presence of an officer or employee of the department.

41. R.S.26:8-24 is amended to read as follows:

Duties, responsibilities of State registrar.

26:8-24. The State registrar shall:

a. Have general supervision throughout the State of the registration of vital records;

b. Have supervisory power over local registrars, deputy local registrars, alternate deputy local registrars, and subregistrars, in the enforcement of the law relative to the disposal of dead bodies and the registration of vital records;

c. Prepare, print, and supply to all registrars, upon request therefor, all blanks and forms used in registering the records required by said law, and provide for and prescribe the use of the NJ-EDRS. No other blanks or methods of registration shall be used than those supplied or approved by the State registrar;

d. Carefully examine the certificates or electronic files received periodically from the local registrars or originating from their jurisdiction; and, if any are incomplete or unsatisfactory, require such further information to be supplied as may be necessary to make the record complete and satisfactory;

e. Arrange or bind, and permanently preserve the certificates of vital records, or the information comprising those records, in a systematic manner and in a form that is deemed most consistent with contemporary and developing standards of vital statistical archival record keeping;

f. Prepare and maintain a comprehensive and continuous index of all vital records registered, the index to be arranged alphabetically:

1. In the case of deaths, by the name of the decedent;

2. In the case of births, by the name of child, if given, and if not, then by the name of father or mother;

3. In the case of marriages, by the surname of the husband and also by the maiden name of the wife;

4. In the case of civil unions, by the surname of each of the parties to the civil union;

5. In the case of domestic partnerships, by the surname of each of the partners;

g. Mark the birth certificate of a missing child when notified by the Missing Persons Unit in the Department of Law and Public Safety pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

h. Develop and provide to local registrars an education and training program, which the State registrar may require each local registrar to complete as a condition of retaining that position, and which may be offered to deputy local registrars, alternate deputy local registrars and subregistrars at the discretion of the State registrar, that includes material designed to implement the NJ-EDRS and to familiarize local registrars with the statutory requirements applicable to their duties and any rules and regulations adopted pursuant thereto, as deemed appropriate by the State registrar.

42. R.S.26:8-25 is amended to read as follows:

Duties, responsibilities of local registrar.

26:8-25. The local registrar, under the supervision and direction of the State registrar, shall:

a. Strictly and thoroughly enforce the law relative to the disposal of dead bodies and the registration of vital records in his registration district;

b. Supply blank forms of certificates to such persons as require them;

c. Supply to every physician, midwife, and funeral director a copy of the law relative to the registration of vital records and the disposal of dead bodies, together with such rules and regulations as may be prepared by the State registrar relative to their enforcement;

d. Sign his name and insert the date of filing on each certificate of birth, marriage, civil union, domestic partnership and death or otherwise authenticate the local registrar's identity through the NJ-EDRS as prescribed by the State registrar;

e. Examine each certificate of birth, marriage, civil union, domestic partnership or death when presented for record in order to ascertain whether

or not it has been made in accordance with law and the instructions of the State registrar; and if incomplete and unsatisfactory, have the same corrected;

f. At the expense of the municipality make a complete and accurate copy of each birth, marriage, civil union, domestic partnership and death certificate registered by him on a form or in a manner prescribed by the State registrar, to be preserved in his office as the local record or in the NJ-EDRS as prescribed by the State registrar;

g. On the tenth day of each month or sooner if requested by the department, transmit to the State registrar all original birth, marriage, civil union, domestic partnership and death certificates received by him for the preceding month, except that a record created on the NJ-EDRS as prescribed by the State registrar shall be deemed to have been transmitted. If no births, marriages, civil unions, domestic partnerships or deaths occurred in any month, he shall, on or before the tenth day of the following month, report that fact to the State registrar on a card provided for such purpose;

h. Make an immediate report to the State registrar of any violation of R.S.26:6-1 et seq., R.S.26:8-1 et seq., R.S.37:1-1 et seq. or P.L.2006, c.103 (C.37:1-28 et al.) coming to his knowledge;

i. In the case of any birth in his registration district to parents who are residents of another registration district or of the marriage or civil union in his registration district of any couple who obtained the marriage or civil union license in another registration district, or of the death in his registration district of any person who at the time of death was a resident of another registration district notify the registrar of the other registration district, within five days of the birth, marriage, civil union, or death, on forms prescribed by the State registrar. All entries relating to cause of death on the original certificate shall be entered on the death form sent to the registrar of the other registration district. A record created on the NJ-EDRS as prescribed by the State registrar shall be deemed to have been transmitted to the registrar of the other registration district;

j. Mark the birth certificate of a missing child born in his registration district when notified by the State registrar pursuant to section 3 of P.L.1995, c.395 (C.52:17B-9.8c); and

k. Make computer facilities with access to the NJ-EDRS available to funeral directors and physicians registered with the NJ-EDRS, within the regular established business hours of the local registrar, for the purpose of providing information necessary to complete a death record.

43. R.S.26:8-27 is amended to read as follows:

Inquiries to applicants for marriage or civil union license.

26:8-27. Inquiries to applicants for marriage or civil union license. The department shall issue to each local registrar and to city clerks of cities of the first class, the form and substance of the several inquiries to be made of applicants for a marriage license or a civil union license and their witnesses for the purpose of ascertaining whether any legal impediment to any proposed marriage or civil union exists.

The form shall not contain any inquiries or information which concerns the race of an applicant for a marriage or civil union license.

44. R.S.26:8-41 is amended to read as follows:

Transmission of marriage and civil union licenses and certificates.

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.

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.

45. R.S.26:8-42 is amended to read as follows:

License issued in another registration district, transmission of information on form provided.

26:8-42. The local registrar who receives the certificate of a marriage or the certificate of a civil union within the district under his jurisdiction, the license for which was issued in another registration district, shall, within 5 days after receipt of the marriage or civil union certificate, copy the names of the persons married or the partners in a civil union couple; the date of marriage or civil union; the place of marriage or the civil union and the marriage or civil union license number upon a form provided by the State registrar and transmit it by mail to the officer legally designated to receive certificates of marriage or civil union in the registration district in which the license was issued.

46. R.S.26:8-43 is amended to read as follows:

Transmission of marriage and civil union certificates and licenses to State registrar.

26:8-43. Transmission of marriage and civil union certificates and licenses to State registrar.

Each local registrar and the clerk of the county board of health shall, on or before the tenth of each calendar month, or sooner if requested by the department, transmit by mail, express or messenger to the State registrar in an envelope or package marked "vital statistics" all the certificates of marriages and civil unions, marriage and civil union licenses and consents to the marriage or civil union of minors received by them.

47. R.S.26:8-44 is amended to read as follows:

Indexing, tabulation and preservation of records by State registrar.

26:8-44. The State registrar shall cause all certificates of marriages and civil unions and marriage and civil union licenses received to be alphabetically indexed and shall cause to be transcribed or otherwise recorded from the certificates such of the vital facts appearing thereon as the department may deem necessary or useful.

The certificates of marriage and civil union shall be so tabulated as to present in separate and distinct classes the record of each county or registration district of over 5,000 inhabitants, which record shall be preserved as a public record and the original certificates shall be preserved in the archives of the department.

48. R.S.26:8-45 is amended to read as follows:

Cancellation of records of marriages and civil unions declared void.

26:8-45. Cancellation of records of marriages and civil unions declared void. If a marriage or a civil union has been declared void by the Superior Court in an action instituted for that purpose and the court is satisfied by the proof taken before the final judgment or by affidavit or otherwise after the final judgment that a record of the marriage or civil union is filed with the State registrar, it may order the record to be canceled.

It shall not be necessary to make the custodian of the record a party to the cause.

The order need only recite that there was a ceremony of marriage or civil union between parties to the cause (naming them), performed on (date) by (naming the officer) and that by a final judgment entered on (date), the marriage or civil union was declared void and may then direct that the said record be canceled.

49. R.S.26:8-46 is amended to read as follows:

Indorsement of record upon cancellation.

26:8-46. Upon presenting a certified copy of said order to the State Registrar, he shall indorse on the return of the marriage or civil union the following words: "This marriage or civil union declared void by the Superior Court. See order hereto annexed" and shall annex the certified copy to the return.

50. R.S.26:8-47 is amended to read as follows:

Preparation of forms for marriage and civil union licenses, certificates.

26:8-47. Preparation of forms for marriage and civil union licenses, certificates.

The department shall cause to be prepared blank forms of certificates of marriages or civil unions and marriage or civil union licenses corresponding to the requirements of R.S.37:1-7 and R.S.37:1-17. The forms, together with such sections of the laws concerning marriages or civil unions and such instructions and explanations thereof as the department may deem useful to persons having duties to perform under such laws shall be printed and supplied upon request therefor to the local registrars and to the city clerks of cities of the first class.

All certificates of marriages or civil unions and marriage or civil union licenses shall be written upon the said blanks or blanks approved by the department and shall not contain any inquiries or information which concerns the race of an applicant for a marriage or civil union license.

51. R.S.26:8-48 is amended to read as follows:

Amendments to certificate, recording, authentication.

26:8-48. A certificate of birth, fetal death, marriage, civil union, domestic partnership or death heretofore or hereafter filed with the State registrar shall not be altered or changed otherwise than by amendments properly signed, dated and witnessed, or as otherwise recorded and authenticated on the NJ-EDRS as prescribed by the State registrar.

52. R.S.26:8-50 is amended to read as follows:

Correcting marriage or civil union licenses.

26:8-50. Correcting marriage or civil union licenses.

Correction to marriage or civil union licenses shall be signed by the

person who issued the license or his successor in office.

53. R.S.26:8-51 is amended to read as follows:

Corrections to marriage, civil union, domestic partnership certificates.

26:8-51. Corrections to marriage, civil union, domestic partnership certificates. Corrections to marriage, civil union or domestic partnership certificates shall be signed by the person who signed the certificate or by any other person having personal knowledge of the matters sought to be corrected which other person shall state such matters on his oath.

54. R.S.26:8-55 is amended to read as follows:

Submitting false certificate; penalty.

26:8-55. Any person knowingly submitting a certificate pursuant to this article containing incorrect particulars relating to any birth, marriage, civil union, domestic partnership or death shall be subject to a penalty of not more than $500, which shall be recovered with costs in a summary proceeding in the name of the department.

55. R.S.26:8-60 is amended to read as follows:

Fee for transmitting certificate.

26:8-60. Each local registrar shall be entitled to receive from the proper disbursing officer of the municipality or county the sum of $1 for each marriage, civil union or domestic partnership certificate properly transmitted to the State Registrar.

In any registration district, the body appointing local registrars may, in lieu of fees, provide that officers performing the above service shall receive a fixed compensation to be determined by such body.

56. R.S.26:8-61 is amended to read as follows:

Fee for cancellation of marriage or civil union record.

26:8-61. Fee for cancellation of marriage or civil union record.

The person procuring the cancellation of a marriage or civil union record pursuant to R.S.26:8-45 and R.S.26:8-46 shall first pay to the State Registrar the sum of $2.00 and the State Registrar shall pay the same over to the State Treasurer. Such fee may be included in the taxable costs in the annulment suit.

57. R.S.26:8-62 is amended to read as follows:

Certification, certified copy of records, search fee; uniform forms for vital records.

26:8-62. a. The State registrar or local registrar shall, upon request, supply to a person who establishes himself as one of the following: the subject of the record of a birth, death, fetal death, certificate of birth resulting in stillbirth, domestic partnership, civil union or marriage, as applicable; the subject's parent, legal guardian or other legal representative; the subject's spouse, one partner in a civil union couple, child, grandchild or sibling, if of legal age, or the subject's legal representative; an agency of State or federal government for official purposes; a person possessing an order of a court of competent jurisdiction; or a person who is authorized under other emergent circumstances as determined by the commissioner, a certified copy, or release of the data and information of that record registered under the provisions of R.S.26:8-1 et seq., or P.L.2006, c.103 (C.37:1-28 et al.) or any domestic partnership registered under the provisions of P.L.2003, c.246 (C.26:8A-1 et al.), for any of which, except as provided by R.S.26:8-63, the State registrar shall be entitled to a search fee, if any, as provided by R.S.26:8-64, to be paid by the person. A certification may be issued in other circumstances and shall state that it is for informational purposes only, and is not to be used for identification purposes. The registrar shall authenticate the identity of the requestor and the requestor's relationship with the subject of the vital record. For the purposes of this subsection, any employee of a mortuary registered pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), or a funeral director licensed pursuant to that act who is affiliated with a registered mortuary, if the mortuary was recorded on the original certificate of death, shall be construed to be the subject's legal representative and entitled to obtain full and complete copies of death certificates or certifications thereof.

b. The State registrar shall, upon request, supply to any applicant a certified transcript of any entry contained in the records of the New Jersey State census for which, except as provided by R.S.26:8-63, he shall be entitled to a search fee as provided by R.S.26:8-64, to be paid by the applicant.

c. For each death registration initiated on the NJ-EDRS on or after the first day of the first month following the date of enactment of P.L.2003, c.221 but before the first day of the thirty-seventh month following the date of enactment of P.L.2003, c.221, the State registrar shall be paid a recording fee for each record filed, whether by means of the current paper process or electronically, in an amount to be determined by the State registrar but not exceeding $10, from the account of the funeral home, which may include this amount in the funeral expenses charged to the estate or person accepting responsibility for the disposition of the deceased's human remains and

the costs associated therewith; provided however, this fee shall not apply to the death registration of a person who died while in the military or naval or maritime or merchant marine service of the United States whose death is recorded pursuant to section 1 of P.L.1950, c.299 (C.26:6-5.2). The State registrar shall deposit the proceeds from the recording fee into the New Jersey Electronic Death Registration Support Fund established pursuant to section 17 of P.L.2003, c.221 (C.26:8-24.2).

d. Notwithstanding any other provision of this section to the contrary, the Commissioner of Health and Senior Services shall designate specifications for uniform forms for the issuance of all vital records, which shall be used by registrars beginning on a date established by the commissioner. The form designated for certified copies of vital records shall contain safety features for authentication purposes and to deter forgery, and shall be readily distinguishable from the form designated for certifications of vital records. Local registrars may include in the fee for a certified copy the additional cost of the form containing such safety features.

The commissioner may issue and enforce orders to implement the provisions of this subsection.

58. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate.

59. R.S.26:8-64 is amended to read as follows:

Search of files, records, fee.

26:8-64. a. For any genealogical search of the files and records of births, deaths, marriages, civil unions or domestic partnerships when information required on the application for a certification or certified copy of a vital record, and the correct year only is supplied by the applicant, whether or not a certification or a certified copy is made, the State registrar shall be entitled to a minimum fee of $4, plus a fee of $1 for each additional year searched, which fee shall be paid by the applicant, except as provided by R.S.26:8-63. The fee for each additional copy of the same record ordered at the same time shall be $2.

b. For any non-genealogical search of the files and records of births, deaths, marriages, civil unions or domestic partnerships when the exact date of the event is supplied, along with all other information required on the application for a certification or certified copy of a vital record, whether or not a certification or certified copy is made, the State Registrar shall be entitled to a minimum fee of $4, which shall be paid by the applicant, except as provided by R.S.26:8-63. The fee for each additional copy of the same record ordered at the same time shall be $2.

c. Conduct without fee upon request for administrative use by any city, state, or federal agency, a search for any New Jersey State census entry.

60. R.S.26:8-66 is amended to read as follows:

Investigation of violation.

26:8-66. The State registrar either personally or by accredited representative, may investigate any case of irregularity or violation of R.S.26:6-1 et seq., R.S.26:8-1 et seq., R.S.37:1-1 et seq., or P.L.2006, c.103 (C.37:1-28 et al.), and every local registrar shall aid him in such investigation.

61. R.S.26:8-67 is amended to read as follows:

Duty of county prosecutor.

26:8-67. Duty of county prosecutor.

When the State registrar shall deem it necessary, he shall report any violation of any provision of R.S.26:6-1 et seq., R.S.26:8-1 et seq., R.S.37:1-1 et seq. or P.L.2006, c.103 (C.37:1-28 et al.), to the county prosecutor, with a statement of the facts and circumstances. Upon such report, the county prosecutor shall forthwith institute and prosecute the necessary proceedings for such alleged violation.

62. R.S.26:8-68 is amended to read as follows:

Duty of attorney general; proceedings by local registrar.

26:8-68. Upon request of the State registrar, the Attorney General shall assist in the enforcement of the provisions of R.S.26:6-1 et seq., R.S.26:8-1 et seq., R.S.37:1-1 et seq. or P.L.2006, c.103 (C.37:1-28 et al.), or the State registrar may direct that local registrars institute proceedings or civil actions in the name of the State department. Such a proceeding or action may be instituted in any court of competent jurisdiction.

63. N.J.S.2A:34-1 is amended to read as follows:

Causes for judgments of nullity.

2A:34-1. Causes for judgments of nullity.

(1) Judgments of nullity of marriage may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of a second or other marriage.

b. The parties are within the degrees prohibited by law. If any such marriage shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, were at the time of marriage physically and incurably impotent, provided the party making the application shall have been ignorant of such impotency or incapability at the time of the marriage, and has not subsequently ratified the marriage.

d. The parties, or either of them, lacked capacity to marry due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the marital relationship; duress; or fraud as to the essentials of marriage; and has not subsequently ratified the marriage.

e. The demand for such a judgment is by the wife or husband who was under the age of 18 years at the time of the marriage, unless such marriage be confirmed by her or him after arriving at such age.

f. Allowable under the general equity jurisdiction of the Superior Court.

(2) Judgments of nullity of a civil union may be rendered in all cases, when:

a. Either of the parties has another wife, husband, partner in a civil union couple or domestic partner living at the time of establishing the new civil union.

b. The parties are within the degrees prohibited by the law from entering into a marriage or establishing a civil union or domestic partnership. If any such civil union shall not have been annulled during the lifetime of the parties the validity thereof shall not be inquired into after the death of either party.

c. The parties, or either of them, lacked capacity to enter into a civil union due to want of understanding because of mental condition, or the influence of intoxicants, drugs, or similar agents; or where there was a lack of mutual assent to the civil union; duress; or fraud as to the essentials of a civil union; and has not subsequently ratified the civil union.

d. The demand for such a judgment is by the party who was under the age of 18 years at the time of the civil union, unless such civil union be confirmed by him after arriving at such age.

e. Allowable under the general equity jurisdiction of the Superior Court.

C.2A:34-2.1 Dissolution of a civil union, causes.

64. The dissolution of a civil union may be adjudged for the following causes:

a. voluntary sexual intercourse between a person who is in a civil union and an individual other than the person's partner in a civil union couple;

b. willful and continued desertion for a period of 12 or more consecutive months, which may be established by satisfactory proof that the parties have ceased to cohabit as partners in a civil union couple;

c. extreme cruelty, which is defined as including any physical or mental cruelty that endangers the safety or health of the plaintiff or makes it improper or unreasonable to expect the plaintiff to continue to cohabit with the defendant; except that no complaint for termination shall be filed until after three months from the date of the last act of cruelty complained of in the complaint, but this provision shall not be held to apply to any counterclaim;

d. separation, provided that the partners in a civil union couple have lived separate and apart in different habitations for a period of at least 18 or more consecutive months and there is no reasonable prospect of reconciliation; and provided further that, after the 18-month period, there shall be a presumption that there is no reasonable prospect of reconciliation;

e. voluntarily induced addiction or habituation to any narcotic drug, as defined in section 2 of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2) or in N.J.S.2C:35-2 of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., or habitual drunkenness for a period of 12 or more consecutive months subsequent to establishment of the civil union and next preceding the filing of the complaint;

f. institutionalization for mental illness for a period of 24 or more consecutive months subsequent to establishment of the civil union and next preceding the filing of the complaint; or

g. imprisonment of the defendant for 18 or more consecutive months after establishment of the civil union, provided that where the action is not commenced until after the defendant's release, the parties have not resumed cohabitation following the imprisonment.

65. N.J.S.2A:34-3 is amended to read as follows:

Causes for divorce from bed and board or legal separation from partner in a civil union couple.

2A:34-3. Causes for divorce from bed and board or legal separation from partner in a civil union couple.

a. Divorce from bed and board may be adjudged for the same causes as divorce from the bonds of matrimony whenever both parties petition or join in requesting such relief and they or either of them present sufficient proof of such cause or causes to warrant the entry of a judgment of divorce from the bonds of matrimony, provided further that in the case of a reconciliation thereafter the parties may apply for a revocation or suspension of the judgment, and provided further that the granting of a bed and board divorce shall in no way prejudice either party from thereafter applying to the court for a conversion of said divorce to a divorce from the bonds of matrimony, which application shall be granted as a matter of right.

b. Legal separation from a partner in a civil union couple may be adjudged for the same causes as dissolution of a civil union whenever both parties petition or join in requesting such relief and they or either of them present sufficient proof of such cause or causes to warrant the entry of a judgment of dissolution of a civil union, provided further that in the case of a reconciliation thereafter the parties may apply for a revocation or suspension of the judgment, and provided further that the granting of a legal separation from a partner in a civil union couple shall in no way prejudice either party from thereafter applying to the court for a conversion of said legal separation from a partner in a civil union couple to a dissolution of a civil union, which application shall be granted as a matter of right.

66. N.J.S.2A:34-6 is amended to read as follows:

Divorce from bed and board or legal separation from a civil union; property rights.

2A:34-6. Divorce from bed and board or legal separation from a civil union; property rights. For and during the time that any judgment for di-

vorce from bed and board or legal separation from a partner in a civil union couple shall remain in force and effect all property rights of the parties shall be as though a judgment of absolute divorce or dissolution had been entered.

In any property transaction by either of the parties in such status the fact of the existence of such judgment shall be distinctly recited and reference to the public record thereof shall be clearly set forth.

67. N.J.S.2A:34-7 is amended to read as follows:

Certain defenses abolished.

2A:34-7. Certain defenses abolished.

Recrimination, condonation and the clean hands doctrine are hereby abolished as defenses to divorce from the bonds of matrimony, dissolution of a civil union, divorce from bed and board or legal separation from a partner in a civil union couple, and if both parties make out grounds for a divorce, dissolution or legal separation, a decree may be granted to each; provided that nothing herein shall preclude or abrogate the responsibility of a party for the penalty provided by law for perjury or the subornation of perjury.

68. N.J.S.2A:34-8 is amended to read as follows:

Jurisdiction stated.

2A:34-8. Jurisdiction stated.

The Superior Court shall have jurisdiction of all causes of divorce, dissolution of a civil union, bed and board divorce, legal separation from a partner in a civil union couple or nullity when either party is a bona fide resident of this State. The Superior Court shall have jurisdiction of an action for alimony and maintenance when the defendant is subject to the personal jurisdiction of the court, is a resident of this State, or has tangible or intangible real or personal property within the jurisdiction of the court. The Superior Court may afford incidental relief as in other cases of an equitable nature and by rule of court may determine the venue of matrimonial and civil union actions.

69. N.J.S.2A:34-9 is amended to read as follows:

Jurisdiction in nullity proceedings or dissolution proceedings; residence requirements; service of process.

2A:34-9. Jurisdiction in nullity proceedings or dissolution proceedings; residence requirements; service of process.

Jurisdiction in actions for nullity of marriage or dissolution of a civil union may be acquired when:

a. Either party is a bona fide resident of this State at the time of the commencement of the action; and

b. Process is served upon the defendant as prescribed by the rules of the Supreme Court.

70. N.J.S.2A:34-10 is amended to read as follows:

Jurisdiction in divorce proceedings, dissolution of a civil union, legal separation from a partner in a civil union couple; service of process; residence requirements.

2A:34-10. Jurisdiction in divorce proceedings, dissolution of a civil union, legal separation from a partner in a civil union couple; service of process; residence requirements.

Jurisdiction in actions for divorce, either absolute or from bed and board, and in actions for dissolution of a civil union or legal separation from a partner in a civil union couple may be acquired when process is served upon the defendant as prescribed by the rules of the Supreme Court, and

1. When, at the time the cause of action arose, either party was a bona fide resident of this State, and has continued so to be down to the time of the commencement of the action; except that no action for absolute divorce or dissolution of a civil union shall be commenced for any cause other than adultery, unless one of the parties has been for the 1 year next preceding the commencement of the action a bona fide resident of this State; or

2. When, since the cause of action arose, either party has become, and for at least 1 year next preceding the commencement of the action has continued to be, a bona fide resident of this State.

71. N.J.S.2A:34-11 is amended to read as follows:

Jurisdiction by acknowledgment of service of process, appearance, etc.

2A:34-11. Jurisdiction by acknowledgment of service of process, appearance, etc.

In divorce, dissolution and nullity actions, the jurisdiction of the court over the defendant's person for all purposes of the action shall be fully established by the filing of an acknowledgment of service of process, or of an appearance, or of an answer by the defendant pro se, or on his behalf by a duly authorized attorney, in such manner as may be prescribed by rules of the Supreme Court.

72. N.J.S.2A:34-12 is amended to read as follows:

Counterclaims.

2A:34-12. Counterclaims.

Whenever the court shall have acquired jurisdiction of any action under the provisions of this chapter or P.L.2006, c.103 (C.37:1-28 et al.), the defendant therein may, by counterclaim, state any cause of action under this chapter or P.L.2006, c.103 (C.37:1-28 et al.) which exists at the time of the service of the counterclaim.

73. N.J.S.2A:34-13 is amended to read as follows:

Matrimonial or civil union action.

2A:34-13. Matrimonial or civil union action.

A person who has attained the age of 16 years may prosecute or defend any matrimonial or civil union action in person or by attorney.

74. N.J.S.2A:34-14 is amended to read as follows:

Parent or guardian may prosecute or defend.

2A:34-14. Parent or guardian may prosecute or defend.

A parent or guardian shall not be precluded by the provisions of this chapter from prosecuting or defending any action respecting the marriage or civil union status or relation of his minor child or ward.

75. N.J.S.2A:34-15 is amended to read as follows:

Co-respondent in adultery or dissolution of a civil union actions.

2A:34-15. Co-respondent in adultery or dissolution of civil union actions.

Where a person is named as co-respondent in a charge of adultery or in a charge giving rise to a cause of action for dissolution of a civil union pursuant to subsection a. of section 64 of P.L.2006, c.103 (C.2A:34-2.1), the party making the charge shall give the co-respondent written notice of the charge within the time and in the manner prescribed by the rules of the Supreme Court.

Any such co-respondent shall be entitled to intervene in the action on this particular issue.

76. N.J.S.2A:34-18 is amended to read as follows:

Final judgment; appeal.

2A:34-18. Final judgment; appeal.

If after the hearing of any cause the court shall determine that the plaintiff or counterclaimant is entitled to a judgment of nullity of marriage or nullity of a civil union or a judgment for divorce from the bonds of matrimony or judgment for dissolution of a civil union, a final judgment shall be entered.

Appeals shall be taken only from the final judgment.

77. N.J.S.2A:34-21 is amended to read as follows:

Surname.

2A:34-21. Surname.

The court, upon or after granting a divorce from the bonds of matrimony to either spouse or dissolution of a civil union to either partner in a civil union couple, may allow either spouse or partner in a civil union couple to resume any name used by the spouse or partner in a civil union couple before the marriage or civil union, or to assume any surname.

78. N.J.S.2A:34-23 is amended to read as follows:

Alimony, maintenance.

2A:34-23. Alimony, maintenance.

Pending any matrimonial action or action for dissolution of a civil union brought in this State or elsewhere, or after judgment of divorce or dissolution or maintenance, whether obtained in this State or elsewhere, the court may make such order as to the alimony or maintenance of the parties, and also as to the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, including, but not limited to, the creation of trusts or other security devices, to assure payment of reasonably foreseeable medical and educational expenses. Upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with any such order, the court may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just; or the performance of the said orders may be enforced by other

ways according to the practice of the court. Orders so made may be revised and altered by the court from time to time as circumstances may require.

The court may order one party to pay a retainer on behalf of the other for expert and legal services when the respective financial circumstances of the parties make the award reasonable and just. In considering an application, the court shall review the financial capacity of each party to conduct the litigation and the criteria for award of counsel fees that are then pertinent as set forth by court rule. Whenever any other application is made to a court which includes an application for pendente lite or final award of counsel fees, the court shall determine the appropriate award for counsel fees, if any, at the same time that a decision is rendered on the other issue then before the court and shall consider the factors set forth in the court rule on counsel fees, the financial circumstances of the parties, and the good or bad faith of either party.

a. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court in those cases not governed by court rule shall consider, but not be limited to, the following factors:

(1) Needs of the child;

(2) Standard of living and economic circumstances of each parent;

(3) All sources of income and assets of each parent;

(4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;

(5) Need and capacity of the child for education, including higher education;

(6) Age and health of the child and each parent;

(7) Income, assets and earning ability of the child;

(8) Responsibility of the parents for the court-ordered support of others;

(9) Reasonable debts and liabilities of each child and parent; and

(10) Any other factors the court may deem relevant.

The obligation to pay support for a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to pay support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. However, in assessing the financial obligation of the parent, the court shall con-

sider, in addition to the factors enumerated in this section, the child's eligibility for public benefits and services for people with disabilities and may make such orders, including an order involving the creation of a trust, as are necessary to promote the well-being of the child.

As used in this section "severe mental or physical incapacity" shall not include a child's abuse of, or addiction to, alcohol or controlled substances.

b. In all actions brought for divorce, dissolution of a civil union, divorce from bed and board, legal separation from a partner in a civil union couple or nullity the court may award one or more of the following types of alimony: permanent alimony; rehabilitative alimony; limited duration alimony or reimbursement alimony to either party. In so doing the court shall consider, but not be limited to, the following factors:

(1) The actual need and ability of the parties to pay;

(2) The duration of the marriage or civil union;

(3) The age, physical and emotional health of the parties;

(4) The standard of living established in the marriage or civil union and the likelihood that each party can maintain a reasonably comparable standard of living;

(5) The earning capacities, educational levels, vocational skills, and employability of the parties;

(6) The length of absence from the job market of the party seeking maintenance;

(7) The parental responsibilities for the children;

(8) The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;

(9) The history of the financial or non-financial contributions to the marriage or civil union by each party including contributions to the care and education of the children and interruption of personal careers or educational opportunities;

(10) The equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair;

(11) The income available to either party through investment of any assets held by that party;

(12) The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a non-taxable payment; and

(13) Any other factors which the court may deem relevant.

When a share of a retirement benefit is treated as an asset for purposes of equitable distribution, the court shall not consider income generated thereafter by that share for purposes of determining alimony.

c. In any case in which there is a request for an award of permanent alimony, the court shall consider and make specific findings on the evidence about the above factors. If the court determines that an award of permanent alimony is not warranted, the court shall make specific findings on the evidence setting out the reasons therefor. The court shall then consider whether alimony is appropriate for any or all of the following: (1) limited duration; (2) rehabilitative; (3) reimbursement. In so doing, the court shall consider and make specific findings on the evidence about factors set forth above. The court shall not award limited duration alimony as a substitute for permanent alimony in those cases where permanent alimony would otherwise be awarded.

An award of alimony for a limited duration may be modified based either upon changed circumstances, or upon the nonoccurrence of circumstances that the court found would occur at the time of the award. The court may modify the amount of such an award, but shall not modify the length of the term except in unusual circumstances.

In determining the length of the term, the court shall consider the length of time it would reasonably take for the recipient to improve his or her earning capacity to a level where limited duration alimony is no longer appropriate.

d. Rehabilitative alimony shall be awarded based upon a plan in which the payee shows the scope of rehabilitation, the steps to be taken, and the time frame, including a period of employment during which rehabilitation will occur. An award of rehabilitative alimony may be modified based either upon changed circumstances, or upon the nonoccurrence of circumstances that the court found would occur at the time of the rehabilitative award.

This section is not intended to preclude a court from modifying permanent alimony awards based upon the law.

e. Reimbursement alimony may be awarded under circumstances in which one party supported the other through an advanced education, anticipating participation in the fruits of the earning capacity generated by that education.

f. Nothing in this section shall be construed to limit the court's authority to award permanent alimony, limited duration alimony, rehabilita-

tive alimony or reimbursement alimony, separately or in any combination, as warranted by the circumstances of the parties and the nature of the case.

g. In all actions for divorce or dissolution other than those where judgment is granted solely on the ground of separation the court may consider also the proofs made in establishing such ground in determining an amount of alimony or maintenance that is fit, reasonable and just. In all actions for divorce, dissolution of civil union, divorce from bed and board, or legal separation from a partner in a civil union couple where judgment is granted on the ground of institutionalization for mental illness the court may consider the possible burden upon the taxpayers of the State as well as the ability of the party to pay in determining an amount of maintenance to be awarded.

h. In all actions where a judgment of divorce, dissolution of civil union, divorce from bed and board or legal separation from a partner in a civil union couple is entered the court may make such award or awards to the parties, in addition to alimony and maintenance, to effectuate an equitable distribution of the property, both real and personal, which was legally and beneficially acquired by them or either of them during the marriage or civil union. However, all such property, real, personal or otherwise, legally or beneficially acquired during the marriage or civil union by either party by way of gift, devise, or intestate succession shall not be subject to equitable distribution, except that interspousal gifts or gifts between partners in a civil union couple shall be subject to equitable distribution.

79. Section 1 of P.L.1997, c.405 (C.2A:34-23d) is amended to read as follows:

C.2A:34-23d Maintenance of certain insurance coverage in action for divorce or dissolution.

1. a. Upon filing of a complaint for an action for divorce, dissolution, nullity or separate maintenance, where the custody, visitation or support of a minor child is an issue, the party who has maintained all existing insurance coverage or coverage traditionally maintained during the marriage or civil union, including but not limited to, all health, disability, home or life insurance, shall continue to maintain or continue to share in the cost of maintaining the coverage.

b. If a party who has maintained the existing insurance coverage or has shared in the cost of maintaining the coverage has had a voluntary or involuntary change in employment status, which may cause the existing insurance coverage to terminate, then that party shall notify the other party

that it may be necessary to reallocate the financial responsibilities of maintaining the coverage.

c. Upon receipt of this notice, the party may petition the court to reallocate financial responsibilities.

d. The court may take any action it deems appropriate to reallocate financial responsibilities including but not limited to ordering a party to obtain comparable coverage or releasing a party from the obligation or any other order.

80. Section 4 of P.L.1988, c.153 (C.2A:34-23.1) is amended to read as follows:

C.2A:34-23.1 Equitable distribution criteria.

4. In making an equitable distribution of property, the court shall consider, but not be limited to, the following factors:

a. The duration of the marriage or civil union;

b. The age and physical and emotional health of the parties;

c. The income or property brought to the marriage or civil union by each party;

d. The standard of living established during the marriage or civil union;

e. Any written agreement made by the parties before or during the marriage or civil union concerning an arrangement of property distribution;

f. The economic circumstances of each party at the time the division of property becomes effective;

g. The income and earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children, and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage or civil union;

h. The contribution by each party to the education, training or earning power of the other;

i. The contribution of each party to the acquisition, dissipation, preservation, depreciation or appreciation in the amount or value of the marital property, or the property acquired during the civil union as well as the contribution of a party as a homemaker;

j. The tax consequences of the proposed distribution to each party;

k. The present value of the property;

l. The need of a parent who has physical custody of a child to own or occupy the marital residence or residence shared by the partners in a civil union couple and to use or own the household effects;

m. The debts and liabilities of the parties;

n. The need for creation, now or in the future, of a trust fund to secure reasonably foreseeable medical or educational costs for a spouse, partner in a civil union couple or children;

o. The extent to which a party deferred achieving their career goals; and

p. Any other factors which the court may deem relevant.

In every case, the court shall make specific findings of fact on the evidence relevant to all issues pertaining to asset eligibility or ineligibility, asset valuation, and equitable distribution, including specifically, but not limited to, the factors set forth in this section.

It shall be a rebuttable presumption that each party made a substantial financial or nonfinancial contribution to the acquisition of income and property while the party was married.

81. Section 1 of P.L.1954, c.187 (C.2A:34-24.1) is amended to read as follows:

C.2A:34-24.1 Court-orders for support, maintenance despite absence of personal jurisdiction..

1. When a spouse or partner in a civil union couple has secured a judgment or decree of divorce, whether absolute or from bed and board, dissolution of a civil union, legal separation from a partner in a civil union couple, or of nullity or annulment of marriage or civil union, in an action whether brought in this State or elsewhere, wherein jurisdiction over the person of the other spouse or the other partner in a civil union couple was not obtained, the court may make the same orders and judgments touching the suitable support and maintenance to be paid and provided by the spouse or partner in a civil union couple, or to be made out of the spouse's or partner's property, for the other spouse or partner and their children, or any of them, by their marriage or civil union and for such time, as the nature of the case and circumstances of the parties render suitable and proper, pursuant to the provisions of chapter 34 of Title 2A of the New Jersey Statutes notwithstanding the securing of such judgment or decree.

82. N.J.S.2A:34-25 is amended to read as follows:

Termination of alimony.

2A:34-25. If after the judgment of divorce or dissolution a former spouse shall remarry or a former partner shall enter into a new civil union, permanent and limited duration alimony shall terminate as of the date of remarriage or new civil union except that any arrearages that have accrued prior to the date of remarriage or new civil union shall not be vacated or annulled. A former spouse or former partner in a civil union couple who remarries or enters into a new civil union shall promptly so inform the spouse or partner paying permanent or limited duration alimony as well as the collecting agency, if any. The court may order such alimony recipient who fails to comply with the notification provision of this act to pay any reasonable attorney fees and court costs incurred by the recipient's former spouse or partner as a result of such non-compliance.

The remarriage or establishment of a new civil union of a former spouse or partner receiving rehabilitative or reimbursement alimony shall not be cause for termination of such alimony by the court unless the court finds that the circumstances upon which the award was based have not occurred or unless the payer spouse or partner demonstrates an agreement or good cause to the contrary.

Alimony shall terminate upon the death of the payer spouse or partner, except that any arrearages that have accrued prior to the date of the payer spouse's or partner's death shall not be vacated or annulled.

Nothing in this act shall be construed to prohibit a court from ordering either spouse or partner to maintain life insurance for the protection of the former spouse, partner, or the children of the marriage or civil union in the event of the payer spouse's or partner's death.

83. N.J.S.2A:34-26 is amended to read as follows:

Attachment of property.

When a spouse or one partner in a civil union couple cannot be found within this State to be served with process, the spouse's or partner's estate, property and effects within this State and the rents and profits thereof may be attached to compel the spouse's or partner's appearance and performance of any judgment or order which may be made in the action. Where the proceedings are by process of attachment and the defendant does not appear, the judgment shall be enforceable only out of and against the property attached.

84. N.J.S.22A:2-10 is amended to read as follows:

Chancery Division of Superior Court; costs awarded.

22A:2-10. Chancery Division of Superior Court; costs awarded.

Upon the completion and determination of the following actions and proceedings in the Chancery Division of the Superior Court, the costs awarded to a party therein for the drawing of papers, including orders, writs and judgments, shall be as stated below:

Plaintiff's costs, foreclosure	$50.00
Plaintiff's costs, partition	70.00
Plaintiff's and receiver's costs, receivership	125.00
Plaintiff's costs, receivership	62.50
Receiver's costs, receivership	62.50
Plaintiff's costs, divorce, dissolution of civil union, nullity, custody	30.00
Plaintiff's costs, causes of action for other relief	65.00
Plaintiff's costs, incompetency action	47.50
Plaintiff's costs, sale of lands of infant or incompetent	50.00
Plaintiff's costs, release of dower or curtesy	50.00
Plaintiff's costs, mortgage lands of an infant or incompetent	50.00
Plaintiff's costs, interpleader	35.00
Plaintiff's costs, appointment of tax receiver	27.50
Plaintiff's costs, actions for payment of money into court; to hold real estate; to limit creditors	22.50
Plaintiff's costs, action for appointment of trustee or substituted trustee	33.50
Costs on contempt proceedings	25.00
Costs on application to fix dower or curtesy	22.50
Costs on application to pay moneys out of court	23.50
Costs on application for instructions, or to approve account	30.00
Costs on application for writ of execution	10.00
Costs on application for relief from final judgment or, in a matrimonial cause from judgment nisi or order	20.00
Costs on application for writ of possession	30.00
Costs on application for alimony pendente lite, attorney fee, suit money	20.00
Defendant's costs where final judgment is taken by him	30.00

Defendant's costs where final judgment is not taken by him 20.00
Costs upon any other litigated or special motion, subsidiary or interlocutory, not heretofore provided for 20.00

85. N.J.S.22A:2-12 is amended to read as follows:

Payment of fees in Chancery Division of Superior Court upon filing of first paper.

22A:2-12. Payment of fees in Chancery Division of Superior Court upon filing of first paper. Upon the filing of the first paper in any action or proceeding in the Chancery Division of the Superior Court, there shall be paid to the clerk of the court, for the use of the State, the following fees, which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Receivership and partition, $200.00.

All other actions and proceedings except in probate cases and actions and proceedings for divorce or dissolution of a civil union, $200.00.

Actions and proceedings for divorce or dissolution of a civil union, $250.00, $25.00 of which shall be forwarded by the Clerk of the Superior Court as provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

Any person filing a motion in any action or proceeding shall pay to the clerk $30.00.

86. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended to read as follows:

C.52:27D-43.24a Forwarding of filing fee.

2. Forwarding of filing fee. The Clerk of the Superior Court shall forward $25.00 of the $250.00 filing fee for a divorce or a dissolution of a civil union provided for in N.J.S.22A:2-12 on a quarterly basis to the Department of Community Affairs.

87. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as follows:

C.10:5-5 Definitions relative to discrimination.

5. As used in this act, unless a different meaning clearly appears from the context:

a. "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. "Employment agency" includes any person undertaking to procure employees or opportunities for others to work.

c. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

d. "Unlawful employment practice" and "unlawful discrimination" include only those unlawful practices and acts specified in section 11 of this act.

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of this act, and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards or bodies.

f. "Employee" does not include any individual employed in the domestic service of any person.

g. "Liability for service in the Armed Forces of the United States" means subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

h. "Division" means the "Division on Civil Rights" created by this act.

i. "Attorney General" means the Attorney General of the State of New Jersey or his representative or designee.

j. "Commission" means the Commission on Civil Rights created by this act.

k. "Director" means the Director of the Division on Civil Rights.

l. "A place of public accommodation" shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and termi-

nals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post secondary school from using in good faith criteria other than race, creed, color, national origin, ancestry, gender identity or expression or affectional or sexual orientation in the admission of students.

m. "A publicly assisted housing accommodation" shall include all housing built with public funds or public assistance pursuant to P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303, P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184, and all housing financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof.

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calcu-

lated by such organization to promote the religious principles for which it is established or maintained. Nor does any provision under this act regarding discrimination on the basis of familial status apply with respect to housing for older persons.

o. "Real estate broker" includes a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesperson" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Disability" means physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but

not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

r. "Blind person" means any individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lens or whose visual acuity is better than 20/200 if accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

s. "Guide dog" means a dog used to assist deaf persons or which is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person, and is used by a blind person who has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.

t. "Guide or service dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide dogs with training, and who is actually involved in the training process.

u. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

v. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

w. "Deaf person" means any person whose hearing is so severely impaired that the person is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on a supportive device or visual communication such as writing, lip reading, sign language, and gestures.

x. "Atypical hereditary cellular or blood trait" means sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

y. "Sickle cell trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin S or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal proportions by standard chemical and physical analytic tests.

z. "Hemoglobin C trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin C as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin C or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A2, hemoglobin F) in normal proportions by standard chemical and physical analytic tests.

aa. "Thalassemia trait" means the presence of the thalassemia gene which in combination with another similar gene results in the chronic hereditary disease Cooley's anemia.

bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

dd. "Service dog" means any dog individually trained to the requirements of a person with a disability including, but not limited to minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items. This term shall include a "seizure dog" trained to alert or otherwise assist persons subject to epilepsy or other seizure disorders.

ee. "Qualified Medicaid applicant" means an individual who is a qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

ff. "AIDS" means acquired immune deficiency syndrome as defined by the Centers for Disease Control and Prevention of the United States Public Health Service.

gg. "HIV infection" means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS.

hh. "Affectional or sexual orientation" means male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation.

ii. "Heterosexuality" means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the other gender.

jj. "Homosexuality" means affectional, emotional or physical attraction or behavior which is primarily directed towards persons of the same gender.

kk. "Bisexuality" means affectional, emotional or physical attraction or behavior which is directed towards persons of either gender.

ll. "Familial status" means being the natural parent of a child, the adoptive parent of a child, the resource family parent of a child, having a "parent and child relationship" with a child as defined by State law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

mm. "Housing for older persons" means housing:

(1) provided under any State program that the Attorney General determines is specifically designed and operated to assist elderly persons (as defined in the State program); or provided under any federal program that the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the federal program); or

(2) intended for, and solely occupied by persons 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Attorney General shall adopt regulations which require at least the following factors:

(a) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing shall not fail to meet the requirements for housing for older persons by reason of: persons residing in such housing as of September 13,

1988 not meeting the age requirements of this subsection, provided that new occupants of such housing meet the age requirements of this subsection; or unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

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

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

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

qq. "Domestic partnership" means a domestic partnership established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

rr. "Gender identity or expression" means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.

ss. "Civil union" means a legally recognized union of two eligible individuals established pursuant to R.S.37:1-1 et seq. and P.L.2006, c.103 (C.37:1-28 et al.).

88. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

C.10:5-12 Unlawful employment practices, discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from em-

ployment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least $27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership

status, affectional or sexual orientation, gender identity or expression, disability or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has filed a complaint, testified or assisted in any proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, ad-

vantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, provided individuals shall be admitted based on their gender identity or expression, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or associa-

tion, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or

from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality;

(2) To discriminate against any person because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale,

rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, includ-

ing but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, gender identity or expression, affectional or sexual orientation, disability, familial status or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, an-

cestry, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

89. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to read as follows:

C.34:11B-3 Definitions.

3. As used in this act:

a. "Child" means a biological, adopted, or resource family child, stepchild, legal ward, or child of a parent who is

(1) under 18 years of age; or

(2) 18 years of age or older but incapable of self-care because of a mental or physical impairment.

b. "Director" means the Director of the Division on Civil Rights.

c. "Division" means the Division on Civil Rights in the Department of Law and Public Safety.

d. "Employ" means to suffer or permit to work for compensation, and includes ongoing, contractual relationships in which the employer retains substantial direct or indirect control over the employee's employment opportunities or terms and conditions of employment.

e. "Employee" means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under this act, for not less than 1,000 base hours during the immediately preceding 12-month period.

f. "Employer" means a person or corporation, partnership, individual proprietorship, joint venture, firm or company or other similar legal entity which engages the services of an employee and which:

(1) With respect to the period of time from the effective date of this act until the 365th day following the effective date of this act, employs 100 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year;

(2) With respect to the period of time from the 366th day following the effective date of this act until the 1,095th day following the effective date of this act, employs 75 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year; and

(3) With respect to any time after the 1,095th day following the effective date of this act, employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. "Employer" includes the State, any political subdivision thereof, and all public offices, agencies, boards or bodies.

g. "Employment benefits" means all benefits and policies provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, pensions, or other similar benefits.

h. "Parent" means a person who is the biological parent, adoptive parent, resource family parent, step-parent, parent-in-law or legal guardian, having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child.

i. "Family leave" means leave from employment so that the employee may provide care made necessary by reason of:

(1) the birth of a child of the employee;

(2) the placement of a child with the employee in connection with adoption of such child by the employee; or

(3) the serious health condition of a family member of the employee.

j. "Family member" means a child, parent, spouse, or one partner in a civil union couple.

k. "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours worked per workweek but not for fewer than an employee's usual number of hours worked per workday, unless agreed to by the employee and the employer.

l. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which requires:

(1) inpatient care in a hospital, hospice, or residential medical care facility; or

(2) continuing medical treatment or continuing supervision by a health care provider.

90. Section 17 of P.L.1960, c.52 (C.2A:84A-17) is amended to read as follows:

C.2A:84A-17 Privilege of accused.

2A:84A-17. Privilege of accused.

(1) Every person has in any criminal action in which he is an accused a right not to be called as a witness and not to testify.

(2) The spouse or one partner in a civil union couple of the accused in a criminal action shall not testify in such action except to prove the fact of marriage or civil union unless (a) such spouse or partner consents, or (b) the accused is charged with an offense against the spouse or partner, a child of the accused or of the spouse or partner, or a child to whom the accused or the spouse or partner stands in the place of a parent, or (c) such spouse or partner is the complainant.

(3) An accused in a criminal action has no privilege to refuse when ordered by the judge, to submit his body to examination or to do any act in the presence of the judge or the trier of the fact, except to refuse to testify.

C.26:8A-4.1 Limitation on domestic partnerships on or after February 19, 2007; effect of law establishing civil unions.

91. On or after the effective date of this act, no domestic partnerships shall be registered under P.L.2003, c. 246 (C.26:8A-1 et al.), except that two persons who are each 62 years of age or older may establish a domestic partnership pursuant to the provisions of P.L.2003, c.246 (C.26:8A-1 et al.). This act shall not alter the rights and responsibilities of domestic partnerships existing before the effective date of this act, except that eligible domestic partners shall be given notice and opportunity to enter into a civil union pursuant to the provisions of this act. Entry into a civil union, when joined by both parties to an existing domestic partnership, shall operate to terminate the domestic partnership.

C.37:1-33 References to marital or spousal relationships to include civil unions.

92. Whenever in any law, rule, regulation, judicial or administrative proceeding or otherwise, reference is made to "marriage," "husband," "wife," "spouse," "family," "immediate family," "dependent," "next of kin," "widow," "widower," "widowed" or another word which in a specific context denotes a marital or spousal relationship, the same shall include a civil union pursuant to the provisions of this act.

C.37:1-35 Rules and regulations; guidance on replying to form questions.

93. The Commissioner of Health and Senior Services in consultation with the Director of the Administrative Office of the Courts, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act. These rules and regulations shall address the issue of how partners in a civil union couple may legally answer questions on forms, governmental and private, concerning their status as partners in a civil union couple.

C.37:1-36 New Jersey Civil Union Review Commission, establishment; membership; duties; reports; expiration.

94. a. There is hereby established the New Jersey Civil Union Review Commission commencing on the effective date of P.L.2006, c.103 (C.37:1-28 et al.).

b. The commission shall be composed of 13 members to be appointed as follows: the Attorney General or his designee, the Commissioner of the Department of Banking and Insurance or his designee, the Commissioner of Health and Senior Services or his designee, the Commissioner of Human Services or his designee, the Commissioner of the Department of Children and Families or his designee, the Director of the Division on Civil

Rights in the Department of Law and Public Safety or his designee, one public member appointed by the President of the Senate, one public member appointed by the Speaker of the General Assembly, and five public members appointed by the Governor, with the advice and consent of the Senate, no more than three who shall be of the same political party.

c. It shall be the duty of the commission to study all aspects of P.L.2006, c.103 (C.37:1-28 et al.) which authorizes civil unions including, but not limited to:

(1) evaluate the implementation, operation and effectiveness of the act;

(2) collect information about the act's effectiveness from members of the public, State agencies and private and public sector businesses and organizations;

(3) determine whether additional protections are needed;

(4) collect information about the recognition and treatment of civil unions by other states and jurisdictions including the procedures for dissolution;

(5) evaluate the effect on same-sex couples, their children and other family members of being provided civil unions rather than marriage;

(6) evaluate the financial impact on the State of New Jersey of same-sex couples being provided civil unions rather than marriage; and

(7) review the "Domestic Partnership Act," P.L.2003, c.246 (C.26:8A-1 et al.) and make recommendations whether this act should be repealed.

d. The commission shall organize as soon as possible after the appointment of its members. The commission shall be established for a term of three years and the members shall be appointed for the full term of three years. Vacancies in the membership of the commission shall be filled in the same manner as the original appointment. The commission members shall choose a Chair from among its members.

e. The members of the commission shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the commission for its purposes.

f. The commission is entitled to the assistance and service 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, and to employ stenographic and clerical assistance and to incur traveling or other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

g. The commission shall report semi-annually its findings and recommendations to the Legislature and the Governor.

h. The commission shall expire three years from the date of its initial organizational meeting and upon submission of its final report.

C.37:1-34 Validity of civil unions entered into in foreign jurisdictions.

95. A civil union relationship entered into outside of this State, which is valid under the laws of the jurisdiction under which the civil union relationship was created, shall be valid in this State.

96. This act shall take effect on the 60th day after the enactment of this act, but the Commissioner of Health and Senior Services and the Director of the Administrative Office of the Courts may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved December 21, 2006.

JOINT RESOLUTIONS

(1039)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the month of March in each year as "Brain Injury Awareness Month."

WHEREAS, According to the federal Centers for Disease Control and Prevention (CDC), 1.5 million Americans sustain a traumatic brain injury (TBI) each year, and 500,000 of those individuals die as a result of these injuries; the CDC also indicates that approximately 5.3 million Americans live with disabilities resulting from brain injury, including 160,000 New Jersey residents; and

WHEREAS, With TBI occurring every 21 seconds, this public health concern ranks as the leading cause of death and disability in children and young adults; additionally, on an annual basis, 40,000 individuals over the age of 65 visit hospital emergency rooms for TBI as a result of a fall, leading to the hospitalization of 16,000 senior citizens and the death of 4,000 senior citizens; and

WHEREAS, The Department of Health and Senior Services states that each year, one-third of all injury deaths and 10% of injury hospitalizations in the State result from TBI, with the highest proportion occurring among young adults and the elderly; and

WHEREAS, The costs relating to brain injury are staggering, and individuals with severe brain injury typically face five to 10 years of intensive rehabilitation with cumulative costs exceeding $35 billion annually; and

WHEREAS, Individuals with severe brain injury suffer from serious physical impairments and a variety of perceptual, cognitive, psychiatric, emotional and behavioral complications, including impaired interpersonal and problem-solving skills, memory loss, decreased thought-processing abilities, speech and seizure disorders, and physical deficits; and

WHEREAS, The only cure for TBI is prevention, and public awareness is critical to the prevention of brain injury and to enhancing the recovery process of all individuals affected by TBI; and

WHEREAS, The Brain Injury Association of New Jersey is a Statewide membership organization dedicated to providing education, outreach, prevention, advocacy and support services to all individuals affected by TBI and to the general public; now, therefore,

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

C.36:2-87 "Brain Injury Awareness Month," March; designated.

1. The month of March in each year is designated as "Brain Injury Awareness Month" in the State of New Jersey.

2. The Governor is hereby requested to issue a proclamation 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 June 29, 2006.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating the new bridge over the Salem River on State Highway Route No. 49 as the "Veterans of Salem County Memorial Bridge."

WHEREAS, The citizens of this State are indebted to the brave men and women who have served their country and State in the armed services, many of whom came from Salem County and over 6,000 of whom currently reside in Salem County; and

WHEREAS, Veterans from Salem County have served in many different capacities and are represented by local chapters and posts of the American Legion, Veterans of Foreign Wars, and the Marine Corps League; and

WHEREAS, The State of New Jersey has constructed a new bridge to replace the existing bridge over the Salem River on State Highway Route No.

49 between the City of Salem and Pennsville Township in Salem County; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey memorialize and honor those Salem County residents who served in the United States Armed Forces by naming the new bridge over the Salem River on State Highway Route No. 49 as the "Veterans of Salem County Memorial Bridge"; now, therefore,

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

1. The Commissioner of Transportation shall designate the new bridge over the Salem River on State Highway Route No. 49 as the "Veterans of Salem County Memorial Bridge."

2. The Commissioner of Transportation is authorized to erect appropriate route and directional signs bearing this name.

3. This joint resolution shall take effect immediately.

Approved July 20, 2006.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate.

WHEREAS, The Government of Turkey refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, the head of the Greek Orthodox Christian Church which is a minority religion in Turkey; and

WHEREAS, The Government of Turkey has limited the candidates available to the Holy Synod for selection as the Ecumenical Patriarch to Turkish nationals and reneged on its agreement to reopen the Theological School at Halki, thus impeding training for the clergy; and

WHEREAS, The Government of Turkey has confiscated most of the properties of the Ecumenical Patriarchate and has placed a 42 percent retroactive tax on the Balukli Hospital which is run by the Ecumenical Patriarchate; and

WHEREAS, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, The European Union defined membership criteria for accession to the European Union at the Copenhagen European Council in 1993, obligating candidate countries to have achieved certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights; and

WHEREAS, Under the terms of the draft European Union Constitution, current and prospective member nations should have the goal of eliminating discrimination based on any ground, such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, national minority membership, property, birth, disability, age, or sexual orientation; and

WHEREAS, Turkey's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; now, therefore,

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

1. The Governor and Legislature of the State of New Jersey call on the Government of Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and immediately grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities. New Jersey calls on the Government of Turkey to respect the property rights and human rights of the Ecumenical Patriarchate.

2. The Governor and Legislature of the State of New Jersey call on the Government of Turkey to pledge to uphold and safeguard religious and

human rights without compromise and encourages Turkey to continue the advancement of processes and programs to modernize and democratize its own society, in light of its potential accession to the European Union.

3. This joint resolution shall take effect immediately.

Approved August 2, 2006.

AMENDMENTS ADOPTED IN 2006 TO THE 1947 CONSTITUTION

Amendments Adopted in 2006 to the 1947 Constitution

ARTICLE VIII, SECTION I, PARAGRAPH 7

Amend Article VIII, Section I, paragraph 7 as follows:

7. a. No tax shall be levied on personal incomes of individuals, estates and trusts of this State unless the entire net receipts therefrom shall be received into the treasury, placed in a perpetual fund designated the Property Tax Relief Fund and be annually appropriated, pursuant to formulas established from time to time by the Legislature, to the several counties, municipalities and school districts of this State exclusively for the purpose of reducing or offsetting property taxes. In no event, however, shall a tax so levied on personal incomes be levied on payments received under the federal Social Security Act, the federal Railroad Retirement Act, or any federal law which substantially reenacts the provisions of either of those laws.

b. There shall be annually credited from the General Fund and placed in a special account in the perpetual Property Tax Relief Fund established pursuant to this paragraph, which account shall be designated the Property Tax Reform Account, an amount equal to the annual revenue derived from a tax rate of 0.5% imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or any other subsequent law of similar effect, which amount shall be appropriated annually by the Legislature exclusively for the purpose of property tax reform.

Approved November 7, 2006.
Effective December 7, 2006.

ARTICLE VIII, SECTION II PARAGRAPH 4

Amend Article VIII, Section II, paragraph 4 as follows:

4. There shall be credited to a special account in the General Fund:

(a) for each State fiscal year commencing on and after July 1, 2007 an amount equivalent to the revenue derived from $0.105 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes;

(b) for the State fiscal year 2001 an amount not less than $100,000,000 derived from the State revenues collected from the tax on the gross receipts of the sale of petroleum products imposed pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) as amended and supplemented, or any other subsequent law of similar effect, and for each State fiscal year thereafter an amount not less than $200,000,000 derived from those revenues; and

(c) for the State fiscal year 2002 an amount not less than $80,000,000 from the State revenue collected from the State tax imposed under the "Sales and Use Tax Act," pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or any other subsequent law of similar effect, for the State fiscal year 2003 an amount not less than $140,000,000 from those revenues, and for each State fiscal year thereafter an amount not less than $200,000,000 from those revenues;

provided, however, the dedication and use of such revenues as provided in this paragraph shall be subject and subordinate to (a) all appropriations of revenues from such taxes made by laws enacted on or before December 7, 2006 in accordance with Article VIII, Section II, paragraph 3 of the State Constitution in order to provide the ways and means to pay the principal and interest on bonds of the State presently outstanding or authorized to be issued under such laws or (b) any other use of those revenues enacted into law on or before December 7, 2006. These amounts shall be appropriated from time to time by the Legislature, only for the purposes of paying or financing the cost of planning, acquisition, engineering, construction, reconstruction, repair and rehabilitation of the transportation system in this State and it shall not be competent for the Legislature to borrow, appropriate or use these amounts or any part thereof for any other purpose, under any pretense whatever.

Approved November 7, 2006.
Effective December 7, 2006.

ARTICLE VIII, SECTION II, PARAGRAPH 6

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. There shall be credited annually to a special account in the General Fund an amount equivalent to 4% of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this paragraph shall be dedicated and shall be appropriated from time to time by the Legislature only for the following purposes: paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects; for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, and for funding for other measures to reduce human exposure to those emissions; and for providing funding, including loans and grants, for the development of lands for recreation and conservation purposes, and to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding for the development of lands for recreation and conservation purposes.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or

interest on any general obligation bond that was approved by the voters prior to this paragraph becoming part of this Constitution.

(a) Fifteen percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

(b) Twenty-five percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. Of any amount dedicated pursuant to this subparagraph (b) but not expended prior to January 1, 2004, fifty percent of that amount shall be expended on funding for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be expended on funding the costs of the remediation of discharges of hazardous substances, including costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004 and ending December 31, 2005, fifty percent of the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and fifty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2006 and ending December 31, 2006, forty percent of the moneys dedicated pursuant to this subparagraph (b) shall be

appropriated for funding the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and sixty percent shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2007 and ending December 31, 2021, the moneys dedicated pursuant to this subparagraph (b) shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; but if in any fiscal year during that time the amount previously dedicated and appropriated for funding loans or grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and available for that purpose but not expended, is less than $20,000,000, then in the following fiscal year, fifty-five percent of the monies dedicated pursuant to this subparagraph (b) shall be appropriated for funding loans or grants for underground storage tanks and only forty-five percent of the monies dedicated pursuant to this subparagraph (b) shall be appropriated for funding the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing January 1, 2004, up to $2,000,000.00 per year, which shall be taken from the amount appropriated pursuant to this subparagraph (b) for the costs of the remediation of discharges of hazardous substances, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (b) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the

purposes authorized pursuant to this subparagraph (b). The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, and except for amounts that may be appropriated from time to time by the Legislature on or after January 1, 2006, but not to exceed $1,000,000 annually, to administer programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, no moneys appropriated pursuant to this subparagraph (b) may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

Commencing January 1, 2006, funding for administrative costs for programs to provide loans and grants for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances may be appropriated from time to time by the Legislature from the amount dedicated pursuant to this subparagraph (b) for those purposes in an amount not to exceed $1,000,000 in any year.

No moneys appropriated pursuant to this subparagraph (b) may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances.

Commencing on January 1, 2022, the moneys dedicated pursuant to this subparagraph (b) may be appropriated from time to time by the Legislature: for providing funding, including the provision of loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; for providing funding, including the provision of loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; or for the costs of a State underground storage tank inspection program, in an amount up to $2,000,000.00 per year.

The Legislature may appropriate after January 1, 2006, an amount not to exceed $10,000,000, of any of the amounts appropriated in any fiscal year ending before July 1, 2005, made for the purpose of the provision of loans or grants, for the upgrade, replacement, or closure of underground

storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and not expended for that purpose prior to the end of the fiscal year ending on June 30, 2005, for the purpose set forth in subparagraph (d) of this paragraph.

(c) Twenty-eight percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge. No moneys appropriated pursuant to this subparagraph (c) may be expended for any indirect administrative costs of the State, its departments, agencies, or authorities. No more than nine percent of the moneys annually credited pursuant to this paragraph, which shall be taken from the amount dedicated pursuant to this subparagraph (c), may be expended for any direct program administrative costs of the State, its departments, agencies, or authorities.

(d) Commencing January 1, 2006 and ending December 31, 2015, seventeen percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing grants for the costs of air pollution control equipment to reduce the levels of particulate matter emissions from diesel-powered engines, funding for other measures to reduce human exposure to those emissions, and funding for those program administrative costs as provided in this subparagraph. No more than $1,150,000 per year of the amount dedicated pursuant to this subparagraph (d) may be expended for program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of this subparagraph (d), and for regulating particulate matter emissions from diesel-powered engines.

Any amount dedicated and appropriated pursuant to this subparagraph (d) but not expended prior to January 1, 2016 shall be dedicated and may be appropriated from time to time by the Legislature for the purposes authorized in subparagraph (c) of this paragraph.

(e) Fifteen percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans and grants, for the development of lands for recreation and conservation purposes, and to satisfy any payments relating to bonds, notes, or other obligations,

including refunding bonds, issued by an authority or similar entity established by law to provide funding for the development of lands for recreation and conservation purposes.

Commencing January 1, 2016, thirty-two percent of the amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans and grants, for the development of lands for recreation or conservation purposes, and to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, for the development of lands for recreation or conservation purposes.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph (e) shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph (e).

No more than five percent per year of the amount dedicated pursuant to this subparagraph (e) may be expended for program administrative costs of the State, its departments, agencies, or authorities for implementing the provisions of this subparagraph (e).

The authority or other similar entity established by law as described in this subparagraph (e) shall be the same authority or entity established for the purposes of Article VIII, Section II, paragraph 7 of the State Constitution.

Approved November 7, 2006.
Effective December 7, 2006.

EXECUTIVE ORDERS

EXECUTIVE ORDER No. 1

WHEREAS, I am committed to establishing an administration that adheres to the highest ethical standards and enhances public trust in government; and

WHEREAS, Public officials must avoid conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, Persons serving in government should have the benefit of specific standards to guide their conduct; and

WHEREAS, Ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, Public disclosure of the personal financial interests of public officials serves to maintain the public's faith and confidence in its governmental representatives and guards against conduct violative of the public trust; and

WHEREAS, The current financial disclosure process must be strengthened to ensure that financial disclosure requirements are applied to members of all State government boards, commissions, and other bodies that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds; and

WHEREAS, Over the course of many years, various executive orders have been issued, and consolidation of the prior orders into a comprehensive order will improve compliance and enhance enforcement; and

WHEREAS, It is not necessary to include in this order provisions of prior executive orders regarding ethics which have been codified into statutory law; and

WHEREAS, The ethics standards for New Jersey state government should be updated to reflect the existence of New Jersey domestic partnerships as authorized in the Domestic Partnership Act (P.L. 2003, c. 246); and

WHEREAS, The Executive Commission on Ethical Standards, which has been reconstituted and renamed the State Ethics Commission ("Ethics Commission"), has previously recognized that to alleviate a potential conflict of interest, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments, so that such officers might be shielded from potential conflicts; and

WHEREAS, A public official's interest in any closely-held corporation that does business with governmental entities can raise the appearance of a potential conflict of interest; and

WHEREAS, The position of Governor exists to serve the people of New Jersey in a manner that fosters public respect, trust, and confidence, and the adoption of a Code of Conduct for the Governor, which provides a clear standard of conduct, will promote public trust and confidence; and

WHEREAS, It is important that the Ethics Commission be given clear and direct authority to enforce the provisions of this Order;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

I. PERSONAL FINANCIAL DISCLOSURE

1. Every public employee and public officer, as such terms are defined in paragraph 6 of this section, shall file a sworn and duly notarized Financial Disclosure statement, or other such authentication as the Ethics Commission may require to facilitate electronic filing, which is current as of five days prior to the date of filing. Each statement shall include the following information:

a. The name and position of the public employee or public officer;

b. Any occupation, trade, business, profession or employment engaged in by the public employee or public officer, his or her spouse or domestic partner, and dependent children;

c. (1) A list of all assets having a value of more than $1,000, both tangible and intangible, in which a direct or indirect interest is held (as of the statement date) by the public employee or public officer, his or her spouse or domestic partner, and dependent children. Where stocks and bonds are involved, there shall be included the name of the company, mutual fund, holding company or government agency issuing them

(whenever such interest exists through ownership in a mutual fund or holding company, the individual stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public employee or public officer has knowledge of what stocks and bonds are held). Where more than 10 percent of the stock of the corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, size, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant of such property or that has before it an application, complaint or proceeding directly affecting such property.

(2) The value of assets of a public employee and his or her spouse or domestic partner shall be listed according to the following value categories:

(1) greater than $1,000 but not more than $5,000;

(2) greater than $5,000 but not more than $25,000;

(3) greater than $25,000 but not more than $50,000;

(4) greater than $50,000 but not more than $100,000;

(5) greater than $100,000 but not more than $250,000;

(6) greater than $250,000 but not more than $500,000;

(7) greater than $500,000.

These assets shall be valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset.

(3) The value of assets of (1) the dependent children of a public employee or (2) a public officer, his or her spouse or domestic partner and dependent children need not be disclosed unless specifically requested by the Governor or the Ethics Commission.

d. (1) A list of all liabilities of the public employee or public officer, his or her spouse or domestic partner, and dependent children, except liabilities which are:

(a) less than $10,000 and owed to a relative as defined in paragraph 6 of this section;

(b) less than $1,000 and owed to any other person;

(c) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and

the outstanding balance did not exceed $10,000 as of the close of the preceding calendar year; and

(d) revolving charge accounts where the outstanding liability does not exceed $10,000 as of the close of the preceding calendar year.

(2) The value of liabilities shall be listed by category in the same manner as required by paragraph 1(c)(2) above. However, the value of liability of the dependent children of a public employee or public officer need not be disclosed unless specifically requested by the Governor or the Ethics Commission.

e. A list of all liabilities otherwise subject to disclosure pursuant to paragraph d. above of the public employee or public officer, his or her spouse or domestic partner, and dependent children which have been forgiven by the creditor within 12 months of the statement date. For each such forgiven liability so listed, the name of the creditor to whom such a liability was owed shall be stated;

f. A list of all sources of income of the public employee or public officer, his or her spouse or domestic partner, and dependent children, including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees, gifts and other gratuities (cash or non-cash), and other miscellaneous sources of income including, but not limited to, interest, dividends, royalties and rents. Statements filed before July 1 of any year shall disclose sources of income for the preceding calendar year. Statements filed after July 1 of any year shall provide this information for the twelve-month period immediately preceding the filing date. The amount of such income received shall be listed and valued by category in the same manner of assets as set forth in paragraph c(1) through c(6) above. However, the amount of income of (1) the dependent children of public employee, or (2) a public officer, his or her spouse or domestic partner and dependent children need not be disclosed unless specifically requested by the Governor or the Ethics Commission. Sources of income that are not required to be reported are:

(1) cash gifts in an aggregated amount of less than $100 received during the preceding twelve months from a person;

(2) non-cash gifts with an aggregated fair market value of less than $200 received during the preceding twelve months from a person; and

(3) gifts with an aggregated cash or fair market value of less than $3,000 received during the preceding twelve months from a relative as defined in paragraph 6 of this section.

g. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public employee or public officer, his or her spouse or domestic partner, and dependent children with any firm, corporation, association, partnership or business. If any firm, corporation, association, partnership or business does business with or is licensed, regulated or inspected by a State agency or does business with a casino license holder or applicant, the State agency, casino or applicant must be identified.

2. Each statement shall contain a certification by the public employee or public officer that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct and complete and that he or she has not transferred and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within 120 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein or other such authentication as the Ethics Commission may require to facilitate electronic filing with the Ethics Commission. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and pursuant to this Executive Order, the Ethics Commission shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such a statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq. and shall post the statement on its website pursuant to N.J.S.A. 52:13D-21(n);

b. Each person who becomes a public employee or public officer after the effective date of this Order shall satisfy the filing requirements of this Order within 120 days of assuming office or commencing employment, unless the Ethics Commission or its staff grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter

provided, however that public employees and public officers who file statements on or after January 17, 2006 but prior to May 15, 2006 need not file an updated statement on May 15, 2006.

4. The Ethics Commission shall keep the approved statements on file for so long as the person submitting such statements is a public employee or public officer of this State, and for five years thereafter.

5. The Ethics Commission shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms and instructions to be utilized by public employees and public officers in complying with this Order.

6. Except as otherwise herein provided, for purposes of this section:

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of the State Government, together with any equivalent offices added to such a list by subsequent written determination of the Governor with notice to the persons affected:

(1) The Governor;

(2) The head of each principal department;

(3) The chiefs of staff and assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;

(4) The head and the assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;

(5) The executive or administrative head and assistant heads of

(i) any board or commission which is organized in but not of a principal department or

(ii) any independent authority;

(6) The following members of the staff of the Office of the Governor:

(i) Chief of Staff;

(ii) Chief Counsel to the Governor;

(iii) Director of Communications;

(iv) Policy Counsel to the Governor;

(v) Deputy Chiefs of Staff;

(vi) Deputy Chief Counsel;

(vii) Director of the Authorities Unit;

(viii) Any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;

(7) Members of the State Board of Agriculture;

(8) Members of the State Board of Education;

(9) Members of the State Board of Public Utilities;

(10) Members of the State Parole Board; and

(11) Presidents of the State Colleges and Universities.

b. "Public officer" shall mean:

(i) the members of the following boards, commissions, independent authorities and public corporations, together with any other equivalent offices or bodies and such other offices or bodies added to such list by subsequent determination of the Governor:

(1) Agricultural Development Committee;

(2) Atlantic City Convention Center Authority;

(3) Capital City Redevelopment Corporation;

(4) Casino Reinvestment Development Authority;

(5) Catastrophic Illness in Children Relief Fund;

(6) Commerce and Economic Growth Commission;

(7) Commission on Higher Education;

(8) Commission on Spinal Cord Research;

(9) Council on Affordable Housing;

(10) Development Authority for Small Business, Minorities and Women Enterprises;

(11) Educational Facilities Authority;

(12) Election Law Enforcement Commission;

(13) Garden State Preservation Trust;

(14) Government Records Council;

(15) Governor's Council on Alcoholism and Drug Abuse;

(16) Health Care Administration Board;

(17) Health Care Facilities Financing Authority;

(18) Higher Education Student Assistance Authority;

(19) Highlands Water Protection and Planning Council;

(20) Individual Health Coverage Board;

(21) Local Finance Board;

(22) Merit System Board;

(23) Motor Vehicle Commission;

(24) New Jersey Building Authority;

(25) New Jersey Commission on Brain Injury Research;

(26) New Jersey Commission on Science and Technology;

(27) New Jersey Council on Developmental Disabilities;
(28) New Jersey Cultural Trust;
(29) New Jersey Economic Development Authority;
(30) New Jersey Historic Trust Commission;
(31) New Jersey Housing and Mortgage Financing Agency;
(32) New Jersey Meadowlands Commission;
(33) New Jersey Public Broadcasting Authority;
(34) New Jersey Racing Commission;
(35) New Jersey Real Estate Commission;
(36) New Jersey Redevelopment Authority;
(37) New Jersey Sports and Exposition Authority;
(38) New Jersey State Council on the Arts;
(39) New Jersey Transit Corporation;
(40) New Jersey Transportation Trust Fund Authority;
(41) New Jersey Turnpike Authority;
(42) New Jersey Urban Enterprise Zone Authority;
(43) North Jersey District Water Supply Commission;
(44) North Jersey Transportation Planning Authority;
(45) Office of Information Technology Governing Board;
(46) Passaic Valley Sewerage Commission;
(47) Passaic Valley Water Commission;
(48) Pinelands Commission;
(49) Public Employment Relations Commission;
(50) School Ethics Commission;
(51) Schools Construction Corporation;
(52) Shell Fisheries Council;
(53) Small Employer Health Benefits Program;
(54) South Jersey Port Corporation;
(55) South Jersey Transportation Authority;
(56) South Jersey Transportation Planning Organization;
(57) State Athletic Control Board;
(58) State Board of Mediation;
(59) State Economic Recovery Board for Camden;
(60) State Ethics Commission;
(61) State Lottery Commission;
(62) State Planning Commission;
(63) Tidelands Resource Council;
(64) Urban Development Corporation;
(65) Wastewater Treatment Trust; and
(66) Water Supply Authority.

(ii) The members of the governing boards of State Colleges and Universities.

(iii) Individuals appointed as a New Jersey member to the following agencies:

(1) Atlantic States Marine Fisheries Commission;

(2) Clean Ocean and Shore Trust Committee;

(3) The Delaware River and Bay Authority;

(4) Delaware River Basin Commission;

(5) Delaware River Joint Toll Bridge Commission;

(6) Delaware River Port Authority;

(7) Delaware Valley Regional Planning Commission;

(8) Interstate Environmental Commission;

(9) Northeast Interstate Low-Level Radioactive Waste Commission;

(10) Palisades Interstate Park Commission;

(11) Port Authority of New York and New Jersey;

(12) The Port Authority Trans Hudson Corporation; and

(13) Waterfront Commission of New York Harbor.

c. "Government instrumentality" shall mean the Legislative, Judicial, and Executive Branches of State government including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

d. "State agency" shall mean any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

e. "Relative" shall mean a spouse, domestic partner, son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

f. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

7. The Governor may from time to time direct that the prohibition on outside earned income applicable to the Governor, Cabinet members and Cabinet-level appointees pursuant to N.J.S.A. 52:13D-24(d) also be applied to additional positions in the Office of the Governor.

II. BLIND TRUSTS

1. For those situations where a blind trust may be utilized by a public employee or public officer, his or her spouse or domestic partner or dependent children, and approved by the Ethics Commission, such trust shall contain the following characteristics:

a. The trust shall not contain investments or assets in which the holder's ownership right or interest is required to be recorded in a public office or those assets whose permanency makes transfer by the trustee improbable or impractical; these investments or assets would include, but not be limited to, businesses, real estate, security interests in personal property and mortgages;

b. The trust shall contain a clear statement of its purpose, namely, to remove from the grantor control and knowledge of investment of trust assets so that conflicts between grantor's responsibilities and duties as a public employee or public officer and his or her private business or financial interests will be eliminated;

c. The trust shall be irrevocable, and shall be terminated only upon the death of the public employee or public officer or upon termination of his or her status as a public employee or public officer whichever shall first occur;

d. The trustee shall be directed not to disclose to the grantor any information about any of the assets in the trust;

e. The trustee shall be required either to:

(1) prepare and file the grantor's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the grantor's tax; and further to participate in the audit of the grantor's returns during the period of the trust with authority to compromise the grantor's tax liability; or

(2) submit to the grantor, for income tax purposes, a certification of income paid without identifying the assets producing such income;

f. Among its other powers, the trustee shall have authority to determine whether any of the assets originally transferred to the trustee are to be sold and, if so, when;

g. A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which do a significant amount of business with the State of New Jersey or from knowingly making any investment in a corporation, business or venture over which the grantor has regulatory or supervisory authority by virtue of his or her official position;

h. The grantor shall retain no control over the trustee nor shall he or she be permitted to make any recommendations or suggestions as to the trust property;

i. The trustee shall be a commercial trustee and not a natural person;

j. The principal benefit to be retained by the grantor shall be the right to receive income from the assets transferred to the trust;

k. The trust shall not become effective until submitted and approved by the Ethics Commission; and

l. The trust agreement shall provide the trustee will give the Ethics Commission access to any records or information related to the trust which is necessary for the performance of the Commission's duties.

2. A copy of the executed blind trust agreement shall be filed with the Ethics Commission and with the head of the department in which the regular State employee holds his or her position. Attached to such copy shall be a brief statement outlining the business or financial interests from which the regular State employee seeks to remove himself or herself and the actual or potential conflicts of interest, or appearance of such conflicts, which he or she seeks to avoid by use of the trust agreement.

III. INTERESTS IN CLOSELY-HELD CORPORATIONS OR SIMILAR ENTITIES

1. a. No regular State employee who is required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, except as provided in subparagraphs (b) and (c) below.

b. A person who, after this Order takes effect, becomes a regular State employee required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, shall disclose such interest in the employee's Financial Disclosure Statement. The Ethics Commission shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and this Executive Order. No later than 120 days from the Ethics

Commission's receipt of the Financial Disclosure Statement, the Ethics Commission shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, except as may be further extended by the Ethics Commission or to demonstrate to the Ethics Commission that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

c. The provisions of subparagraphs (a) and (b) above shall not apply to any purchase, sale, contract or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law, N.J.S.A: 40A:11-1 et. seq., or such similar provisions contained in other applicable public bidding laws or regulations, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Ethics Commission. The provisions of subparagraphs (a) and (b) do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in other applicable public bidding laws or regulations.

2. a. No regular State employee or special State officer who is required by law or Executive Order to submit Financial Disclosure Statements to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity unless the Ethics Commission shall have first determined that the employee or officer may retain such an interest in such business entity.

b. A person who, after this Order takes effect, becomes a regular State employee or special State officer required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity shall disclose such interest in the employee's or officer's Financial Disclosure Statement. The Ethics Commission shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and this Executive Order. The Ethics Commission shall notify the State employee or officer of its findings no later than 120 days from the Ethics Commission's receipt of the Financial

Disclosure Statement. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

3. The Ethics Commission shall review all financial disclosure statements as they may from time to time be submitted by regular State employees and special State officers to determine whether the covered persons have obtained ownership or interest in any assets that give rise to a present or potential conflict of interest, or present or potential appearance of conflict of interest, within the meaning of this Executive Order.

4. Each regular State employee or special State officer shall amend his or her financial disclosure statement within 30 days of gaining knowledge of (a) his or her, or his or her spouse's acquisition of any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity; or (b) the commencement of any business activity covered by the provisions of this Executive Order and as determined by the Ethics Commission, including, for example, a change in business plan authorizing business activity with a New Jersey State, interstate or local government entity, by a business in which the officer or employee or the employee's or officer's spouse has an interest covered by this Executive Order.

5. Any regular State employee or special State officer subject to this Executive Order who acquires an interest prohibited under this Executive Order by way of inheritance, bequest or similar circumstances beyond his or her control shall follow the procedures for disclosure and disposition set forth in paragraphs 1 and 2 of section III of this Executive Order.

6. All required divestitures shall be subject to the following conditions:

a. Divestiture must occur within the time periods prescribed above, unless otherwise extended by the Ethics Commission.

b. Ownership or control of the asset may not be transferred to a member of the regular State employee's or special State officer's immediate family.

c. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provision regarding the return of the asset to the regular State employee or special State officer subsequent to his or her State service.

7. For the purpose of section II and section III of this Order:

a. "Member of the immediate family" shall mean a spouse, domestic partner, child, parent or sibling residing in the same household.

b. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than $1,000.

c. "Interest" in a closely-held corporation, partnership, sole proprietorship or similar business entity shall mean any ownership or control of any profits or assets of such a business entity.

d. "Doing business" with any New Jersey State, interstate or local government entity shall mean business or commercial transactions involving the sale, conveyance or rental of any goods or services, and shall not include such activities as compliance with regulatory procedures.

e. "Regular State employee" shall have the same meaning as "State officer or employee" as set forth at N.J.S.A. 52:13D-13b, and "special State officer" shall have the same meaning as "Special State officer or employee" as set forth at N.J.S.A. 52:13D-13e.

f. "State agency" shall mean any of the principal departments of State government and any entity allocated therein in conformance with N.J. Const. (1947), Art. V, Sec. IV, par. 1.

g. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

IV. CODE OF CONDUCT FOR THE GOVERNOR

1. The Code of Conduct for the Governor recommended by the Advisory Panel, as set forth in Executive Order No. 77 (2003) and adopted pursuant to that executive order, is hereby continued and shall be applied to the position of Governor. The Code of Conduct is set forth in Appendix A and incorporated herein.

2. There is hereby created an Advisory Ethics Panel composed of two public members appointed by the Governor, in consultation with the Chair of the Ethics Commission. In order to be appointed as a public member, an individual shall have served as either Chief Counsel to the Governor, as Attorney General, or as a Justice of the Supreme Court or a Judge of the Superior Court. The two public members shall be appointed for a term of three years, and shall hold office until their successors are appointed and have qualified. No more than one of the members shall be from the same political party as the Governor.

3. The Advisory Ethics Panel shall be available to advise the Governor regarding conflicts issues, application of the Governor's Code of Conduct, and related matters.

4. The Governor, the Governor's Chief Counsel or the Ethics Liaison Officer shall seek the advice of the Advisory Ethics Panel when there are questions concerning the propriety of the Governor's conduct under the Code. When requested by the Chief Counsel or Ethics Liaison Officer, the Advisory Ethics Panel shall issue a written determination, which shall be made publicly available.

5. The Governor shall abide by the judgment of the Advisory Ethics Panel as to the propriety of his actions. In the event the Panel members cannot agree on the proper resolution of a particular issue presented to it, the Governor shall not engage in the proposed activity.

6. If a question is raised with regard to the propriety of the conduct of the Governor, and the Advisory Ethics Panel was not consulted by the Chief Counsel or the Ethics Liaison Officer prior to the Governor engaging in such conduct, the Advisory Ethics Panel shall have the discretion to review the question and to issue a public determination. In such circumstances, if the Panel finds that the Governor's actions were in violation of the Code of Conduct for the Governor, the Panel shall have the power to impose penalties, including monetary sanctions.

V. ENFORCEMENT AND SANCTIONS

1. The failure of any regular or special State employee or officer covered by this Executive Order to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from employment or office.

2. The State Ethics Commission shall have the authority to enforce the terms of this Executive Order.

3. Every State department, board, commission, authority, agency and instrumentality shall appoint an individual to serve as an ethics liaison officer. The Ethics Commission staff shall hold quarterly meetings with all ethics liaison officers to ensure that the requirements of the Conflict of Interest Law and this Executive Order are being understood and followed.

VI. RESCISSION

1. The following Executive Orders are hereby rescinded and any regulations adopted and promulgated thereunder are hereby declared null and void: Executive Order No. 10 (2003), Executive Order No. 77 (2003) and Executive Order No. 36 (2005).

VII. EFFECTIVE DATE

1. This Executive Order shall take effect immediately.

Dated January 17, 2006.

APPENDIX A
CODE OF CONDUCT FOR THE GOVERNOR

I. PURPOSE

The Governor hereby adopts this Code to ensure public trust and confidence by providing a clear standard of conduct for the Governor.

II. STATEMENT OF POLICY

The position of Governor exists to serve the public in a manner that fosters the respect, trust, and confidence of the public.

This Code of Conduct prohibits conflicts that are substantial and material or that may bring the Governor into disrepute. This Code is not intended to be applied in a vacuum. To that end, it attempts to balance public perception with the practical realities of the position of Governor. This Code attempts to set a high standard of ethical behavior and provide clear-cut guidelines that accommodate the unique role of Governor as the head of State government, State's leading advocate, and head of a political party.

In any instance in which the Governor is not certain what the standard of conduct should be, he should consult the Advisory Ethics Panel, as established hereunder, as well as such members of his staff as he deems appropriate.

III. CODE OF CONDUCT

A. SOLICITATION AND RECEIPT OF GIFTS AND OTHER ITEMS

1. Except as otherwise provided herein or unless offered to the general public, the Governor shall not solicit, receive, or agree to receive, directly or indirectly, any compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loans, services at

preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value intended to influence him in the conduct of his public duties.

2. The Governor may accept gifts, favors, services, gratuities, meals, lodging or travel expenses from relatives or personal friends that are paid for with personal funds.

3. The Governor may accept gifts, favors, services, gratuities, meals, lodging or travel expenses that are paid for by a State Committee of a political party or similar entity.

4. The Governor may accept and personally retain a gift of minimal value tendered and received as a souvenir or mark of courtesy.

5. A tangible gift of greater than minimal value is deemed to have been accepted on behalf of the State of New Jersey and, on acceptance, shall become the property of the State of New Jersey. The Governor may retain such gifts during the period of his incumbency. At the conclusion of the Governor's final term, such gifts shall be delivered to the State Museum, for appropriate disposition. Alternatively, the Governor may purchase any or all such gifts at fair market value.

6. For the purposes of this section, minimal value is deemed to be $285, to be adjusted in accordance with the Federal Gift and Decorations Act.

B. ATTENDANCE AT EVENTS AND FUNCTIONS

1. The Governor may attend any function and accept food and beverages and related privileges if his attendance at the event furthers a public purpose.

2. The Governor may attend any event or function as official business if the Governor's attendance is paid for by the State.

3. The Governor may attend an event or function paid for by a State Committee or other similar entity.

4. The Governor may attend events or functions other than events or functions open to the general public. Examples of such events or functions

include a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social or business function.

5. The Governor may attend any event or function paid for with personal funds.

C. ADVOCACY / ENDORSEMENTS

The Governor is permitted to advocate the interests of public and private groups other than the State if doing so promotes a legitimate public purpose.

D. TRAVEL AND LODGING

1. State payment of travel, including actual transportation and related lodging and subsistence, that is reasonably related to a governmental purpose is permissible. Any private reimbursement of such expenses, unless otherwise exempted herein, shall be made to the State.

2. With the approval of the Ethics Liaison Officer, the Governor may accept reimbursement of actual expenses for travel, lodging and meals in connection with private speeches or published works on matters within the scope of the Governor's official duties, for which reimbursement is not sought or received from the State.

3. The Governor may accept travel and related expenses provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

4. For purposes of this section, a gift of travel does not include travel that is paid from campaign funds, or that is an in-kind political contribution.

E. DE FACTO HEAD OF POLITICAL PARTY

The Governor's status as de facto head of his political party is intertwined with his public responsibilities as Head of the State government. The Governor may act in a partisan political role, identify himself as Governor in that capacity, endorse political candidates, attend

political events and raise and accept political contributions in accordance with governing campaign contribution laws.

F. CONFLICTS AND APPEARANCES OF CONFLICTS

1. The Governor shall not engage in conduct that constitutes a conflict of interest. A conflict of interest is defined as use by the Governor of the authority of his office or of any confidential information received through his holding public office for the private pecuniary benefit of himself, a member of his immediate family, or a business in which he or a member of his immediate family has a financial interest. For purposes of this section, a "financial interest" means (a) the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); or (b) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.). "Conflict" does not include:

a. an action having a de minimis economic impact, or

b. an action that affects to the same degree the Governor and members of the general public, or

c. a circumstance where the Governor's action may impact the Governor or members of his immediate family in a manner different in degree than members of the general public where the action reasonably cannot be avoided under the doctrine of necessity, and where the action is preceded by public disclosure of the interrelationship of the proposed action and the personal interest of the Governor or his immediate family. Examples of such actions include instances where by operation of state or federal law, only the Governor can act, such as approval or disapproval of legislative enactments, nominations or appointments of State officers, or declaration of emergencies.

2. The Governor shall not solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of the Governor that the vote, official action, or judgment of the Governor would be influenced thereby.

3. The Governor shall not have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity that is in substantial conflict with the proper discharge of the Governor's duties in the public interest.

4. The Governor shall not act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment except as herein provided.

5. The Governor shall not either personally or through any person or entity undertake or execute any contract, agreement, sale or purchase valued at $25.00 or more with any State agency, except as otherwise provided in the Conflicts of Interest Law and approved by the Advisory Ethics Panel.

6. The Governor shall not undertake any outside employment; or any service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.

7. The Governor shall not accept any personal gift, favor, service or other thing of value under circumstances from which the Governor knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent to unduly influence him in the performance of his public duties or under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the employee in the discharge of the employee's official duties.

8. The Governor shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his official duties that he may be engaged in conduct inconsistent with this Code.

G. USE OF STATE INFORMATION, PROPERTY AND FUNDS, AND TITLE

1. Consistent with the other provisions of this Code, the Governor shall use the information, property and funds under his or her official

control in accordance with prescribed procedures and not for personal gain or benefit.

2. Consistent with the other provisions of this Code, the Governor shall not use or disclose information not generally available to members of the public, which information he obtains during the course of his official duties, other than such use or disclosure connected with the Governor's official duties.

3. In recognition of the nature of the Office of Governor, the Governor generally shall not be restricted in the use of his official title, except that the Governor shall not use his official title for personal financial gain.

H. SPECIAL CASINO, FINANCIAL DISCLOSURE AND RELATED CONSIDERATIONS

1. The Governor is subject to the statutory provisions concerning contemporaneous and post-State employment restrictions regarding casinos. The proscription is contained in N.J.S.A. 52:13D-17.2.

2. If the Legislature repeals or suspends N.J.S.A. 52:13D-17.2, in whole or in part, the companion sections of this Code shall, to the same extent, be deemed repealed or suspended and of no effect.

3. The Governor shall be subject to the Financial Disclosure requirements established by Executive Order.

EXECUTIVE ORDER No. 2

WHEREAS, Coretta Scott King spent a full and productive life as a wife, mother, musician, author and leader for fundamental social change on behalf of the poor and disenfranchised; and

WHEREAS, New Jersey, the country and the world are better today because of her commitment to social justice and non-violence; and

WHEREAS, Coretta Scott King grew up in Perry County, Alabama, and was the first African American scholarship student to major in education at Antioch College in Ohio; and

WHEREAS, She met and married Dr. Martin Luther King, Jr., while studying music as a scholarship student in Boston; and

WHEREAS, As the young wife of a minister, she lived at the center of historic social change throughout this country; and

WHEREAS, With her husband, she was a leader in the non-violent civil rights movement; and

WHEREAS, Following Dr. King's assassination in 1968, she became an international leader in her own right, advocating for peace, justice and equality, while continuing to raise four young children; and

WHEREAS, As a board member of the National Organization of Women and the Southern Christian Leadership Conference, she advanced human rights both at home and abroad; and

WHEREAS, She struggled against apartheid in South Africa, against poverty in South America and against AIDS and gun violence in this country; and

WHEREAS, She led the effort to designate a national holiday in memory of her husband Dr. Martin Luther King, Jr., and to establish the Martin Luther King, Jr. Center for Nonviolent Social Change in Atlanta, Georgia; and

WHEREAS, Those efforts will help make the King family's legacy of courage, non-violence and sense of justice endure long after her passing; and

WHEREAS, Her leadership in support of civil rights, employment opportunity and equality has been a strong and steady beacon for non-violent social change throughout the world; and

WHEREAS, It is with great sadness that we celebrate the life of Coretta Scott King, mourn her passing and extend our sincere sympathy to her family and friends; and

WHEREAS, It is fitting and proper to honor the memory and the passing of Coretta Scott King;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, February 3, 2006, in recognition and mourning of the passing of Coretta Scott King.

2. This Order shall take effect immediately.

Dated February 1, 2006.

EXECUTIVE ORDER No. 3

WHEREAS, Ensuring the provision of quality educational facilities to all New Jersey school children is a fundamental constitutional obligation of the State; and

WHEREAS, The New Jersey Supreme Court has articulated the urgent necessity for the State to provide for the construction, modernization and repair of educational facilities in the Abbott Districts; and

WHEREAS, The New Jersey Legislature has enacted the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 ("the Act"), to address inadequacies in the quality, safety and utility of educational facilities throughout the State; and

WHEREAS, Executive Order No. 24 (2002) directed the New Jersey Economic Development Authority ("EDA") to establish a subsidiary corporation to carry out the statutory obligations of the EDA under the Act for funding and undertaking the repair, renovation, and construction of all school facility projects determined by the Commissioner of Education to meet the school facilities efficiency standards in the Abbott Districts and for undertaking construction of school facilities projects in districts receiving over 55 percent in State aid for education and the "Level II" monitoring districts; and

WHEREAS, Pursuant to Executive Order No. 24 (2002), the EDA established the entity now known as the Schools Construction Corporation; and

WHEREAS, Implementation of the School Construction Program has been the subject of evaluation and criticism by the Office of the Inspector General and others in government and by the media and the community at large; and

WHEREAS, Specific weaknesses have been identified in, and specific criticisms have been directed to, the areas of the management of design and construction activity and financial controls; and

WHEREAS, The effectiveness of the School Construction Program will be enhanced by (1) increased activity and leadership by the Department of Education in establishing criteria for, and in the evaluation of, the Long Range Facility Plans; and (2) more effective and focused prioritization and accountability by local school districts in the program; and

WHEREAS, The effectiveness of the School Construction Program also will be enhanced by the active involvement of the Board of Directors of the Schools Construction Corporation with its full complement of public members and with leadership by a chairperson who has significant experience and expertise in financial and operational management and oversight; and

WHEREAS, While reforms have been initiated by the Schools Construction Corporation in the areas of fiscal and operations management, further reforms are needed to assure the public that strict controls are in place and that funds for school construction are being spent consistently with legal requirements and in accordance with educational priorities; and

WHEREAS, It is imperative that, while we immediately implement necessary measures to improve the School Construction Program, we also consider and evaluate all options for a new structure for the Program to ensure that it efficiently delivers the schools our children need at the best price through time; and

WHEREAS, An effective and successful evaluation and transition plan will require collaboration among a number of State agencies while

significant reforms and improvements are initiated at those agencies; and

WHEREAS, This reform and improvement process will be enhanced by the designation, on a temporary basis, of an official who will report directly to the Governor and who will be principally responsible for ensuring interaction and collaboration among these agencies; and

WHEREAS, The establishment of an Interagency Working Group charged with specific tasks and with initial reporting dates will further enhance the reform and improvement process; and

WHEREAS, The Interagency Working Group will benefit from input from an advisory panel of representatives from the community;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The position of Special Counsel to the Governor for School Construction ("Special Counsel") is hereby created. The Special Counsel shall be appointed by, serve at the pleasure of, and report to the Governor. During the period of appointment the Special Counsel shall also serve as a Special Assistant Attorney General and shall, in consultation with the Attorney General, have access to the support and resources of the Department of Law and Public Safety, including without limitation such clerical and support staff as may be necessary to discharge the responsibilities under this Executive Order.

2. The Special Counsel is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge the responsibilities under this Executive Order. Each department, office, division, and agency of State government is required to cooperate with the Special Counsel and to furnish the Special Counsel with assistance necessary to accomplish the purpose of this Executive Order.

3. The Special Counsel shall serve as the Governor's representative in all matters pertaining to the management and operations of the Schools Construction Corporation and shall serve on the Corporation's Board of

Directors in the position designated in Executive Order No. 24 (2002) for a member of the Governor's Executive Staff.

4. The Board of Directors of the Schools Construction Corporation, with assistance from the Interagency Working Group on School Construction created herein, shall immediately commence a broad-based search for a permanent chief executive officer.

5. There is hereby formed an Interagency Working Group on School Construction (the "Interagency Working Group") that shall be comprised of the Special Counsel, the Acting Commissioner (or Commissioner) of Education, the Chairperson of the Schools Construction Corporation, and the Acting Treasurer (or Treasurer). The Special Counsel shall serve as the chairperson of the Interagency Working Group. The Interagency Working Group is hereby authorized and directed to review the entire School Construction Program and the laws, regulations, and policies governing educational facilities and to develop recommendations for reform, including recommended statutory and regulatory initiatives, to be presented to the Governor. In addition to any other topics that the Interagency Working Group may consider, specific recommendations are to be developed addressing the reorganization of the Schools Construction Corporation, considering such options as creating a new educational facilities authority in the Department of Education or the Department of the Treasury, or by enhancing the capabilities of the New Jersey Building Authority.

6. The Interagency Working Group is further authorized and directed to develop recommendations for consideration by the Schools Construction Corporation and the Acting Commissioner of Education to provide immediate improvements in the operation and management of the School Construction Program so as to establish an effective program to design and build schools in collaboration with local school boards and communities. Topics for consideration should include, but not be limited to:

a. The implementation of a process by which the educational priorities articulated by the New Jersey Supreme Court in its Abbott decisions and reflected in the Act shall be realized in the review and approval of Abbott District Long Range Facility Plans ("Plans") and project proposals, to include, if necessary, revision to Facility Efficiency Standards.

b. The implementation of a process where approved Plans shall (i) reflect priorities established by local school districts with respect to the

construction of schools based on health, safety, and the ability to provide an adequate working environment, and (ii) pertain to the approval of facility projects that can be reasonably accommodated within the five-year period covered by the Plans.

7. The Interagency Working Group shall provide the Governor with an initial written report of its findings and recommendations on or before March 15, 2006.

8. To assist the Interagency Working Group in fulfilling its mission, there is hereby created a Citizens Advisory Panel, which will consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the Assembly, and three public members appointed by the Governor.

9. The Interagency Working Group shall regularly consult with the Citizens Advisory Panel to keep the Panel informed and to solicit the Panel's input.

10. The Attorney General is hereby directed to provide such assistance to the Schools Construction Corporation as may be necessary to immediately review the adequacy of contracts entered into by the Corporation and to commence legal proceedings to recover monies disbursed due to design errors, overcharging for work completed, or other causes for which the Corporation has a right to seek recovery.

11. The Acting Commissioner of Education is hereby directed to institute such organizational changes as are required to ensure coordination of school construction activities with other Abbott initiatives and to enhance (i) the management and active participation of the Department of Education in the School Construction Program for all matters regarding educational policy, (ii) the development and application of educational facilities standards, and (iii) priority-setting by and among local school districts.

12. This Order shall take effect immediately.

Dated February 7, 2006.

EXECUTIVE ORDER No. 4

WHEREAS, Matthew J. Melchionda, a loving husband, son and brother, and a resident of White House Station, joined the Watchung Borough Police Department in December, 1999 after graduating first in his class from the Somerset County Police Academy; and

WHEREAS, Officer Melchionda graduated from Hunterdon Central High School, Rutgers University and pursued post graduate education, recently being awarded a Masters Degree in Public Administration from Centenary College; and

WHEREAS, Officer Melchionda served the Police Department and the citizens of Watchung Borough with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest law enforcement traditions; and

WHEREAS, Officer Melchionda proudly served in the Watchung Borough Police Department for 6 years, personifying his own family's commitment to the finest traditions and principles of law enforcement, and received many commendations and accolades for excellent police work during his tour of duty; and

WHEREAS, Officer Melchionda investigated cases with great diligence, regardless of the grade of the offense, always recognizing the impact any crime can have on its victims; and

WHEREAS, Officer Melchionda resolutely volunteered for duty and always acted with great care and respect for the safety of the public; and

WHEREAS, Officer Melchionda has made the ultimate sacrifice, giving his life in the line of duty to help New Jersey's citizens and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing, to remember his family and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, March 16, 2006, in recognition and mourning of Watchung Borough Police Officer Matthew J. Melchionda.

2. This Order shall take effect immediately.

Dated March 14, 2006.

EXECUTIVE ORDER No. 5

WHEREAS, Protecting the citizens and the critical assets of the State of New Jersey is the top priority for the State of New Jersey and its Governor; and

WHEREAS, We have entered into a new threat era with acts of terrorism, natural disasters, catastrophic events, and pandemics that require a new operational, all-hazard paradigm and approach to homeland security and emergency preparedness; and

WHEREAS, The Legislature recognized in the New Jersey Domestic Security Preparedness Act, P.L. 2001, c.246, that the threat of a terrorist attack presents a serious and continuing danger to the residents of New Jersey; and

WHEREAS, A uniform and cooperative statewide response is required to effectively ensure homeland security and emergency preparedness; and

WHEREAS, The creation of an Office of Homeland Security and Preparedness and the appointment by the Governor of a cabinet-level Director to advise the Governor and to coordinate emergency response efforts across all levels of government, law enforcement, emergency management, non-profit organizations, agencies, authorities, other jurisdictions, and the private sector will greatly enhance the safety, security, and preparedness of New Jersey; and

WHEREAS, The appointment of a Director of Homeland Security and Preparedness who has complete responsibility for overseeing, planning,

and distributing state and federal funding for homeland security and emergency preparedness solely on the basis of risk, threat, and vulnerability, will eliminate duplication, ensure the most effective use of limited resources, and guarantee that funds are used for appropriate and necessary purposes; and

WHEREAS, Greater security and preparedness will be achieved by having the Director of Homeland Security and Preparedness serve as Chair of the Domestic Security Preparedness Task Force; and

WHEREAS, The State's counter-terrorism efforts will be enhanced greatly by placing the Office of Counter-Terrorism under the direction and supervision of the Director of Homeland Security and Preparedness and by coordinating the efforts of the Director's Office with other law enforcement entities throughout the State; and

WHEREAS, The State and the Governor must undertake all appropriate efforts to guarantee the safety of the people of New Jersey while protecting and respecting the privacy and civil liberties of individuals throughout the State;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Office of Homeland Security and Preparedness (the "Office"), which is empowered to administer, coordinate, lead, and supervise New Jersey's counter-terrorism and preparedness efforts. The goal of this Office shall be to coordinate emergency response efforts across all levels of government, law enforcement, emergency management, non-profit organizations, other jurisdictions, and the private sector, to protect the people of New Jersey.

2. The Office shall be led by a Director, who shall report directly to the Governor and shall be a cabinet-level official.

3. The Director of the Office of Homeland Security and Preparedness shall be the Homeland Security and Preparedness Advisor for the Governor and the State of New Jersey.

4. The Director, in consultation with the Department of Personnel and the Director of the Office of Management and Budget, shall utilize and employ all such personnel as are necessary to carry out the duties of the Office.

5. The Office of Homeland Security and Preparedness shall be in, but not of, the Department of Law and Public Safety.

6. The Director shall serve as the State's liaison with federal law enforcement authorities and with other states on counter-terrorism and emergency preparedness issues.

7. The Director and the Office shall be authorized to call upon the expertise and assistance of all State departments, divisions, and agencies to carry out their mission, including but not limited to: the Department of Law and Public Safety (including the Office of the Attorney General, the Division of State Police and the Office of Emergency Management), the Department of Transportation, the Department of Health and Senior Services, the Department of Human Services, the Board of Public Utilities, the Department of Environmental Protection, the Department of Agriculture, the Department of Labor and Workforce Development, the Department of Military and Veterans' Affairs, the Department of Community Affairs, and the Department of the Treasury.

8. Each State department and agency shall be required, to the extent not inconsistent with law, to cooperate with the Office.

9. The Office may, to the extent not inconsistent with any other law, employ, consult, and contract with private and public entities, and enter into such agreements with public and private individuals or entities as necessary to further the mission of the Office or of other offices and units that fall under the Director's supervision.

10. The Director shall be responsible for planning, overseeing, and distributing discretionary state and federal homeland security and preparedness funding. The Office shall be designated as the State Administrative Agency for all federal homeland security and preparedness funding as of May 1, 2006.

11. The Director shall establish clear, transparent guidelines for the allocation of discretionary funding and shall distribute all funding based upon risk, threat, and vulnerability.

12. The Office shall be authorized to draw on the assistance of any county or municipal governmental agency, or any independent state authority, for the purposes of carrying out its duties and responsibilities.

13. The Office shall identify and participate in appropriate federal or multi-state law enforcement programs and efforts that support or complement its counter-terrorism and preparedness efforts.

14. The Office shall review all proposed State legislation regarding counter-terrorism and preparedness and shall report to the Governor's Office about such proposed legislation through the Office of the Chief Counsel. The Office shall also review existing legislation and may recommend modifications, amendments, or initiatives to support or enhance the State's homeland security and preparedness capabilities.

15. The Domestic Security Preparedness Task Force, which is in, but not of, the Department of Law and Public Safety, shall be a part of the Office of Homeland Security and Preparedness. All staff, funding, and other resources associated with the Domestic Security Preparedness Task Force shall be a part of the Office.

16. The Director shall chair and shall personally attend all meetings of the Domestic Security Preparedness Task Force, absent unavoidable conflicts.

17. The Director shall be responsible for ensuring that the State has a comprehensive emergency plan that is disseminated and fully understood by all relevant parties in the State.

18. The Director shall conduct regular exercises, tabletops, and simulations to assess and prepare responses to all hazards.

19. The State Police shall continue to operate the Office of Emergency Management; however, the Superintendent of the State Police shall provide dual reporting to the Attorney General and to the Director of the Office of Homeland Security and Preparedness on matters related to homeland security, preparedness, and the Office of Emergency Management.

20. The Office of Counter-Terrorism shall be a part of the Office. A Deputy Director of Homeland Security and Preparedness shall be responsible for counter-terrorism and intelligence and shall have as his or her mission: (1) intelligence gathering, analysis, and sharing; (2) training of law enforcement and other individuals tasked with homeland security and emergency preparedness responsibilities; and (3) infrastructure protection.

21. The Office shall conduct law enforcement investigations in conjunction with the FBI Joint Terrorism Task Force, the State Police, the Division of Criminal Justice in the Office of the Attorney General, and other law enforcement agencies specifically designated by the Director.

22. All law enforcement investigations shall be under the supervision of the Division of Criminal Justice in the Office of the Attorney General. Regular status reports on such investigations shall be provided to both the Director and to the Attorney General.

23. The Office shall have all powers conferred by law to the Department of Law and Public Safety, including the powers conferred by the Criminal Justice Act of 1970, P.L.1970, c.74, as amended by P.L.1981, c.187. To the extent that the Office utilizes powers conferred under this Act, there shall be dual reporting to the Director and the Attorney General.

24. The Office shall be the central State agency responsible for gathering and disseminating intelligence and information relating to counter-terrorism to local, county, state, and federal law enforcement entities and other agencies. The Office shall coordinate the gathering and dissemination of this information with the State Police.

25. The Office shall develop and maintain a databank of information regarding homeland security and preparedness in coordination with the State Police. To accomplish this goal, the Office is authorized to access all appropriate information in the possession of State departments, divisions, and agencies and local, county, and State law enforcement agencies, including but not limited to all criminal, intelligence, and investigative case files and information.

26. The Office shall be permitted to seek and obtain relevant counter-terrorism intelligence information from other appropriate sources, including private industry, public utilities, and other entities.

27. The Office shall be the central state agency responsible for developing and administering training programs for law enforcement personnel and other individuals on counter-terrorism and intelligence gathering, analysis, and sharing. All State departments, divisions, facilities, and agencies shall provide appropriate assistance in regard to such training programs.

28. All documents, materials, and information pertaining to counter-terrorism investigation, intelligence, training, and protocols created, compiled, obtained or maintained by the Office shall be deemed confidential, non-public and not subject to the Open Public Records Act, P.L. 1963, c.73, as amended and supplemented.

29. The Director, the Office, and all other State departments, agencies, and units shall respect and protect the privacy and civil liberties of individuals while undertaking all appropriate efforts to guarantee the safety of the people of New Jersey.

30. The Public Advocate of the State of New Jersey shall appoint a public ombudsman within the Public Advocate's Office to address civil liberties issues related to homeland security and preparedness.

31. Executive Order Number 33 (2002) and Executive Order Number 57 (2005) are hereby rescinded.

Dated March 16, 2006.

EXECUTIVE ORDER No. 6

WHEREAS, U.S. Army Specialist First Class Carlos Gonzalez, was born in Passaic, New Jersey and attended Passaic Public School until the age of 11; and

WHEREAS, SPC Gonzalez subsequently enlisted in the U.S. Army in May 2005; and

WHEREAS, SPC Gonzalez served proudly as a member of the U.S. Army's 501st Special Troop Battalion, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and served in

Iraq in the service of his country from September 2005; and

WHEREAS, SPC Gonzalez was a courageous soldier, a devoted husband, a loving father of an eighteen month old daughter, a proud son, and a caring brother; and

WHEREAS, SPC Gonzalez has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, SPC Gonzales has been recommended for some of our nation's highest military honors, including the Bronze Star, the Purple Heart, an Iraqi Campaign Medal, the Good Conduct Medal and the Global War on Terrorism Medal; and

WHEREAS, SPC Gonzalez's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing, to remember his family as they mourn their loss and for the State where he was born and where he will be interred to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, March 25, 2006, in recognition of the life and in mourning of the passing of U.S. Army SPC Carlos Gonzalez.

2. This Order shall take effect immediately.

Dated March 23, 2006

EXECUTIVE ORDER No. 7

WHEREAS, The New Jersey Legislature enacted the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 ("the Act"), to address

inadequacies in the quality, safety and utility of educational facilities throughout the State; and

WHEREAS, Executive Order No. 24 (2002) directed the New Jersey Economic Development Authority ("EDA") to establish a subsidiary corporation to carry out the statutory obligations of the EDA under the Act; and

WHEREAS, Pursuant to Executive Order No. 24 (2002), the EDA established the entity now known as the Schools Construction Corporation ("SCC"); and

WHEREAS, The composition of the Board of Directors of the SCC was delineated in Executive Order No. 24 (2002); and

WHEREAS, The Attorney General was added to the Board of the SCC pursuant to Executive Order No. 47 (2002); and

WHEREAS, Executive Order No. 3 (2006) created an Interagency Working Group to review the entire School Construction Program and the laws, regulations, and policies governing educational facilities, as well as the reorganization of the SCC; and

WHEREAS, Executive Order No. 3 (2006) also directed the Attorney General to "provide such assistance to the Schools Construction Corporation as may be necessary to immediately review the adequacy of contracts entered into by the Corporation and to commence legal proceedings to recover monies disbursed due to design errors, overcharging for work completed, or other causes for which the Corporation has a right to seek recovery"; and

WHEREAS, The Attorney General is engaged in the review directed by Executive Order No. 3; and

WHEREAS, It is critical that the Attorney General be independent from the governance of the SCC so as to allow the Attorney General to properly oversee and investigate any possible claims or actions by or against the SCC;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 1(a) of Executive Order No. 24 (2002), as amended, is hereby amended to replace the Attorney General as a member of the Board of Directors of the Schools Construction Corporation with a member of the Governor's Executive Staff who has law enforcement and/or prosecutorial experience.

2. Executive Order No. 47 (2002) is hereby rescinded.

3. This Order shall take effect immediately.

Dated March 24, 2006.

EXECUTIVE ORDER No. 8

WHEREAS, U.S. Army Captain John F. Dugan, Jr. of Roselle, New Jersey, graduated from Roselle Catholic High School in 1965 and attended Union County College for two years; and

WHEREAS, Captain Dugan subsequently enlisted in the U.S. Army and enrolled in Officer Candidate School; and

WHEREAS, Captain Dugan served an initial tour of duty in Vietnam as a forward observer and was awarded the Bronze Star and Purple Heart; and

WHEREAS, Captain Dugan then graduated from flight school and was redeployed for his second tour of duty as a helicopter pilot in Company B, 101st Aviation Battalion, 101st Airborne Division in 1970; and

WHEREAS, On March 20, 1971, Captain Dugan volunteered, along with fellow soldiers, for an exceptionally dangerous assignment, the helicopter rescue of a unit of South Vietnamese Rangers under fire in a remote area of Laos, knowing that a previous rescue attempt had failed as a result of heavy enemy fire; and

WHEREAS, Captain Dugan made the ultimate sacrifice, on behalf of his country, giving his life in the line of duty while attempting to save allied soldiers; and

WHEREAS, Captain Dugan was awarded the Silver Star for his acts of heroism; and

WHEREAS, Captain Dugan was a committed and professional soldier and a loving son and brother, whose memory lives in the hearts of his family; and

WHEREAS, Captain Dugan's remains have only been recently identified and are only now being returned to his family; and

WHEREAS, Captain Dugan's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, April 12, 2006, in recognition and mourning of U.S. Army Captain John F. Dugan, Jr. of Roselle, New Jersey.

2. This Order shall take effect immediately.

Dated April 6, 2006.

EXECUTIVE ORDER No. 9

WHEREAS, The State of New Jersey is confronting a multi-billion dollar structural budget deficit; and

WHEREAS, All levels of government play a vital role in the economic life of New Jersey; and

WHEREAS, It is imperative that services and programs throughout government be reevaluated and re-engineered in order to marshal and conserve all available resources, achieve the greatest measure of effectiveness, efficiency and cost-savings, and deliver the highest quality of governmental services; and

WHEREAS, Cost-effective and functionally efficient government will benefit and enhance the State's economy, restore public confidence and allow for the continued delivery of vital programs; and

WHEREAS, As Governor, I have the responsibility and the authority to ensure that State government and its various agencies and instrumentalities operate as efficiently and as effectively as possible; and

WHEREAS, Numerous State executive branch agencies and independent authorities administer aid and grant programs that provide billions of dollars in funding to county and local governments and school districts; and

WHEREAS, As Governor I have the obligation to ensure that the county and local governments and school districts that receive these State funds operate as efficiently and as effectively as possible; and

WHEREAS, It is essential that all government operations in New Jersey, including executive branch agencies, state and local independent authorities, local and county governments, and school districts, be subjected to a comprehensive, unsparing and searching examination; and

WHEREAS, Such a review can ably be conducted by individuals drawn from a wide variety of walks of life, who possess the expertise, experience and skills to evaluate how government can most effectively meet the numerous demands placed on it;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Commission on Government Efficiency and Reform pursuant to Art. V, Sec. IV, par. 1 of the New Jersey Constitution.

2. The Commission shall evaluate the budget, structure and organization of government in New Jersey, including State agencies, instrumentalities and independent authorities, local and county government and school districts, and advise the Governor on governmental restructuring, effectiveness, best practices, efficiencies, cost-saving measures, and how best to achieve economies of scale in the delivery of services and programs, at the lowest possible cost, consistent with mission and quality.

3. In its evaluation and examination of any aspect of government in New Jersey or its current structure, the Commission shall identify any measures that will bring enhanced economy, efficiency and accountability to government operations, including, but not limited to:

a. the organization, operation and performance of State agencies, instrumentalities and authorities;

b. the organization and delivery of effective and efficient services across all levels of governments;

c. the need for and benefits of regionalization or consolidation of local and county governments, publicly funded school programs and school districts and the services they provide;

d. the organization and administration of New Jersey's public workforce;

e. the operations of the Office of Information Technology and the procurement, provision, maintenance, and supervision of information technology by State government;

f. the accessibility, design and efficiency of higher education in New Jersey;

g. the organization of the Department of Human Services, in light of its complex roles, functions and emerging responsibilities; and

h. any other matter related to the organization, structure and administration of government that is likely to deliver better and higher levels of service at the lowest possible cost.

4. The Commission shall be composed of 13 individuals with expertise in government, business, labor and education who will be appointed by and serve at the pleasure of the Governor. The Chair of the

Commission shall be designated by the Governor and shall serve as Chair at his pleasure. The Governor shall also appoint, in the same manner, additional members with expertise and experience in government, higher education, labor and the private sector, as needed, to sub-groups, which will focus in depth on any of the above-listed items or related matters, as requested by the Commission, and will report back to the Commission as required.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. The Commission shall deliver an initial report to the Governor within three months of its first meeting. Additional reports shall be delivered on an ongoing basis in the course of the Commission's work.

7. This Order shall take effect immediately.

Dated April 7, 2006.

EXECUTIVE ORDER No. 10

WHEREAS, Firefighter Kevin Apuzzio was born in Elizabeth, New Jersey, and attended Union Catholic High School in Scotch Plains, New Jersey, where he served as a peer leader, led the Big Brothers/Big Sisters Program, became an Emergency Medical Technician and at the age of 16 volunteered to serve with the Union Emergency Medical Unit; and

WHEREAS, Firefighter Apuzzio attended the Livingston College of Rutgers University as a criminal justice major, where he joined the Rutgers Emergency Medical Services Department, and also served as a

volunteer firefighter with the East Franklin Township Volunteer Fire Company since August 2003, and

WHEREAS, On the morning of April 11, 2006 in the Township of East Franklin in Somerset County, Firefighter Apuzzio, at the age of 21, made the ultimate sacrifice, giving his life while leading a crew of four firefighters into a burning single-family dwelling to rescue an elderly woman who was trapped inside, and

WHEREAS, Kevin Apuzzio's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was born and raised to recognize his remarkable commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, April 18, 2006, in recognition of the life and in mourning of the passing of Firefighter Kevin Apuzzio.

2. This Order shall take effect immediately.

Dated April 13, 2006.

EXECUTIVE ORDER No. 11

WHEREAS, New Jersey is a national leader in promoting energy efficiency, renewable energy, and environmental protection and is dedicated to reducing energy usage, which decreases emissions of greenhouse gasses and improves the health and welfare of the State's citizens; and

WHEREAS, Increasing greenhouse gas emissions have been documented to result in global warming that is causing a rise in sea level, which in turn will affect the natural resources of the 127 miles of New Jersey's coast and negatively impact billions of dollars of existing infrastructure; and

WHEREAS, New Jersey State government controls hundreds of buildings throughout the State and spends nearly $128 million annually on energy for its various facilities; and

WHEREAS, Establishing the position of Director of Energy Savings within the Department of the Treasury will assist in reducing the State's energy expenses and benefit the environment; and

WHEREAS, Reducing energy usage through energy efficiency and increased use of renewable energy will improve the State's economy by exerting downward pressure on natural gas prices and otherwise lowering the cost of energy, creating local jobs, and stemming the flow of energy dollars to out-of-State entities; and

WHEREAS, Energy savings and environmental protection gains can be achieved through changes in the purchasing patterns of State government, which wields considerable purchasing power; and

WHEREAS, The increased purchase of energy efficient, less toxic, and recycled products and services by State government is considered one of the best ways to bolster these markets, as well as the economic viability of New Jersey; and

WHEREAS, State government should assume a leadership role in promoting the efficient use of energy and natural resources in the interest of long-term protection and enhancement of our State's natural beauty;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created within the Department of the Treasury the position of Director of Energy Savings. The Director of Energy Savings

shall be appointed by the Governor and shall report to the Treasurer.

2. The Director of Energy Savings shall be responsible for implementing a program to increase energy efficiency, reduce energy usage, and improve the procurement of energy for all State facilities. Specifically, the Director of Energy Savings shall:

a. Oversee energy audits to be conducted at State buildings, centers, and facilities and subsequent implementation of the recommendations contained in the audits in the most cost-effective manner available. These audits shall, at a minimum, analyze energy efficiencies and the feasibility of installing on-site renewable energy systems that can be cost-effectively implemented with a 10-year payback period;

b. Provide an annual report to the Governor outlining the environmental results and cost savings to the State;

c. Take the action necessary to enable the State to partake in the bulk purchase and energy contract program to maximize the State's purchasing power;

d. Assist in implementing the procurement practices set forth in this Order;

e. Work with the Economic Development Authority, the Office of Economic Growth, the Commission on Science and Technology, and the Board of Public Utilities to develop a plan for promoting economic development around renewable energy and advanced energy technologies;

f. Coordinate with the agencies that own, lease, occupy or maintain State buildings to implement immediate energy efficiency practices;

g. Evaluate and determine whether the State should participate in the Board of Public Utilities' Clean Power Choice program; and

h. Review the current State vehicle fleet, within the context of current federal and State standards, to determine whether more fuel efficient vehicles may be purchased.

3. All State departments, authorities and instrumentalities with purchasing or procurement authority (hereinafter, "State agencies") shall select ENERGY STAR energy-efficient products when acquiring new energy-using products or replacing existing equipment. The Director of the Division of Purchase and Property in the Department of the Treasury (hereinafter, the "Division of Purchase and Property") shall issue standards and guidelines to implement this requirement. For products that do not have ENERGY STAR labels, State agencies shall follow guidelines established by the New Jersey Clean Energy Program.

4. Each State agency shall appoint or reappoint, within 30 days of the effective date of this Order, a coordinator from the agency procurement staff who will be responsible for coordinating with the Director of Energy Savings and the Division of Purchase and Property for the procurement by the State agency of energy, energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain mercury, lead, or other persistent bioaccumulative toxics (PBTs), and other products manufactured through environmentally sustainable methods. The coordinator's responsibility is to ensure agency compliance with the provisions of this Order. Those State agencies with independent procurement authority shall consult with the Division of Purchase and Property as well as the Director of Energy Savings in accordance with the requirements of this Order to ensure Statewide adherence hereto.

5. a. For the purposes of this section, "competitive" means of comparable quality and available at a price no more than 15% above the price arrived at through competitive bid, and "Addendum" means the Addendum to this Order which is incorporated herein by reference.

b. Each State agency shall, when purchasing products in the product categories set forth in the Addendum, purchase the recycled products listed in the Addendum, provided the recycled products are competitive. In connection with such purchases, consideration shall be given to recycled products containing the highest percentage of post-consumer waste material.

c. Each State agency shall print all publications and documents, including those publications and documents printed under the supervision of the State agency, on recycled paper, unless the State agency cannot procure a sufficient quantity of competitive recycled paper. The phrase "printed on recycled paper," "recycled paper" or words or symbols to that effect should be imprinted on the publication or document.

d. State agencies shall make best efforts to use both sides of the paper stock (i.e., two-sided or duplex copies) when producing or copying documents.

e. In all product procurements, State agencies shall make best efforts to purchase low toxicity products, PBT-free or reduced-PBT products, and other products manufactured through environmentally sustainable methods. In cases where a PBT-free alternative is not available, the State agency shall include specifications to encourage product manufacturers to take back and recycle used PBT-containing products.

6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.

7. The Director of the Division of Purchase and Property shall have the authority to extend any existing contracts under their current terms when the Director determines such extension to be in the best interests of the State.

8. Each State agency shall submit an annual report to the Division of Purchase and Property by August 31 of each year that details the types, volume and dollar amounts of recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods purchased during the previous fiscal year. This report shall be submitted either electronically or on paper in accordance with subsections (c) and (d) of section 5 of this Order.

9. State agencies shall transition to energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods as soon as possible but in a manner that avoids wasting of existing inventories and allows the phase-out of products inconsistent with this Order.

10. The Office of Clean Energy in the Board of Public Utilities and the Department of Environmental Protection shall provide technical assistance to the Director of Energy Savings, State agency coordinators, and the Division of Purchase and Property in support of implementation of this Order and shall promote innovative research and development to identify new recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain

PBTs, and other products manufactured through environmentally sustainable methods to be purchased by State agencies.

11. This Order shall not apply whenever inclusion in a contract of a provision or provisions of this Order would violate the terms, conditions, or limitations of any grant, funding or financial assistance from the federal government or any agency thereof.

Dated April 22, 2006.

Addendum

Construction Products – Unless otherwise noted, in accordance with United States Environmental Protection Agency's (hereinafter "USEPA") Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Asphalt pavement or asphalt pavement patching materials made with recycled asphalt shingles – New Jersey Department of Transportation (hereinafter "NJDOT") specification

Building insulation products
Carpet
Carpet cushion
Cement and concrete
Consolidated and reprocessed latex paint
Floor tiles
Flowable fill
Glassphalt – NJDOT specification
Laminated paperboard
Patio blocks
Railroad grade crossing surfaces
Reclaimed asphalt pavement (RAP) - NJDOT specification
Recycled concrete aggregate (RCA) - NJDOT specification
Recycled plastic lumber – American Society for Testing and Materials specification
Rubber modified asphalt
Shower and restroom dividers/partitions
Structural fiberboard

Landscaping Products – Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Garden and soaker hoses

Hydraulic mulch
Lawn and garden edging
Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials – NJDEP solid waste and recycling rules
Plastic lumber landscaping timbers and posts

Nonpaper Office Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Binders, clipboards, file folders, clip portfolios, and presentation folders
Office recycling containers
Office waste receptacles
Plastic desktop accessories
Plastic envelopes
Plastic trash bags
Printer ribbons
Toner cartridges
Soy-based inks

Paper and Paper Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Commercial/industrial sanitary tissue products
Miscellaneous papers
Newsprint
Paperboard and packaging products
Printing and writing papers

Park and Recreation Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Park benches and picnic tables
Plastic fencing
Playground equipment
Playground surfaces
Running tracks

Transportation Products – Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Channelizers
Delineators – NJDOT specification

Flexible delineators
Parking stops
Traffic barricades
Traffic cones – NJDOT specification

Miscellaneous Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Awards and plaques
Industrial drums
Manual-grade strapping
Mats
Pallets
Signage
Sorbents

EXECUTIVE ORDER No. 12

WHEREAS, United States Marine Corps Sergeant Matthew J. Fenton was born in Englewood, New Jersey, raised in Little Ferry, New Jersey, and graduated from Ridgefield Park High School; and

WHEREAS, Sergeant Fenton enlisted in the U.S. Marine Corps following his graduation from high school, attaining his goal of becoming a United States Marine; and

WHEREAS, Sergeant Fenton proudly served in duty stations around the world and volunteered to serve in Iraq; and

WHEREAS, Sergeant Fenton served with honor and distinction as a member of the Marine Forces Reserve's Inspector and Instructor Staff, 1st Battalion, 25th Marine Regiment, 4th Marine Division, based in Fort Devens, Massachusetts; and

WHEREAS, Sergeant Fenton was a courageous Marine who loved his family, friends, and community; and

WHEREAS, Sergeant Fenton was, in turn, loved by his family, friends and neighbors who take great pride in his commitment, heroism, and

achievements; and

WHEREAS, Sergeant Fenton has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Sergeant Fenton has been awarded some of our nation's highest military honors; and

WHEREAS, Sergeant Fenton's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey, the state where he was born and raised, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, May 13, 2006, in recognition of the life and in mourning of the passing of U.S. Marine Corps Sergeant Matthew J. Fenton.

2. This Order shall take effect immediately.

Dated May 11, 2006.

EXECUTIVE ORDER No. 13

WHEREAS, United States Army Captain Douglas R. Wight, Jr. of Westfield, New Jersey, graduated from Westfield High School, attended Rutgers University and graduated from Columbia University; and

WHEREAS, Captain Wight subsequently joined the United States Army Air Corps; and

WHEREAS, Captain Wight served in a perilous assignment, flying aircraft over the Himalayas as part of a critical air bridge supplying American and allied forces in China; and

WHEREAS, Losses of allied aircraft involved in this effort, known as the "Hump," reached 50 percent because of the extreme conditions and dangers encountered by these brave crews; and

WHEREAS, Captain Wight's plane, a C-46, with three other crew members on board, departed Kunming, China, on March 27, 1944, enroute to Sookerating, India; and

WHEREAS, Captain Wight's plane never reached its destination, and the wreckage of his aircraft was only discovered 60 years later on Meiduobai Mountain in Tibet; and

WHEREAS, Captain Wight made the ultimate sacrifice, on behalf of his country, taking unimaginable risks and giving his life in the line of duty; and

WHEREAS, Captain Wight was a committed and professional pilot and a loving son and brother, whose memory lives in the hearts of his family and friends; and

WHEREAS, Captain Wight's remains have only been recently identified and are only now being returned to his family; and

WHEREAS, Captain Wight's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, May 17,

2006, in recognition and mourning of U.S. Army Captain Douglas R. Wight of Westfield, New Jersey.

2. This Order shall take effect immediately.

Dated May 11, 2006.

EXECUTIVE ORDER No. 14

WHEREAS, This Administration is fully committed to establishing and maintaining the highest ethical standards in the conduct of State business; and

WHEREAS, State employees, government officials and members of public bodies must at all times be accountable to the people of the State; and

WHEREAS, Public service must never be used for private gain; and

WHEREAS, Members of the governing boards of State institutions of higher education in New Jersey are responsible for the expenditure of substantial amounts of public dollars and must be fully cognizant of the Conflicts of Interest Law and the need to avoid even the appearance of impropriety; and

WHEREAS, Members of State university and college governing boards volunteer time and energy as a commitment to public service; and

WHEREAS, Current financial disclosure forms applicable to members of State university and college governing boards do not detail or identify with sufficient precision the conflicts of interest that all board members must avoid; and

WHEREAS, Multiple existing Executive Orders apply to members of State university and college governing boards and require disclosure forms that differ both in form and content; and

WHEREAS, An Advisory Group on Ethics Issues, consisting of former Governors Brendan Byrne and Thomas Kean, retired Supreme Court Justice Stewart Pollock, former Attorney General John Degnan, and

Princeton University President Shirley Tilghman, Ph.D., has reviewed and identified concerns regarding the current system and recommended various changes to the Governor; and

WHEREAS, A new and stricter conflicts of interest form will provide for clearer public accountability by requiring governing board members both to identify specifically potential conflicts of interest and to swear under the penalties of perjury that they are not engaged in a practice that constitutes a conflict of interest; and

WHEREAS, Requiring members of State university and college governing boards to complete and swear to the accuracy of a detailed and focused conflicts of interest form will enhance the State Ethics Commission's ability to review information and enforce the Conflicts of Interest Law;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. No member of a governing board of a State university or college ("board member") or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall do business with the institution that the board member governs. For the purposes of this Order, the term "do business with" shall mean providing or receiving any goods or services or otherwise engaging in a transaction involving the exchange of anything of value.

2. No board member or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall be employed by or derive or receive compensation from any firm, association, or partnership that does business with the institution that the board member governs.

3. No board member shall own or control more than one percent of the profits or assets of a firm, association, or partnership that does business with the institution that the board member governs.

4. The prohibitions in paragraphs 1, 2, and 3 shall also apply to shareholders, associates, or professional employees of a professional service corporation with which the board member is associated or otherwise

affiliated regardless of the extent or amount of the board member's shareholder interest in such a corporation.

5. The State Ethics Commission ("Commission") is hereby authorized to grant an exception from the terms of paragraphs 2, 3, and 4 of this Order if, in the judgment of the executive director, the entity that is doing business with the institution is doing so pursuant to a contract awarded in accordance with the competitive bidding laws applicable to that institution or the public interest requires that an exception be made.

6. The Commission shall promulgate a conflict of interest form designed to identify and avoid conflicts of interest involving board members. Each form shall be as complete and detailed as necessary in the judgment of the State Ethics Commission to fully disclose all conflicts of interest or potential conflicts of interest.

7. Every board member shall file on an annual basis the conflicts of interest form on or before May 15, except that the 2006 filing must be made on or before July 1, 2006. Board members who are newly named to a board subsequent to the effective date of this Order shall file a conflicts of interest form no later than 120 days from their assumption of office.

8. Each conflict of interest form shall contain a sworn certification, under penalty of perjury, by the board member that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct, and complete, and that he or she has not transferred and will not transfer any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

9. All State universities and colleges shall complete a list of all vendors and companies that do business with, or provide services to, their respective institutions ("vendor lists"). The institutions shall submit vendor lists to the Commission and to all individual board members no later than February 15 of each calendar year. Lists shall be provided this year no later than May 15, 2006.

10. The Commission shall use these vendor lists to evaluate conflicts of interest on an ongoing basis. In addition, individual board members shall use these lists to identify and avoid conflicts and to prepare their conflicts of interest form.

11. All State universities and colleges shall be required to update these vendor lists on a quarterly basis (namely, May 15, August 15, and November 15), and provide copies to the Commission and individual board members. The institutions shall also provide newly appointed board members with vendor lists when they join the governing board.

12. Periodic updating of vendor lists will enable board members to comply with their continuing obligation to identify and avoid conflicts of interest. Within 30 days of the receipt of a quarterly update, board members shall report any potential new conflicts to the Commission.

13. Each governing board of a State university or college shall incorporate the provisions of this Order into its code of ethics.

14. The Commission shall have the authority to enforce the terms of this Order.

15. In addition to all other civil and criminal penalties provided by law, a board member found by the Commission to have violated the provisions of paragraph 1, 2, 3, or 4 of this Order shall be fined not less than $500 nor more than $10,000 and may be suspended from office by order of the Commission for a period of not in excess of one year.

16. The failure of any board member to comply with the provisions of this Order shall constitute good cause for the appointing authority to remove the board member from office. If the Commission finds that the conduct of the board member constitutes a continuous and willful disregard of the provisions of the Order, the Commission may order the board member removed from office and may further bar the board member from holding any public office or employment in the State for a period not exceeding five years from the date on which the Commission made its finding.

17. For failure to file a conflicts of interest form, the Commission shall impose a civil penalty of $50 for each day of the violation, 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.).

18. Executive Order No. 65 (2005) is hereby rescinded and Executive Order No. 1 (2006) is hereby amended by deleting paragraph 6(b)(ii) of section I thereof.

19. This Order shall take effect immediately.

Dated May 12, 2006.

EXECUTIVE ORDER No. 15

WHEREAS, United States Army Staff Sergeant Christian Longsworth was raised in Newark, New Jersey, attended St. Joseph's Elementary School and Essex Catholic High School in East Orange, and graduated from Westside High School in Newark; and

WHEREAS, Staff Sergeant Longsworth enlisted in the United States Army soon after his graduation from high school and served with the 31st Infantry Regiment at Fort Drum, New York; and

WHEREAS, Staff Sergeant Longsworth proudly became a member of the Training Cadre for the elite 6th Ranger Training Battalion at Elgin Air Force Base, Florida, before volunteering and qualifying for duty in the Special Forces; and

WHEREAS, Staff Sergeant Longsworth was deployed to Afghanistan, in March 2006, where he served with the 3rd Battalion, 7th Special Forces Group; and

WHEREAS, Staff Sergeant Longsworth served with honor and distinction as a member of the elite United States Army Rangers, achieved the highest level of professional military service as a member of the Special Forces, and has been awarded some of our nation's highest commendations for combat service; and

WHEREAS, Staff Sergeant Longsworth was a courageous soldier who loved his parents, daughter, brother, friends, and community; and

WHEREAS, Staff Sergeant Longsworth was, in turn, loved by his parents, daughter, brother, friends and neighbors who take great pride in his

commitment, heroism, and achievements; and

WHEREAS, Staff Sergeant Longsworth has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Oruzgan Province, Afghanistan, during combat operations; and

WHEREAS, Staff Sergeant Longsworth's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on May 31, 2006, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Christian Longsworth.

2. This Order shall take effect immediately.

Dated May 30, 2006.

EXECUTIVE ORDER No. 16

WHEREAS, Severe weather conditions, including heavy rains, high winds, main stream and river flooding, and progressing runoff, now threaten homes and other structures and the flow of traffic throughout the State; and

WHEREAS, These weather conditions 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, These weather conditions constitute a disaster from a natural cause, 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 is 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, JON S. CORZINE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey DO DECLARE AND PROCLAIM that a State of Emergency presently exists throughout 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 implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operation plans as necessary.

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. 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 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 the Division of State Police, to determine the control and direction of the flow

of vehicular traffic on any State 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. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and 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, and 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 that, 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 N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, 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 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 that 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 or the orders of the State Director of Emergency Management.

10. It shall be the duty of the members of the governing body, and each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies and authorities of any nature whatever, to fully cooperate with the State Director of Emergency Management in all matters during this emergency.

11. I authorize and empower the State Director of Emergency Management, pursuant to N.J.S.A. App. A:9-37 and N.J.S.A. App. A:9-48 and in accordance with N.J.S.A. App. A:9-36, to require any public official, citizen or resident of this State, or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

12. The cooperation of every person or entity in this State or doing business in this State in all matters concerning this state of emergency is requested.

13. 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, I direct that no municipality or public or semipublic agency send public works, fire, police, emergency medical or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, or to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies, in consultation with the State Director of Emergency Management.

14. 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 June 28, 2006.

EXECUTIVE ORDER No. 17

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution prohibits the withdrawal of any funds from the State Treasury except for "appropriations made by law"; and

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution requires that all monies for the support of State government and for all other State purposes, as far as can be ascertained or reasonably foreseen, shall be provided for in a single General Appropriations Law covering one and the same fiscal year; and

WHEREAS, Consistent with the provisions of N.J.S.A. 52:27B-20, as amended, I presented my Fiscal Year 2007 budget message to a joint session of the New Jersey Legislature on March 21, 2006, detailing my requests for appropriations and recommendations for certain spending reductions, program eliminations, efficiencies, and revenue-raising measures intended to balance the State budget in a responsible manner and to put New Jersey on a path to long-term fiscal stability; and

WHEREAS, The authority of the General Appropriations Law for Fiscal Year 2006 expired on July 1, 2006; and

WHEREAS, Despite significant good-faith efforts to comply with the Legislature's constitutional responsibilities concerning the State budget, no General Appropriations Law was enacted before Fiscal Year 2007 commenced on July 1, 2006; and

WHEREAS, It is not known when a General Appropriations Law will be enacted for Fiscal Year 2007; and

WHEREAS, The legislative prerogative over appropriations must be respected and preserved; and

WHEREAS, The New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11; and

WHEREAS, The Governor of the State of New Jersey is 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 emergency affecting the State; and

WHEREAS, In order to protect the health, safety, and welfare of the people of this State, it is necessary that the State continue to provide essential services without interruption and effectuate the cessation of services that are not essential in a safe, effective, and orderly manner; and

WHEREAS, Unlike the budgeting processes established under federal law and under the constitutions and statutes of many states, New Jersey's constitutionally mandated budget system does not provide for partial or interim budgets, temporary spending authorizations, continuing resolutions, or other devices pursuant to which the State might lawfully continue its operations in the absence of a unitary annual General Appropriations Law; and

WHEREAS, The Constitution and the health, safety, and welfare of the people of New Jersey require that a State budget be adopted; and

WHEREAS, The disruption of essential State services caused by the absence of a General Appropriations Law for Fiscal Year 2007 will result in significant and irreparable harm to the health, safety, and welfare of the people of the State; and

WHEREAS, Certain State employees must remain available in order to deliver services essential to the health, safety, and welfare of the people of the State and to protect against damage to and destruction of property; and

WHEREAS, Certain essential services and functions can continue only if the State is able to obligate funds for those essential services and functions; and

WHEREAS, The health, safety, and welfare of the people of the State clearly require that measures be taken immediately to cope with the damaging conditions that would imminently arise in the absence of legal authorization to incur such obligations; and

WHEREAS, Protecting the people and the critical assets of the State of New Jersey is the highest priority for the State of New Jersey and its Governor; and

WHEREAS, The management and control of the affairs of the State are beyond the capabilities of local authorities; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251, N.J.S.A. App. A:9-33, et seq., as amended and supplemented, confer certain emergency powers upon the Governor of the State of New Jersey;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, including the provisions of N.J.S.A. App. A:9-33 et seq., do hereby DECLARE, ORDER, and DIRECT:

1. A state of emergency exists in the State of New Jersey by reason of the facts and circumstances set forth above.

2. I invoke the emergency powers conferred upon me by N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, and such other powers as may be conferred upon me by the Constitution and the Statutes of the State of New Jersey.

3. Until such time as there is enacted a General Appropriations Law for Fiscal Year 2007, I reserve the right to take such actions and issue such orders or directives as may be necessary to meet the various 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 State services. The exercise of these emergency powers shall, when required, be subject to future payment of the reasonable value of goods and services, subject to appropriation, and as provided by law.

4. Services and functions of State government directly related to the preservation and protection of human life and safety; the protection of property, including State property; the adoption of the State General Appropriations Law; and such functions of the Judicial Branch as determined by the Chief Justice, shall be deemed essential and shall continue without interruption during the period in which there is no General

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Appropriations Law for Fiscal Year 2007. More specifically, but not by way of limitation, the following services and functions of State government are hereby deemed essential:

a. Activities required to protect life, health, safety, and property;

b. Care of all prisoners, patients, and other residents in the care or custody of the State at correctional facilities, developmental centers, juvenile detention centers, veterans' homes, psychiatric hospitals, and State-operated residential facilities;

c. Activities essential to ensure continued public health and safety, including, but not limited to, disease prevention and control, health maintenance, and the safe use of food, drugs, and hazardous materials;

- Protection of State lands, buildings, equipment, and other property owned, leased, or operated by the State;
- Child welfare involving the Office of Children's Services;

d. Continuation of transportation safety functions and the protection of transport property;

e. Environmental emergency response and enforcement;

f. Activities necessary to preserve and protect the State's financial assets and resources;

- Emergency and disaster response activities;
- Services to process payments that can be made without a General Appropriations Law;
- Information technology, accounting, and payroll services necessary to support essential functions as described in this Order;
- Court-mandated activities and appearances, as required; and
- Supervisory and oversight functions necessary to ensure the provision of essential services as described in this Order.

5. The head of each department or agency shall designate those employees whose services are considered essential to the health, safety, and welfare of the people of New Jersey in accordance with criteria provided by the Office of the Governor. Employees so designated shall report to work and perform such duties and responsibilities as the respective department or agency heads shall direct. In addition, such other activities and personnel as the Governor may determine to be essential to the health, safety, and welfare of the people of New Jersey are deemed essential for purposes of this Order.

6. The State Treasurer shall take all actions necessary to prevent the State from defaulting on any of its general obligation bonds, including the

payment of principal and interest with funds in the State Treasury, and shall take all actions that are essential to protect the State's funds and investments.

7. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, I hereby authorize the Adjutant General to order to active duty such members of the New Jersey National Guard who are necessary to assist the State in providing essential services during the present state of emergency. The Adjutant General may authorize the use of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. It is ordered that the statutory and regulatory provisions governing layoffs in State government, N.J.S.A. 11A:8-1 et seq. and N.J.A.C. 4A:8-1 et seq., are hereby suspended and of no force or effect while this Order is in effect.

9. All employees whose services are not deemed essential pursuant to this Order shall be deemed furloughed pursuant to N.J.S.A. 11A:6-1.1 and shall be governed by the rules implementing that program, except as may be prohibited by law. The provisions of this paragraph shall apply to any such employees who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order upon the completion of such shut down, as determined and documented by the head of the department or agency.

10. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying employees who have been designated as essential pursuant to this Order or who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order. However, no such funds shall be disbursed except as provided by law.

11. The State Treasurer is directed to continue to make payments where such payments are required by federal law.

12. The time within which any action must be taken by a member of the public or by any State officer or agency including, but not limited to, rejection, approval, or modification of initial decisions pursuant to N.J.S.A. 52:14B-10 and approval or denial of filings or other applications pursuant to Titles 17 and 17B of the Revised Statutes, in connection with the filing

of any document or the transaction of any business by or with the State or its agencies, departments, divisions, commissions, or boards shall be tolled by each day on which State offices are closed for regular business. The foregoing shall not apply to: 1) the payment of any fees or taxes due and owing to the State; or 2) payments to the State under any contractual agreements.

13. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent, or employee of every political subdivision in this State, and of each member of and all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency.

14. All State officials and agencies shall cooperate fully in the implementation of this Order.

15. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

16. Each department head and the head of each agency allocated to but independent of a department affected by the failure to enact a General Appropriations Law for Fiscal Year 2007 is directed to begin immediately an orderly shut down of all services and functions funded through the General Appropriations Law and not deemed essential under this Order.

17. The executive head of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Order, and subject to prior approval of, and in consultation with, the State Director of Emergency Management, waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public health, safety, or welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

18. This Order shall remain in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007.

19. This Order shall take effect immediately.

Dated July 1, 2006.

EXECUTIVE ORDER No. 18

WHEREAS, On July 1, 2006, I signed Executive Order No. 17 declaring, inter alia, that a state of emergency exists in the State of New Jersey because of the absence of a General Appropriations Law for Fiscal Year 2007. The Order provided for the continuation of State services and functions that are essential to the health, safety, and welfare of the people of New Jersey, and established a framework for effectuating the orderly cessation of services and functions that are not essential; and

WHEREAS, It is not known when a General Appropriations Law will be enacted for Fiscal Year 2007; and

WHEREAS, Article V, Section I, Paragraph 12 and Article IV, Section I, Paragraph 4 of the New Jersey Constitution authorize the Governor to convene the Legislature in Special Sessions whenever in the Governor's opinion the public interest shall require; and

WHEREAS, Article V, Section I, Paragraph 12 of the New Jersey Constitution requires the Governor to communicate to the Legislature, by message at the opening of each regular session and at such other times as the Governor may deem necessary, the condition of the State and to recommend such measures as the Governor may deem desirable; and

WHEREAS, The Constitution and the health, safety, and welfare of the people of New Jersey require that a State budget be adopted; and

WHEREAS, It is imperative that a General Appropriations Law for Fiscal Year 2007 be passed by the Legislature and enacted into law as soon as possible in order to minimize, to the extent possible, the damaging consequences of the current situation, as detailed in Executive Order No. 17;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The declarations, orders, and directives set forth in Executive Order No. 17 are incorporated herein by reference and shall continue in full force and effect.

2. Pursuant to the provisions of Article V, Section I, Paragraph 12 and Article IV, Section I, Paragraph 4 of the New Jersey Constitution, it is my opinion that the public interest requires the Legislature to convene in order to fulfill its constitutional duty to pass a balanced General Appropriations Law for Fiscal Year 2007 and to consider legislation that is related to the State budget. I hereby call the Legislature to Special Sessions and direct that they convene commencing at 9:00 a.m. on July 4, 2006, and continuing for each day thereafter until a General Appropriations Law for Fiscal Year 2007 is enacted.

3. Pursuant to Article V, Section I, Paragraph 12 of the New Jersey Constitution, I deem it necessary to communicate to the Legislature by message to be delivered at the opening of the Special Sessions at 9:00 a.m. on July 4, 2006, and at such times thereafter as I may determine to be necessary or desirable.

4. This Order shall remain in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007.

5. This Order shall take effect immediately.

Dated July 3, 2006.

EXECUTIVE ORDER No. 19

WHEREAS, On July 1, 2006, a General Appropriations Law for Fiscal Year 2007 had not been enacted; and

WHEREAS, On July 1, 2006, I signed Executive Order No. 17 declaring, inter alia, that a state of emergency exists in the State of New Jersey because of the absence of a General Appropriations Law for Fiscal Year

2007. The Order provided for the continuation of State functions and services that are essential to the health, safety, and welfare of the people of New Jersey and established a framework for effectuating the orderly cessation of functions and services that were not deemed essential; and

WHEREAS, Executive Order No. 17 remains in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007; and

WHEREAS, The cessation of non-essential functions and services has continued for eight days and caused great disruption to the general public and the economy of this State; resulted in the closing of many vital State enterprises including all casinos, race tracks, the State lottery, State parks and beaches, motor vehicle offices, camps for children with disabilities, permitting and inspection operations required for the conduct of business, and virtually all State highway construction projects; and caused the loss of significant revenues to private businesses and the State; and

WHEREAS, An agreement has been reached as to the content of a General Appropriations Law for Fiscal Year 2007 that provides for predictable, reliable, and recurring revenues to match expenditures, and a bill incorporating that agreement has passed both houses of the Legislature; and

WHEREAS, It will require additional time for the bill to be reviewed and signed into law; and

WHEREAS, Under the present unique circumstances, it is in the best interests of the people of the State, and would further the protection of the health, safety, and welfare of the people of the State, to begin the orderly resumption of State government functions and services so that the government will be prepared to resume all functions and services immediately upon the signing of a General Appropriations Law for Fiscal Year 2007;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE, ORDER, and DIRECT:

1. Paragraphs 8, 9, and 16 of Executive Order No. 17 are hereby rescinded.

2. Every department head and the head of every agency allocated to but independent of a department affected by the failure to enact a General Appropriations Law for Fiscal Year 2007 is directed to begin immediately an orderly resumption of all functions and services funded through the General Appropriations Law and not deemed essential under Executive Order No. 17, in order that the government will be prepared to resume all functions and services immediately upon the signing of a General Appropriations Law for Fiscal Year 2007.

3. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying for the resumption of these functions and services, but in the absence of a signed General Appropriations Law for Fiscal Year 2007 in accordance with Article VIII, Section II, Paragraph 2 of the New Jersey Constitution, no funds shall be disbursed except as provided by law.

4. All State officials and agencies shall cooperate fully in the implementation of this Order.

5. This Order shall take effect immediately.

Dated July 8, 2006.

EXECUTIVE ORDER No. 20

WHEREAS, Executive Order No. 16 (2006), declaring a State of Emergency, was issued on June 28, 2006, because of severe weather conditions, including heavy rains, main stream and river flooding and progressing runoff that threatened and damaged homes and other structures and the flow of traffic throughout the State; and

WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency has now eased, although the recovery from these floods will take some time; and

WHEREAS, In consideration of these factors, the emergency powers granted by a State of Emergency are no longer necessary;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The State of Emergency declared in Executive Order No. 16 (2006) is terminated effective immediately.

Dated July 10, 2006.

EXECUTIVE ORDER No. 21

WHEREAS, United States Air Force Airman Carl Jerome Ware, Jr. was born in Smyrna, Delaware, where he was subsequently raised before moving to Glassboro, New Jersey, with his family; and

WHEREAS, Airman Ware enlisted in the United States Air Force in 2004 after graduating from high school in 2002; and

WHEREAS, Airman Ware proudly served in the United States Air Force and was assigned to the 15th Airlift Wing, Hickam Air Force Base, Hawaii; and

WHEREAS, Airman Ware was subsequently deployed to Camp Bucca, Iraq in 2006, with the Air Force's 886th Expeditionary Security Forces Squadron; and

WHEREAS, Airman Ware served his country with honor and distinction; and

WHEREAS, Airman Ware was a committed airman who loved his family, parents, wife, daughter, brothers, friends, and community; and

WHEREAS, Airman Ware was, in turn, loved by his wife, his daughter, his parents, his brothers, and his many friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Airman Ware has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Iraq; and

WHEREAS, Airman Ware's patriotism and dedicated service to his country and to his fellow airmen make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, July 12, 2006, in recognition of the life and in mourning of the passing of United States Air Force Airman Carl Jerome Ware, Jr.

2. This Order shall take effect immediately.

Dated July 10, 2006.

EXECUTIVE ORDER No. 22

WHEREAS, United States Army Staff Sergeant Robert Joseph Chiomento II of Pennsville, New Jersey, and Fort Polk, Louisiana, was raised on military bases in the United States and Germany before moving to Fort Dix, New Jersey, with his family; and

WHEREAS, Staff Sergeant Chiomento graduated from Pemberton Township High School in 1990 and then enlisted in the United States Army in 1991; and

WHEREAS, Staff Sergeant Chiomento proudly served in the United States Army as the son of a career soldier; and

WHEREAS, Staff Sergeant Chiomento was subsequently deployed to Afghanistan in 2006, after volunteering for a combat assignment with the Army's elite 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Staff Sergeant Chiomento gave his life in the line of duty while on combat patrol near Khwaya Ahmad, Afghanistan; and

WHEREAS, Staff Sergeant Chiomento served his country with honor and distinction and has received and has been recommended for some of our nation's highest military honors; and

WHEREAS, Staff Sergeant Chiomento was a committed soldier who loved his family, parents, wife, daughters, friends, and community; and

WHEREAS, Staff Sergeant Chiomento was, in turn, loved by his wife, his daughters, his parents, and his many friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Staff Sergeant Chiomento has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Afghanistan; and

WHEREAS, Staff Sergeant Chiomento's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, August 1, 2006, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Robert Joseph Chiomento.

2. This Order shall take effect immediately.

Dated July 31, 2006.

EXECUTIVE ORDER No. 23

WHEREAS, Family child care providers in the State of New Jersey, as defined by N.J.S.A. 30:5B-18, provide an invaluable and essential service to working parents and guardians by providing a healthy, safe and productive environment for their children while they are engaged in work and training opportunities; and

WHEREAS, The State of New Jersey appreciates the importance of these services and recognizes the need to continue and improve both the quality of care and the living and working conditions of the providers; and

WHEREAS, The State of New Jersey, through the Department of Human Services, is vested with the regulatory authority, including but not limited to the establishment of reimbursement rates, and the administrative oversight responsibility for the operation of family child care homes; and

WHEREAS, To ensure quality standards of care, it is in the public interest for New Jersey to maintain a child care delivery system that encourages the recruitment and retention of quality family child care providers to deliver these vital services; and

WHEREAS, A majority of New Jersey's registered and approved family child care providers have authorized either the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) or the Communications Workers of America, AFL-CIO (CWA) to be their exclusive representative through individually-signed authorizations, not more than twelve (12) months old; and

WHEREAS, AFSCME and CWA have formed the Child Care Workers Union (CCWU) for the purpose of jointly representing family child care providers; and

WHEREAS, The State Board of Mediation has certified CCWU as having presented to the Board of Mediation authorization cards representing a majority of family child care providers;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of the New Jersey Department of Human Services (DHS) or his/her designee, or if applicable the Commissioner of the Department of Children and Families or his/her designee, on behalf of the State of New Jersey, shall meet in good faith with the CCWU, as the recognized exclusive majority representative of all registered and approved family child care providers, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified family child care providers and the quality of the programs they provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.

2. When an agreement is reached pursuant to paragraph 1 above, it shall be embodied in writing and shall be binding upon the State of New Jersey. Any agreement that requires rule making or statutory changes will be contingent upon the successful completion of such regulatory or legislative action. If any provisions of the agreement require legislative action, or require the appropriation of funds to be effective, the parties will jointly seek the enactment of such legislative action. If any provisions of the agreement require the adoption or modification of rules and regulations of any department or agency of State government to be effective, the department or agency shall seek the adoption or modification of such rules or regulations through appropriate regulatory action.

3. In affording family child care providers the right to act through an exclusive majority representative and seek an agreement with the State per the terms of this Order, the State intends that the "State Action" exemption to federal antitrust laws be fully available to the State, family child care providers and their exclusive representative and that exempt conduct shall be actively supervised by the Department of Human Services, or if applicable the Department of Children and Families.

4. Nothing in this Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or collective cessation of the delivery of child care services.

5. The agreement entered into between CCWU and the Commissioner may provide for the payment of union dues and representation fees.

6. Nothing in this Order shall be construed to grant family child care providers status as State employees for any purposes, including, but not limited to, the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.), the New Jersey Temporary Disability Benefits Law (N.J.S.A. 43:21-25 et seq.), the New Jersey Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.), and the New Jersey Workers Compensation Law (N.J.S.A. 34:15-1 et seq.). Although family child care providers are not State employees, the subjects to be included in an agreement shall be consistent with those areas that are considered negotiable pursuant to the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-1 et seq.).

7. Nothing in this Order shall be construed to interfere with the rights of parents or guardians to choose family child care providers.

8. No action may be taken under this Order that would derogate from the status, functions or authority of the Department of Human Services in its capacity as Lead Agency pursuant to the State Plan for Child Care Development Services filed by the Commissioner of Human Services with the U.S. Secretary of Health and Human Services.

9. Should any part of this Order be declared to be invalid or unenforceable, or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred, by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

10. This Order shall take effect immediately.

Dated August 2, 2006.

EXECUTIVE ORDER No. 24

WHEREAS, In response to a recent shooting incident in Bergen County, State officials met with representatives of the Ramapough Lenape Nation who identified areas of concern that warrant further examination; and

WHEREAS, It is imperative that all citizens be treated fairly and have equal opportunity and access to State government and services, and that the rights of all citizens be protected; and

WHEREAS, In light of concerns highlighted by representatives of the Ramapough Lenape Nation in this regard, it is important to engage in a thorough examination of certain aspects of the current status of the Ramapough Lenape Nation as well as the greater Native American community in New Jersey; and

WHEREAS, This examination is an important component in ensuring that the rights of New Jersey citizens of the Native American community are protected; and

WHEREAS, An examination of the areas of education, employment, civil rights, fair housing, environmental protection, health care, infrastructure, and equal opportunity for Native Americans shall be the primary focus of this review; and

WHEREAS, A study of this nature will benefit from the input of individuals drawn from a wide variety of walks of life who possess the expertise, experience, cultural sensitivity, and skills necessary to evaluate the status of the Native American community in New Jersey as described herein;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Committee on Native American Community Affairs, pursuant to Art. V, Sec. IV, par. 1 of the New Jersey Constitution.

2. This Committee shall evaluate the current social and economic condition of Native Americans in New Jersey, namely civil rights issues and the community's access to education, fair housing, infrastructure, employment, and health care.

3. In the execution of its duties to undertake this study, the Committee shall:

a. Conduct public hearings and take testimony from community groups and others regarding the concerns and grievances of the Native American community;

b. Identify those areas requiring further study and investigation based upon the testimony provided during the hearings; and

c. Issue a report to the Governor detailing the hearings, the Committee's findings, and its recommendations of ways the State may assist in furthering fair treatment and equal opportunity to the Native American community.

4. The Committee shall be composed of six (6) individuals with expertise in the following areas: civil rights, health, the environment, tribal affairs, housing, labor, education, and law enforcement. In addition, the Secretary of State or her designee and the Chair of the New Jersey Commission on American Indian Affairs or his designee shall serve as non-voting, ex-officio members of the Committee.

5. All members of the Committee shall be appointed by the Governor and shall serve at his pleasure. The Governor shall select a chair who will serve at the Governor's pleasure.

6. The Committee 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 Committee and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

In particular, the Office of the Governor, the Department of Community Affairs, the Department of Environmental Protection, the Department of Education, the Department of Health and Senior Services, the Department of Law and Public Safety, and the New Jersey Commission

on American Indian Affairs shall be available to the Committee upon request.

7. The Committee shall organize and meet as soon as practicable after the appointment of a majority of its members.

8. The Committee may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

9. The Committee shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and a final report as soon as practicable thereafter.

10. The Committee shall expire 30 days from the issuance of its final report and recommendations to the Governor.

11. This Order shall take effect immediately.

Dated August 4, 2006.

EXECUTIVE ORDER No. 25

WHEREAS, Cable television is an important service upon which millions in our State rely for entertainment and information; and

WHEREAS, Competition among providers of cable television service has been shown to enhance the quality of, and reduce the price for, such service; and

WHEREAS, Today, the prospects for meaningful competition for the delivery of cable television service to consumers have been greatly improved through the emergence of new technologies and the development of a dynamic marketplace for cable television service; and

WHEREAS, New Jersey law governing the regulation of cable television service has not substantially changed since the enactment in 1972 of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the "Act"); and

WHEREAS, In order for New Jersey residents to enjoy the benefits of enhanced competition in an expeditious manner, substantial changes in the Act are necessary to make New Jersey's system of cable television regulation more flexible and adaptable to rapidly evolving technologies and market conditions; and

WHEREAS, The Legislature has passed, and I have signed into law, Assembly Committee Substitute for Assembly Bill No. 804 (2006) ("A-804"), legislation that makes these substantial changes and will accelerate the introduction of meaningful competition into the New Jersey cable television market through the issuance of "system-wide franchises"; and

WHEREAS, This Administration is committed to ensuring that all of New Jersey's communities receive the benefits of meaningful cable television competition as quickly as possible; and

WHEREAS, Verizon New Jersey Inc., which is the regulated local telephone service provider for millions of New Jersey residents, has committed to seeking a system-wide franchise and to investing more than $1.5 billion over the next three years to build a fiber-optic system that, within three years, is expected to be capable of providing cable competition to more than 3.5 million New Jersey residents. Further, Verizon also has indicated that, because of the density and other unique aspects of the New Jersey market, Verizon's long-range goal is to upgrade its network with fiber technology in wire centers throughout the State if consumers respond to its new video and data services as it anticipates; and

WHEREAS, In adopting A-804, the Legislature concluded that relying on a balance of market forces and legislative mandates is the best approach to achieve the goal of ensuring that all of New Jersey's communities receive the benefits of meaningful cable television competition as quickly as possible, and I concur with that conclusion; and

WHEREAS, The legislative mandates include so-called "build-out" requirements set forth in section 20(a) of A-804 as well as an explicit statutory prohibition against red-lining; and

WHEREAS, Section 20(a)(2) of A-804 describes the circumstances under which a system-wide franchisee will not be required to provide service to multiple-dwelling units ("MDUs"); and

WHEREAS, Concerned citizens and various organizations have raised concerns that I share about the potential negative impact of those provisions on those who reside in apartment buildings and other MDUs; and

WHEREAS, Section 20(b) of A-804 provides an enforcement mechanism to ensure that system-wide franchisees abide by the build-out requirements of section 20(a); and

WHEREAS, The effectiveness of this enforcement mechanism would be enhanced through strong and appropriate regulations and active monitoring by the Public Advocate; and

WHEREAS, The Act grants to the Director of the Office of Cable Television within the Board of Public Utilities ("BPU") the authority, subject to BPU approval, to promulgate regulations to implement the Act; and

WHEREAS, The Public Advocate is responsible for a broad range of consumer-protection and advocacy functions, including but not limited to promoting the public interest with respect to the provision of cable television and related services;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. In addition to all other regulations necessary or appropriate to implement A-804, the Director shall, with BPU approval, promulgate regulations providing guidance concerning the meaning of the terms that appear in Section 20(a)(2) of A-804, including the following: "claimed exclusive arrangements"; "standard technical solutions"; "commercially reasonable terms and conditions"; "after good faith negotiation"; and "reasonable terms and conditions."

2. The Director shall, with BPU approval, promulgate regulations requiring that, whenever a system-wide franchisee invokes an exception to the provision of service to a multiple- dwelling unit ("MDU") as set forth in section 20(a)(2)(a), (b) or (c) of A-804, the franchisee must promptly provide written notice of such invocation to both the BPU and the Public Advocate. Such written notice shall describe both the fact that an exception is being invoked as well as a thorough description of the reason or reasons supporting such invocation.

3. The Public Advocate shall monitor the activities of system-wide franchisees and bring appropriate enforcement actions, pursuant to section 20(b) of A-804 or otherwise, to protect the rights of residents of MDUs and all citizens and ensure that they receive appropriate coverage and service.

4. This Order shall take effect immediately.

Dated August 4, 2006.

EXECUTIVE ORDER No. 26

WHEREAS, Police Detective Kieran T. Shields was raised in Orange, New Jersey, attended Arts High School in Newark, and graduated from Essex County Community College; and

WHEREAS, Officer Shields, a loving husband and the devoted father of three young children, fulfilled his dream to serve the public and to follow in his father's footsteps by joining the Orange Police Department, and after serving for four years was promoted on January 1, 2005, to the rank of detective, having distinguished himself in December 2004 by rescuing a five-year-old girl who was the subject of an Amber Alert; and

WHEREAS, In the late evening hours of August 7, 2006, in the City of Orange in Essex County, Police Detective Shields, at the age of thirty-two, made the ultimate sacrifice, giving his life while responding to reports of gunfire and while attempting to locate and apprehend an armed suspect; and

WHEREAS, Detective Shields' selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised and where he served so proudly as a peace officer to recognize his remarkable commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Saturday, August 12, 2006, in recognition of the life and in mourning of the passing of Police Detective Kieran T. Shields.

2. This Order shall take effect immediately.

Dated August 11, 2006.

EXECUTIVE ORDER No. 27

WHEREAS, Executive Order No. 94 (1993) established the State Interagency Coordinating Council (hereinafter Council) to aid in the cooperation and coordination between various State agencies in providing early intervention services for infants and toddlers with disabilities and their families, and to qualify for Federal funds; and

WHEREAS, The Council consists of twenty-five (25) members appointed by the Governor; and

WHEREAS, The Congress of the United States has removed the minimum and maximum membership requirements of the Council, pursuant to P.L. 105-17; and

WHEREAS, The Congress of the United States has expanded the composition of the Council by six (6) categories of membership, pursuant to P.L. 105-17 and P.L. 108-446; and

WHEREAS, The membership of the Council would be enhanced by adding six (6) categories of membership to include members of agencies that possess expertise with the issues to be addressed by the Council;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Council established by Executive Order No. 94 (1993) is hereby continued.

2. Paragraph 2 of Executive Order No. 94 (1993) is hereby amended to read as follows: "The Council shall be composed of individuals appointed by the Governor who shall be broadly representative of the population of the State."

3. The composition of the Council shall be expanded to include the following categories of membership:

a. At least one member from the agency responsible for the State Medicaid program;

b. At least one member from a Head Start agency or program in the State;

c. At least one member from the State agency responsible for child care;

d. At least one member designated by the Office of Coordinator for Education of Homeless Children and Youths;

e. At least one member from the State child welfare agency responsible for foster care; and

f. At least one member from the State agency responsible for children's mental health.

4. The Governor may appoint other members as provided under federal law.

5. One member may fulfill the membership requirement of more than one category of membership as long as that member is qualified for each

category of membership and there is no conflict of interest, but no parent may be appointed to serve on the Council while employed at an agency that provides early intervention services.

6. Except as herein modified, all of the provisions of Executive Order No. 94 (1993) shall remain in full force and effect.

7. This Order shall take effect immediately.

Dated August 17, 2006.

EXECUTIVE ORDER No. 28

WHEREAS, United States Army Specialist Hai Ming Hsia was raised in New York City, and his wife currently lives in Newark, New Jersey; and

WHEREAS, Specialist Hsia enlisted in the United States Army in 2002; and

WHEREAS, Specialist Hsia proudly served in the United States Army; and

WHEREAS, While serving with the Army's 6th Infantry Regiment, 1st Armored Division, in Baumholder, Germany, Specialist Hsia was deployed to Iraq in 2005 for a second tour of duty in that combat theater; and

WHEREAS, Specialist Hsia gave his life in the line of duty during combat operations in Ramadi, Iraq; and

WHEREAS, Specialist Hsia served his country with honor and distinction and has been recommended for some of our nation's highest military honors; and

WHEREAS, Specialist Hsia was a committed soldier who loved his family, parents, wife, son, friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Specialist Hsia has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Iraq; and

WHEREAS, Specialist Hsia's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family, including his wife who resides in New Jersey, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, August 23, 2006, in recognition of the life and in mourning of the passing of United States Army Specialist Hai Ming Hsia.

2. This Order shall take effect immediately.

Dated August 17, 2006.

EXECUTIVE ORDER No. 29

WHEREAS, On December 30, 1999, the State of New Jersey and the United States Department of Justice entered into a consent decree concerning the practice of racial profiling by the New Jersey State Police. The consent decree embraced many of the recommendations previously made by the State Police Review Team, which had found that the problem of racial profiling on portions of the New Jersey Turnpike was "real, not imagined"; and

WHEREAS, Compliance with the consent decree has been overseen by a team of independent monitors who were appointed by and who answer directly to the United States District Court for the District of New Jersey; and

WHEREAS, On June 27, 2006, the independent federal monitors issued a report to the United States District Court, finding that the New Jersey State Police have achieved 100% compliance with all of the

requirements in the consent decree and have gone beyond the requirements of the consent decree. The federal monitors concluded that there has been no indication of racial profiling in State Police traffic stops, and the monitors lauded the progress that has been made in implementing systemic reforms, crediting the State Police supervisory and management review process; and

WHEREAS, In July 2005, based on the documented success of the New Jersey State Police in addressing the racial profiling issue, and with the intention of having State Police policies and procedures serve as a model for all law enforcement agencies, the Attorney General issued a law enforcement directive defining and prohibiting the practice of "racially influenced policing," and directing that this nondiscrimination policy apply to all law enforcement agencies and departments throughout the State of New Jersey; and

WHEREAS, The independent monitors have determined that the State Police have been in compliance with the requirements of the consent decree for more than the two years necessary to authorize the termination of the consent decree, and the United States Department of Justice has sought the State's concurrence in filing a joint motion to terminate the consent decree in recognition of the commitment and achievement of the men and women of the New Jersey State Police; and

WHEREAS, It is appropriate to take actions to ensure that the commitment by the State Police to nondiscriminatory policing that has been recognized by the independent monitors and the Civil Rights Division of the United States Department of Justice is permanently institutionalized and continues as part of the agency's culture of professionalism and public service; and

WHEREAS, In evaluating whether to terminate the consent decree, it is appropriate to solicit input from New Jersey citizens, and especially representatives from the minority communities most directly affected by the practice of racial profiling, to ensure public confidence that racial profiling will not be practiced or tolerated in the future;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established an Advisory Committee on Police Standards.

2. The Advisory Committee shall recommend to the Governor whether and under what circumstances the State of New Jersey should join with the United States Department of Justice in filing a motion to the United States District Court to terminate the consent decree.

3. The Advisory Committee shall make recommendations on how to ensure that the practice of racial profiling is not engaged in or tolerated in the future in the event that the consent decree is terminated by the United States District Court. The Advisory Committee shall consider, for example, whether it would be appropriate to retain outside auditors or consultants to continue to independently examine State Police data and mobile video recordings of motor vehicle stops, employing a review methodology similar to the one presently used by the independent federal monitors who have acted under the auspices of the United States District Court.

4. The Advisory Committee shall provide recommendations to the Attorney General and the Governor on how the programs developed by the New Jersey State Police can assist other law enforcement agencies throughout the State in preventing all forms of racial profiling.

5. The Advisory Committee shall conduct one or more public hearings in order to provide an opportunity for the federal monitors, representatives of the New Jersey State Police, New Jersey citizens and others to provide relevant testimony. The Advisory Committee shall also provide the means for citizens and others to submit comments by mail and by the internet.

6. The Advisory Committee shall be comprised of twenty- one (21) members who will be appointed by and serve at the pleasure of the Governor. Membership of the Committee shall include the Attorney General. The remaining members shall be appointed by the Governor based on their experience and expertise in matters concerning law, criminal justice, and the principles of equal protection and non-discrimination in the enforcement of the laws.

7. The Governor shall appoint the Chair of the Advisory Committee. Vacancies on the Advisory Committee shall be filled in the same manner as the original appointment.

8. The Advisory Committee shall organize and meet as soon as possible after the appointment of its members. The Advisory Committee shall complete its work and issue a final report by December 31, 2006. Any reports of the Advisory Committee shall be provided to the Legislature and shall be made available to the public.

9. The Advisory Committee is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Advisory Committee deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Committee and to furnish the Advisory Committee with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Advisory Committee may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

10. Pending receipt by the Governor of the final report required to be submitted by the Advisory Committee pursuant to section 8 of this Order, the State of New Jersey shall not join in a motion to terminate the consent decree between the United States of America and the State of New Jersey regarding the New Jersey State Police.

11. Unless otherwise directed by Order of the Governor, the New Jersey State Police shall continue to collect data and operate the Management Awareness Personnel Performance System as it presently exists, and no changes shall be made to data collection procedures or to the Management Awareness Personnel Performance System except as may be expressly authorized by the Governor based upon the recommendations of the Attorney General. In addition, unless otherwise directed by Order of the Governor, the Office of State Police Affairs in the Office of the Attorney General shall remain in operation and shall monitor all matters relating to the policies and procedures presently set forth in the consent decree.

12. This Order shall take effect immediately.

Dated August 23, 2006.

EXECUTIVE ORDER No. 30

WHEREAS, Economic growth and the creation of high-quality jobs is essential to the continued well-being and prosperity of the State of New Jersey; and

WHEREAS, Sustaining New Jersey's position as one of the nation's most prosperous states and most vital centers of innovation demands proactive leadership in increasingly competitive times; and

WHEREAS, The State's economic development strategy has become fragmented without a clear delineation of functions in developing and implementing strategic economic growth policies for New Jersey; and

WHEREAS, There exists a need to prioritize the State's focus on economic development and job growth; and

WHEREAS, There is a need for more centralized economic planning and policies; and

WHEREAS, Through many of its departments, agencies, and independent authorities the State has made and stands prepared to make strategic investments in New Jersey's economy by improving and maintaining key infrastructure assets; and

WHEREAS, Numerous State departments, agencies, and independent authorities engage in economic development financing and provide both incentives and technical assistance to businesses in New Jersey; and

WHEREAS, There exists a need to more closely coordinate and maximize the efficiency of programs for economic growth and related infrastructure improvements and maintenance, and such coordination should occur from within the Office of the Governor; and

WHEREAS, At the outset of this administration I created an Office of Economic Growth within the Governor's Office for the purpose of addressing the above-stated needs; and

WHEREAS, The work of the Office of Economic Growth would be enhanced through the creation of an advisory body whose membership

would be drawn principally from a broad cross-section of the private sector;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Economic Growth Council (the "Council"), an advisory group consisting of not more than 50 public members representing the private sector. The following public officials also shall serve on the Council, ex officio: the Chief of the Office of Economic Growth; the Deputy Chief of the Office of Economic Growth; and the Chair of the New Jersey Economic Development Authority. The Chief of the Office of Economic Growth shall serve as chair of the Council.

2. The public members of the Council shall be appointed by the Governor to one-year terms, and the Governor may re-appoint a public member to additional one-year terms. Public members of the Council shall serve without compensation.

3. The New Jersey Economic Growth Council shall assist the Office of Economic Growth with respect to the development and implementation of statewide economic development policies.

4. This Order shall take effect immediately.

Dated September 7, 2006.

EXECUTIVE ORDER No. 31

WHEREAS, On September 11, 2001 unprecedented terrorist attacks were launched on New York, Washington and Pennsylvania; and

WHEREAS, More than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and

WHEREAS, Many New Jerseyans, including thousands of police, fire, military, emergency and construction personnel responded to this tragedy; and

WHEREAS, Hundreds of New Jersey families have been drastically affected, through the loss of a parent, spouse, child or other loved one; and

WHEREAS, This tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and

WHEREAS, It is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on September 11, 2006 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, 2006.

EXECUTIVE ORDER No. 32

WHEREAS, Firefighter Vincent Neglia was raised in North Bergen, New Jersey, and graduated from North Bergen High School; and

WHEREAS, Vincent Neglia served for 23 years as a firefighter, 18 of them with the North Hudson Regional Fire and Rescue Agency, and in 2001 assisted with ground zero recovery efforts following the terrorist attack on September 11 of that year; and

WHEREAS, On the morning of September 9, 2006, in Union City, Hudson County, Firefighter Neglia, at the age of 45, made the ultimate sacrifice, giving his life while racing into a burning apartment building to search

for victims after having been advised that there were persons still inside the inferno; and

WHEREAS, Vincent Neglia's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised to recognize his remarkable bravery and commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United State of America and the flag of New Jersey will be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, September 14, 2006, in recognition of the life and in mourning of the passing of Firefighter Vincent Neglia.

2. This Order shall take effect immediately.

Dated September 13, 2006.

EXECUTIVE ORDER No. 33

WHEREAS, United States Marine Corps Private First Class Vincent M. Frassetto was born in Westwood, New Jersey, raised in Toms River, New Jersey, and graduated in 2003 from Toms River High School North; and

WHEREAS, Private First Class Frassetto was a former member of Cub Scout Pack 92, a communicant of St. Luke's Roman Catholic Church, Toms River, and played for the Toms River High School North football team, sporting jersey No. 90; and

WHEREAS, Private First Class Frassetto volunteered for enlistment in the United States Marine Corps following his graduation from high school, attaining his goal of becoming a United States Marine; and

WHEREAS, Private First Class Frassetto went to boot camp at Parris Island, South Carolina, attended Military Occupational Specialty School at Ft. Sill, Oklahoma, and was then stationed at Camp Lejeune, North Carolina, where he volunteered to serve in Iraq; and

WHEREAS, Private First Class Frassetto served with honor and distinction as member of the 1st Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina; and

WHEREAS, Private First Class Frassetto was deployed to Iraq in August, 2006; and

WHEREAS, Private First Class Frassetto has been awarded the Purple Heart for wounds that he received while in action in Iraq; and

WHEREAS, Private First Class Frassetto was a courageous Marine who loved his parents, brother, sisters, friends, teammates, and community; and

WHEREAS, Private First Class Frassetto was, in turn, loved by his parents, brother, sisters, friends, teammates, and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Private First Class Frassetto has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Al Anbar Province, Iraq, during combat operations; and

WHEREAS, Private First Class Frassetto's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, the state where he was born, raised, and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, September 15, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Private First Class Vincent M. Frassetto.

2. This Order shall take effect immediately.

Dated September 14, 2006.

EXECUTIVE ORDER No. 34

WHEREAS, New Jersey maintains a diverse business community that includes many thousands of small businesses, which generate substantial economic activity and provide numerous employment opportunities throughout the State; and

WHEREAS, Small businesses that employ less than 100 people each account for nearly half of all jobs in the State; and

WHEREAS, The State's economic strength and vitality are inextricably linked to the continued growth and success of small and emerging business enterprises; and

WHEREAS, Minority- and women-owned businesses comprise a significant percentage of the State's small businesses; and

WHEREAS, New Jersey's diverse population is an invaluable asset to the State and its business community; and

WHEREAS, Each year the State enters into billions of dollars worth of contracts to obtain construction and construction-related services, as well as other goods and services needed by State departments and agencies; and

WHEREAS, It is a priority of my administration to take all necessary remedial steps to overcome the factors that have operated to prevent or inhibit participation by minority- and women-owned business enterprises in the procurement opportunities offered by the State, and to

ensure that State government renews its commitment to the utilization of minority- and women-owned business enterprises in its procurement practices through increased outreach, enhanced transparency, and effective monitoring of the progress made in this regard; and

WHEREAS, The State has previously taken steps intended to identify, quantify, and remedy racial and gender disparities resulting from its procurement practices; and

WHEREAS, In 1984, the State adopted the New Jersey Set-Aside Act, N.J.S.A. 52:32-17 et seq. (the "Set-Aside Act"), in an effort to address historic discrimination based upon race and gender in the State's procurement practices; and

WHEREAS, In 1989, the Supreme Court of the United States concluded, in the case of City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989), that a race-based set-aside program established by a local government entity was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it was not justified by a compelling interest and narrowly tailored to accomplish a remedial purpose; and

WHEREAS, The Supreme Court in Croson indicated that government set-aside programs based on racial classifications must adhere to strict constitutional standards, including that such programs or policies must be justified based on strong evidence of actual discrimination carried out by the governmental entity and that the program or policy must be narrowly tailored to remedy the discrimination; and

WHEREAS, In order to comply with the constitutional requirements outlined in the Croson decision, Governors Kean, Florio, Whitman, McGreevey, and Codey took various steps to evaluate past and present discrimination in the State's procurement practices, beginning with Governor Thomas H. Kean's issuance of Executive Order No. 213 (1989) establishing the "Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts" (the "Commission"); and

WHEREAS, The Commission issued its report in 1993, which contained evidence of widespread discrimination against firms owned and

operated by minorities and women and indicated that these firms experience pervasive exclusion from the public contracting process; and

WHEREAS, In light of the Commission's findings, Governor James J. Florio issued Executive Order No. 84 (1993) establishing a set-aside program mandating that minority- and women-owned firms be awarded specific percentages of public contracts, and Governor Christine T. Whitman thereafter issued Executive Order No. 112 (2000), which established the "Governor's Study Commission on Discrimination in State Employment and Contracting" (the "Study Commission") and charged that Study Commission with the task of examining the nature and scope of any past or present discrimination in State employment and procurement practices; and

WHEREAS, The Study Commission, later renamed the "Disparity Study Commission," continued its investigative work through the administrations of Governors James E. McGreevey and Richard J. Codey; and

WHEREAS, In 2003, the Set-Aside Act was permanently enjoined by a Consent Decree entered by the federal district court in the matter of GEOD v. State of New Jersey, Civil Action No. 01-2656 (SRC) (D.N.J.) (the "Consent Decree") and following entry of the Consent Decree, Governor McGreevey issued Executive Order No. 71 (2003) eliminating set-aside goals for minority- and women-owned businesses and instead instituting a race- and gender-neutral small business set-aside program; and

WHEREAS, In 2005, the Disparity Study Commission issued its reports, the "Disparity Study of Procurement in Professional Services, Other Services and Goods and Commodities Report" and the "Construction Services Disparity Report" (the "Disparity Studies"), finding significant disparities between firms ready, willing, and able to do business with the State and those firms actually awarded contracts to provide goods and services to State departments, agencies, authorities, colleges, and universities; and

WHEREAS, The results of the Disparity Studies clearly demonstrate the necessity of immediate action to promote more inclusive purchasing and procurement processes;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established within the Office of Economic Growth, which was created at the outset of this administration to oversee job creation and business expansion activities in the State of New Jersey, a Division of Minority and Women Business Development (the "Division"). The purpose of the Division shall be to administer and monitor policies, practices, and programs that will further the State's efforts to ensure equal opportunity for minority- and women-owned business enterprises ("M/WBEs") to participate in State purchasing and procurement processes.

2. A Director, who shall report to the Chief of the Office of Economic Growth and the State Treasurer, or their designees, shall lead the Division. The Director also shall have the title of Advisor to the Governor.

3. The Governor shall appoint the Director of the Division. The Director may, in consultation with the Department of Personnel and the Director of the Office of Management and Budget in the Department of the Treasury, utilize any available persons or resources needed to carry out the duties of the Division as set forth in this Order.

4. The Director shall be responsible for administering and monitoring programs to increase the participation of minorities and women in State purchasing and procurement processes in an effort to remedy the significant disparities identified in the Disparity Studies. Specifically, the Director shall:

a. Develop M/WBE utilization goals, initially basing those goals on data contained in the Disparity Studies and thereafter periodically updating those goals based on subsequent studies, findings, recommendations, or other information as approved by the Division, and develop M/WBE policies and programs aimed at meeting those goals through race- and gender-neutral means;

b. Track and monitor, in coordination with the Division of Purchase and Property in the Department of the Treasury and the State departments, agencies, authorities, colleges, and universities, all of the State's procurement practices, including but not limited to the share of contracting dollars paid to M/WBEs through formal bidding processes, pursuant to

delegated purchasing authority, and under cooperative purchasing agreements;

c. Establish standards and procedures that State departments, agencies, authorities, colleges, and universities shall use in developing annual procurement opportunity plans, which shall incorporate appropriate M/WBE utilization goals;

d. Obtain quarterly reports from each State department, agency, authority, college, and university relating to their purchasing and procurement activities;

e. Create and maintain an electronic M/WBE supplier database and ensure that listings of qualified M/WBEs are provided to the appropriate State entities as procurement opportunities arise; and

f. Provide an annual report to the Governor, the Legislature, and the public concerning the purchasing and procurement activities of the State departments, agencies, authorities, colleges, and universities.

5. The Director of the Division, or a designee, may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of the Division's mission.

6. Each State department, agency, authority, college, and university shall designate, within thirty (30) days of the issuance of this Order, an M/WBE liaison, who shall have direct, independent access to his or her Commissioner, Secretary, department head, or similar cabinet-level official concerning M/WBE program matters, including but not limited to coordination with the Director as required pursuant to this Order.

7. Furthermore, there is hereby established a Minority and Women's Business Development Advisory Council (the "Council"). The Council shall be comprised of individuals representing varying racial, ethnic, and socio-economic backgrounds who have experience in business, State procurement and contracting processes, legal affairs concerning equal opportunity in public contracting, or other areas relevant to the activities of the Council.

8. No Council member shall actively seek to secure a State contract or other agreement to provide goods or services to the State on behalf of any entity or organization of any kind in which the member has any personal or pecuniary interest.

9. The Council shall consist of thirteen (13) voting members as follows:

a. The Chief of the Office of Economic Growth, or a designee, who shall serve ex officio;

b. The State Treasurer, or a designee, who shall serve ex officio;

c. The Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, or a designee, who shall serve ex officio;

d. Ten (10) public members, appointed by the Governor, two of whom shall be based upon the recommendation of the President of the Senate, provided that no more than one of whom shall be of the same political party, and two of whom shall be appointed based upon the recommendation of the Speaker of the General Assembly, provided that no more than one of whom shall be of the same political party.

10. The public members of the Council shall serve voluntarily and for terms of two years and until such time as a successor is appointed and qualified, except that of those members first appointed, five (5) shall be appointed for a term of two (2) years and five (5) shall be appointed for a term of one (1) year. Any vacancy caused by reason other than expiration of a member's term shall be filled in the same manner as the original appointment for the unexpired term only.

11. The Governor shall designate a Chairperson who will preside over all meetings of the Council. A Vice-Chairperson may be selected by a majority vote of the Council.

12. The Council shall be provided with Executive Branch representatives who shall assist with administrative support and other necessary functions in order to carry out the duties of the Council.

13. The Council shall advise the Director and the Division on all matters referred to it by the Director, or a designee, and may make recommendations to the Director on other relevant policy and implementation matters as the Council deems appropriate.

14. As part of its duties under this Order, the Council may review the State's current procurement and contracting practices and make recommendations for the improvement thereof. The Council may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

15. Each State department, agency, authority, college, and university is hereby directed, to the extent not inconsistent with law, to work cooperatively with the Division in order to increase participation by M/WBEs in the procurement opportunities offered by the State. The Division is authorized to call upon any State department, agency, authority, college, or university to provide such information, personnel, resources, or other assistance available to such agency as the Director deems necessary to discharge the responsibilities of the Division under this Order. Each State department, agency, authority, college, and university is hereby required, to the extent not inconsistent with law, to cooperate fully with the Division and to furnish the Division with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

16. This Order shall take effect immediately.

Dated September 15, 2006.

EXECUTIVE ORDER No. 35

WHEREAS, Executive Order No. 129 (1986) established the New Jersey Governor's School Board of Overseers (Governor's Board) to advise the Governor regarding the Governor's School Program (Program), oversee the Program, coordinate its activities, enhance its educational programs, supervise fundraising, and monitor its expenditure of funds; and

WHEREAS, Executive Order No. 42 (1991) continued the mission of the Governor's Board and Program but reconstituted the membership of the Governor's Board to include more members, including cabinet officials; and

WHEREAS, The Governor's School Program identifies high school students with high scholastic promise and matches them with intensive summer programs at New Jersey institutions of higher education where they are challenged to grow and learn in a focused, college-level, academic environment; and

WHEREAS, I fully support the continuation of this worthy program; and

WHEREAS, Significant recurring shortfalls in State revenue have required the Program to become self-sustaining, operating without the benefit of State funding; and

WHEREAS, The change from a State funded entity to one that will be self-funded requires that the Program be placed within an agency that will best enhance the Governor's Board's capacity to raise funds; and

WHEREAS, The Governor's Board must have the capacity not only to explore new funding options but also to ensure that the Program's student body reflects New Jersey's diversity;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's School Board of Overseers established pursuant to Executive Order No. 129 (1986) and Executive Order No. 42 (1991) shall continue to perform the duties and functions of the prior Board of Overseers, as modified by this Order. The Governor's Board, as previously constituted, is hereby abolished and its membership is reconstituted pursuant to paragraph 4.

2. The Governor's School Program shall be located in the Commission on Higher Education. The Governor's Board shall have general supervisory authority over the conduct of the Program, including fundraising and the recruiting of students to reflect New Jersey's diversity. The Governor's Board shall work closely with the Executive Director of the Commission on Higher Education, the Commissioner of the Department of Education and each host institution to ensure the Program continues to attain the highest academic standards.

3. The Governor's Board shall be authorized to call upon any department, office, division or agency of this State to supply it with any information, personnel or other assistance available to such agency as is necessary to assist the Governor's School Program and the Governor's School Board under this Order and its predecessor Orders. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Governor's School Program and the Governor's School Board within the limits of its

statutory authority and to furnish them with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Governor's School Program, the Governor's School Board of Overseers and the Commission on Higher Education may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of their missions pursuant to this Order.

4. The Governor's Board shall be composed of: The Executive Director of the Commission on Higher Education, or his or her designee; the Commissioner of Education, or his or her designee; a representative of the Governor's Office; and 10 public members to be appointed by the Governor, with expertise and knowledge of the Program, education, fundraising and recruiting, including, to the extent possible, past participants in the Governor's School Program. Of the 10 public members, one each shall be appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly. Three non-voting members shall also be appointed by the Governor on a revolving basis from among the executive directors of individual Governor's School programs. In the case of the initial appointments of the public members, the two members appointed respectively pursuant to the recommendations of the Senate President and the Assembly Speaker shall each serve for terms expiring two years from the date of appointment, four public members shall serve for terms expiring three years from the date of appointment and four public members shall serve for terms expiring four years from the date of appointment. Of the the three non-voting executive director members, each shall serve for a term expiring two years from the date of appointment. The Governor shall select the Chair from among the members, and the members shall elect by majority vote a vice-chair. All vacancies shall be filled in the same manner as the original appointments but for the unexpired term only.

5. Except as expressly provided herein, Executive Order No. 129 (1986) and Executive Order No. 42 (1991) shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated September 22, 2006.

EXECUTIVE ORDER No. 36

WHEREAS, The fair and impartial administration of justice lies at the cornerstone of our system of government; and

WHEREAS, The citizens of New Jersey rightly insist on maintaining a standard of excellence for those entrusted to administer our courts; and

WHEREAS, The Governor has the authority and obligation to nominate highly qualified individuals to serve as judges in our courts; and

WHEREAS, By longstanding tradition, Senators have recommended judicial candidates to the Governor for vacant restricted seats; and

WHEREAS, The Governor nominates judges subject to the advice and consent of the Senate; and

WHEREAS, It is vitally important that the people be served by judges of the highest legal and ethical caliber;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. A Judicial Advisory Panel is hereby established, whose mission will be to review the background and abilities of potential nominees to the judiciary. This Panel will meet periodically to consider the qualifications of attorneys for nomination to the Superior Court.

2. The Office of Chief Counsel will supply the Panel with a copy of the Confidential Judicial Questionnaire completed by each potential nominee. This questionnaire may be circulated only among the Panel's members and may be used only for purposes of the Panel's work pursuant to this Order.

3. The Panel will establish internal procedures for reviewing potential nominees in order to ensure consistency and fairness in the review process.

4. Upon completion of the review of a particular candidate, the Panel will submit a written evaluation to the Governor through the Office of Chief

Counsel. The evaluations shall constitute advisory, consultative and deliberative materials for the Governor's review. In order to encourage complete candor in evaluating potential judicial candidates, these evaluations will remain confidential with the Governor and Counsel's Office. Confidential Judicial Questionnaires submitted by judicial candidates, written evaluations prepared by the Panel, and related documents shall be deemed to be confidential, non-public, and not subject to the Open Public Records Act, P.L. 1963, c. 73, as amended and supplemented.

5. The Governor will rely heavily on the Panel's evaluations in deciding whether to nominate an individual to the court.

6. In the event the Governor decides to proceed with a particular candidate, the Governor will then forward the prospective nominee's name to the State Bar Association for an independent, subsequent review. The Governor will likewise rely heavily on the State Bar's recommendation in deciding whether to submit an individual's nomination to the Senate for its advice and consent.

7. Consistent with Article VI, Section VI, Par. 1, of the New Jersey State Constitution, the Governor retains sole authority to determine whom to nominate to all judicial positions.

8. The Judicial Advisory Panel will be comprised of up to seven (7) members. The Panel shall include five (5) or more retired judges. The Panel may also include up to two (2) members of the public who are either non-lawyers or non-practicing lawyers. (Practicing attorneys participate in the review conducted by the State Bar Association; as a result, they are not being asked to serve on this Panel.)

9. Members of the Panel shall serve for a term of five (5) years.

10. This Order shall take effect immediately.

Dated September 22, 2006.

EXECUTIVE ORDER No. 37

WHEREAS, The residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, There are numerous independent and quasi-independent governmental entities in this State commonly referred to as State authorities; and

WHEREAS, Those State authorities have capital and operating budgets cumulatively amounting to billions of dollars, but operate outside of the standard structure of the executive branch of State government; and

WHEREAS, Though operating outside the standard structure of the executive branch of State government, the State authorities are a part of the executive branch and thus are subject to the Governor's executive powers pursuant to Article V of the New Jersey Constitution; and

WHEREAS, Greater coordination of the actions of the State authorities is necessary to ensure that State economic policy is implemented in a uniform and consistent manner, designed to achieve maximum gains in areas such as economic growth and job creation; and

WHEREAS, While strides have been made recently concerning ethics and governance reform at the State authorities, additional measures are needed to make authority operations more efficient, to bring greater transparency to the actions of the authorities, to provide greater clarity concerning the responsibilities of authority board members, and to ensure consistent adherence to appropriate financial controls; and

WHEREAS, It is imperative that when the State authorities award contracts to vendors, such contracts are awarded in a manner that is fair, transparent, and designed to ensure that the authorities are obtaining quality products and services at the best possible value; and

WHEREAS, Awarding a contract to the lowest responsible bidder is, in many circumstances, the method of awarding contracts that produces the best economic results; and

WHEREAS, In other circumstances, including procurement of professional services for sophisticated or complex transactions, price is a factor, but is not always the only factor, that should be considered in determining what firm should be awarded a contract; and

WHEREAS, It is nonetheless vital that all contracts be awarded based on price and quality factors, as opposed to favoritism or other impermissible considerations; and

WHEREAS, Further guidance in this area would help to ensure that those goals are reached; and

WHEREAS, Ultimately, maximization of the potential of the State's authorities is dependent upon qualified, talented, and honest men and women agreeing to serve on authority boards and in authority management positions, and further steps must be taken to recruit such individuals;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Office shall conduct periodic policy coordination meetings with the executive directors and chairs of the State authorities. At those meetings, the Office of Economic Growth shall present the State's economic growth strategies and goals to the State authorities. The State authorities are hereby directed to incorporate those strategies and goals into their capital plan development processes. The authorities shall submit their proposed capital plans to the Office of Economic Growth and the Governor's Authorities Unit for review and discussion. Those presentations shall include specific information as to how the authority's capital plan and other expenditures reflect the State's economic growth strategies.

2. On an annual basis, each State authority shall prepare a comprehensive report concerning the authority's operations. The report shall set forth the significant actions of the authority from the previous year, including a discussion of the degree of success the authority had in promoting the State's economic growth strategies and other policies. In addition, the report shall include authority financial statements and identify internal financial controls at the authority that govern expenditures, financial reporting, procurement, and other financial matters and transactions. The report shall contain a certification by the appropriate senior staff member(s) that during the preceding year the authority has, to the best of their knowledge, followed all of the authority's standards, procedures, and internal controls, or, where such certification is not

warranted, shall set forth the manner in which such controls were not followed and a description of the corrective action to be taken by the authority. Following approval of the report by the board of directors, a copy of the report shall be submitted to the Governor's Authorities Unit and posted on the authority's web-site.

3. The Governor's Authorities Unit shall continue its ongoing monitoring and oversight of the State authorities, and shall continue to review minutes of authority proceedings for the purpose of recommending gubernatorial veto or approval of those minutes.

4. The boards of directors at the State authorities shall have the following responsibilities, among others, which are designed to ensure that each authority operates in an efficient, transparent, and ethical manner:

a. Exercise direct oversight over the chief executive officer, chief financial officer, and other senior management at the authority;

b. Ensure that appropriate financial controls are in place at the authority and that an audit committee has been appropriately impaneled to the extent required by Executive Order No. 122 (2004);

c. Maintain procurement policies and procedures that are consistent with the provisions of this Order and statutory law concerning competitive bidding;

d. Ensure compliance with all legislation that prohibits the awarding of contracts to businesses that have made disqualifying political contributions;

e. Establish policies concerning personnel matters, such as job qualifications, hiring practices, and compensation;

f. Establish all policies necessary to implement provisions of governing ethics laws, including but not limited to Executive Order No. 36 (2005) and Executive Order No. 41 (2005);

g. Require authority management to post notice of authority board meetings and agendas and a copy of meeting minutes on the authority's web-site; and

h. Disclose, on an annual basis, any outside business dealings that board members, their employers, or their immediate family members have had with the authority during the previous year, and require senior authority staff to do the same. The disclosures shall be made via certifications submitted by individual board members and senior staff to the board.

5. All procurement contracts to be awarded by State authorities are to be advertised in a way designed to ensure that potentially interested, qualified firms receive appropriate notice of the proposed contract and a fair opportunity to seek it. Each State authority shall promulgate standing procedures for the public advertising of such contracts, which typically would be expected to include advertisement in appropriate publications and on the authority's web-site.

6. The State's Office of Information Technology is hereby directed to develop and establish a single web-site to serve as an additional location at which all State authority procurement contracts shall be posted. Once the web-site is operational, each State authority shall post all proposed procurement contracts on this site. The Office of Information Technology shall develop procedures to facilitate such postings.

7. All procurement contracts are to be awarded by State authorities in accordance with pre-set, transparent procedures established by each authority and reviewed by the Governor's Authorities Unit. For every contract to be awarded, a description of the contract to be awarded as well as any project specifications and related information shall be made available in writing to interested parties. All proposals, bids, or other responses to an advertised contract shall be submitted in written or electronic form and, in cases where the contract is to be awarded to the low bidder, shall be sealed until opened with all other bids.

8. The State authorities may hold pre-bid conferences with interested parties to explain project specifications, to explain the factors on the basis of which the contract will be awarded, and/or to answer any questions. The location, time, and other information concerning the pre-bid conference shall be set forth with the advertised contract or otherwise appropriately advertised prior to the due date for responses.

9. Absent exceptional circumstances, contracts for the purchase of materials, products, supplies, and non-professional services shall be awarded to the lowest responsible bidder that submits a responsive bid. Where a State authority proposes to award such a contract to someone other than the low bidder, it must explain the exceptional circumstances justifying such a decision in the proposed resolution awarding the contract. Where, however, statutory law requires a state authority to award particular

types of contracts to the lowest responsible bidder without exception, that law shall continue to apply.

10. The State authorities may award contracts for professional services or technical services on the basis of multiple factors as opposed to simply on the basis of cost. Each authority shall establish a fair and transparent process for awarding such contracts, including setting forth in writing the scoring factors and scoring procedures to be used. The Governor's Authorities Unit shall provide each State authority with sample numerical, quantitative scoring techniques that can be used to evaluate proposals. The scoring system may not be designed to improperly steer a contract or contracts to a particular firm or set of firms. Similarly, project specifications shall not be drafted in such a way as to steer a contract to a particular firm or set of firms. Each State authority shall review its ongoing and open-ended professional services contracts and establish a timetable for periodic advertising and re-evaluation of those contracts in accordance with the terms of this Order.

11. Factors that State authorities may use as a part of this scoring process include but are not limited to the following:

a. The background, qualifications, skills, and experience of the firm and its staff;

b. The firm's degree of expertise concerning the area at issue;

c. The rate or price to be charged by the firm;

d. The authority's prior experiences with the firm;

e. The firm's familiarity with the work, requirements, and systems of the State authority;

f. The firm's proposed approach to the issues raised in the project description or specifications;

g. The firm's capacity to meet the requirements of the project at issue;

h. The firm's references;

i. Interviews with prospective firms; and

j. Geographical location of the firm's offices.

12. In accordance with State policy, and particularly Executive Order No. 34 (2006), the procurement process shall include efforts to ensure equal opportunity for minority-owned, women-owned, and small business enterprises.

13. Prior to the receipt of any proposals or qualifications concerning a professional service or technical services contract, the State authority shall establish an appropriately qualified Evaluation Committee to review and score the proposals submitted. The authority shall screen the members of the committee for conflicts of interest and for the appearance of such a conflict. Similarly, members of the authority's board of directors shall not participate, either directly or indirectly, in the procurement process where such a member has a conflict of interest or there is an appearance of such a conflict.

14. The analysis of relevant factors that leads the State authority to award the contract to a particular firm shall be memorialized, in summary form, in the proposed resolution awarding the contract.

15. For professional services rendered in connection with bond sales, related financial instruments, and litigation matters, where similar services are expected to be required on numerous occasions over a period of time, the procedures and criteria set forth herein may be used to create a prequalified group or "pool" of potential contract partners for a term not to exceed two years. The establishment of such a pool may not be used to circumvent a genuine competitive process that ensures that quality service is being obtained at the best possible value. The request for proposals/qualifications or similar document advertising the formation of the pool shall make clear the basis on which individual firms will be selected from the pool to perform particular services. That selection may be based, for example, on the price to be charged by the pool member on the particular transaction and the relative strengths of each pool member in view of the particular transaction, through a process of alternating firms, or other justifiable approaches.

16. The above provisions concerning public advertisement and competitive processes shall not apply in the following limited circumstances:

a. Where the contract price is below the bid threshold set forth by the State Treasurer pursuant to N.J.S.A. ss.52:34-7(b), unless other State law sets forth a lower bid threshold in a particular case, in which case the lower threshold shall apply. An authority may not divide a contract into multiple proposed contracts in order to take advantage of this exception and must, if invoking this exception, certify that it has not done so and must maintain a record of that certification. Although this exception permits a State

authority to avoid the formal procedures promulgated in accordance with this Order, it is expected that each State authority will advertise and employ a competitive process of some type even for small-dollar contracts to the extent it is feasible and economical to do so. That less-formal process may include obtaining telephonic quotations or obtaining written quotations following more limited advertising. The process used shall be memorialized in the certification referred to above.

b. In cases of unforeseen life, safety, or health emergencies where the public exigency requires that services or products be purchased immediately, as demonstrated by the memorialized concurrence of three authority officials who have been pre-designated to make such determinations. This exception is a limited one; the State authorities shall make efforts to contract in advance to deal with the types of emergencies that typically arise. In addition, the emergency contract must be limited to purchasing those services or products necessary to mitigate the emergency situation.

c. Sole-source awards made when there is only one vendor capable or available to provide the goods or services. Sole-source procurements should be used only in exceptional circumstances and only when necessary. When an authority invokes this exception, the designated authority officer shall write and sign a memorandum of sole-source justification.

d. Contracts with the federal or any state government or any agency or political subdivision thereof.

e. Where a firm has brought an innovative idea to the authority, a request for proposals cannot be constructed without communicating the new idea, and the procurement would not benefit from a competitive selection process.

f. Where State or federal statutory law requires a different process than that set forth herein.

g. Where the authority has received authorization from the Governor's Authorities Unit.

17. Where one of the above exceptions is invoked, the proposed resolution concerning the contract shall set forth the justification for invoking the exception and the authority's executive director shall certify that circumstances warrant application of the exception.

18. Senior management at each authority shall annually review authority operations with the specific goal of identifying waste and

inefficiencies, and take appropriate remedial steps that shall be reported to the Governor's Authorities Unit.

19. This Order shall apply to all State authorities, namely, all independent State authorities, any board, commission, or agency that is organized in but not of a principal department of State government, and all State authorities that are required to submit their minutes, resolutions, or actions for gubernatorial approval or veto.

20. In view of this Order, the Office of the Attorney General of New Jersey shall conduct a review of the procedures that that office uses in instances when it has a role in the appointment of counsel for the State's authorities.

21. Nothing in this Order is intended to affect the prescribed method of bond sales set forth in Executive Order No. 26 (1994).

22. State authorities shall continue to comply with the audit requirements of Executive Order No. 122 (2004). Aside from this paragraph, nothing in this Order is intended to affect the provisions of Executive Order No. 122. However, that Order is hereby amended to add the following requirements:

a. The required audit shall be conducted annually;

b. The audit shall be submitted to the board of directors for its review and, if accepted, approval;

c. The audit shall be accompanied by a written certification from both the chief executive officer and the chief financial officer that the financial information provided to the auditor in connection with the audit is, to the best of their knowledge, accurate and that such information, to the best of their knowledge, fairly represents the financial condition and operational results of the authority for the year in question; and

d. The final, approved audit shall be posted on the authority's web-site and submitted to the State Treasurer and the Governor's Authorities Unit.

23. It is the policy of this administration to seek candidates for membership on State authority boards from all sectors, including academia, business, and labor. All interested New Jersey residents are invited to send their qualifications to the Governor's Appointments Office, 125 West State Street, Trenton, NJ 08625, for inclusion in the "Talent Bank" being

compiled by that office. That office shall continue to seek out qualified, experienced, and honest individuals interested in serving their State in this capacity, while carefully screening applicants for any actual, perceived, or potential conflicts of interest.

24. This Order shall take effect 60 days from the date of its execution, although State authorities are instructed to begin complying immediately with the terms of this Order to the extent possible.

Dated September 26, 2006.

EXECUTIVE ORDER No. 38

WHEREAS, United States Marine Corps Lance Corporal Christopher B. Cosgrove, III, of Cedar Knolls, New Jersey, graduated in 2001 from Whippany Park High School, where he played football and lacrosse, and graduated from Monmouth University in 2005 with a degree in History; and

WHEREAS, Lance Corporal Cosgrove volunteered for enlistment in the United States Marine Corps and received basic training at Parris Island, South Carolina, attaining his long-standing goal of becoming a United States Marine; and

WHEREAS, Lance Corporal Cosgrove served with honor and distinction as a member of the United States Marine Corps "G" Company, 2nd Battalion, 25th Marine Regiment, 4th Marine Division; and

WHEREAS, Lance Corporal Cosgrove was based at Picatinny Arsenal, Dover, New Jersey, prior to deployment to Iraq in 2006; and

WHEREAS, Lance Corporal Cosgrove was killed in action while conducting combat operations against enemy forces in Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Cosgrove has received some of our nation's highest military honors, including the Sea Service Deployment Ribbon, the Iraqi Campaign Medal, the National Defense Service Medal, and the Purple Heart; and

WHEREAS, Lance Corporal Cosgrove was a courageous Marine who loved his parents, brothers, grandparents, friends, teammates, and community; and

WHEREAS, Lance Corporal Cosgrove was, in turn, loved by his parents, brothers, grandparents, friends, teammates, and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Lance Corporal Cosgrove has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Cosgrove's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, the state where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 11, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Christopher B. Cosgrove, III.

2. This Order shall take effect immediately.

Dated October 6, 2006.

EXECUTIVE ORDER No. 39

WHEREAS, The 1999-2000 Advisory Commission on Hospitals identified excess hospital capacity as a major cause of the general financial

distress that characterized New Jersey's general acute care hospitals at that time; and

WHEREAS, There has been no comprehensive evaluation of the financial condition of New Jersey's general acute care hospitals since the report of the 1999-2000 Advisory Commission on Hospitals; and

WHEREAS, Since 1999, 10 general acute care hospitals have permanently closed in New Jersey, reducing the number of such hospitals to 80; and

WHEREAS, Despite this reduction in excess hospital capacity, in 2004 New Jersey's general acute care hospitals had a median operating margin slightly above one percent, and an average operating margin of 0.4 percent, well below the national average of 4.04 percent and the Northeast region average of 2.86 percent; and

WHEREAS, In 2004, 45 percent of New Jersey's general acute care hospitals operated with a negative margin; and

WHEREAS, In 2006, one general hospital closed, two general hospitals filed for bankruptcy, and one general hospital was authorized to convert to a municipal hospital authority; and

WHEREAS, General acute care hospitals remain, despite technical advances that have shortened the length of in-patient stays and moved many services to an outpatient setting, crucial links in New Jersey's overall continuum of health care services; and

WHEREAS, All general acute care hospitals provide a wide range of health care services to New Jersey's residents that are not available from any other source; and

WHEREAS, There has been no comprehensive State planning in more than a decade to assure an ongoing appropriate correlation between hospital capacity and demand for hospital services Statewide; and

WHEREAS, Government and industry have a compelling interest in supporting a structured, rational assessment of in-patient capacity and primary care outcomes in order to support continued access to care and to promote better health outcomes; and

WHEREAS, The hospital industry is the fifth largest industry in the State, providing nearly 150,000 jobs; and

WHEREAS, Health care workers play a crucial role in ensuring access to quality health care, and government and industry have a mutual interest in promoting and supporting an adequate and stable health care workforce; and

WHEREAS, There is a need to develop, for the benefit of the residents of New Jersey, a comprehensive Health Care Resource Allocation Plan to promote the rational use of public and private health care resources and services; and

WHEREAS, Given the State's significant financial investment in existing general acute care hospitals, there is a need for greater accountability regarding resource allocation; and

WHEREAS, Given the financial distress many New Jersey hospitals face and the limited State funds available to assist hospitals, there is a need to examine whether closure is appropriate for any struggling, non-essential hospital, and whether those underutilized hospital assets can be redeployed for other health care or otherwise appropriate purposes as well; and

WHEREAS, There is no formal State policy to ensure that general acute care hospitals that are essential for access to health care, especially for low-income and medically underserved communities, will continue to operate in a fiscally sound and effective manner;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Commission on Rationalizing New Jersey's Health Care Resources ("Commission").

2. All members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Governor shall also select the chair of the Commission. All members of the Commission shall serve without compensation.

3. There shall be 11 members appointed to the Commission. The members shall be broadly representative of the health care industry with a specific emphasis on general acute care hospitals in New Jersey.

4. The Commission shall organize as soon as practicable after the appointment of a majority of its members.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission. In particular, the Health Care Facilities Financing Authority shall assist the Commission in accomplishing the purposes of this Order.

6. The Commission shall perform the following tasks:

a. Assess the financial and operating condition of New Jersey's general acute care hospitals by benchmarking them against national performance levels; compare the performance of New Jersey's general acute care hospitals to the performance of general acute care hospitals in a group of similar states; compare the array of programs and services offered by a hospital with the core mission of that hospital and the existing availability of those services at other hospitals within their region; and evaluate the effectiveness of established programs in meeting their intended objectives;

b. Analyze the characteristics of New Jersey's most financially distressed hospitals to identify common factors contributing to their distress including the availability of alternative sources of care such as federally qualified health centers and other ambulatory care providers;

c. Determine appropriate geographical regions throughout New Jersey for provision of access to medical care for the residents of New Jersey, including those who are low-income and medically underserved, and assess the current and projected future demand for physician, hospital, federally qualified health center and other ambulatory care providers in each such region and compare that future demand with existing capacity;

d. Develop criteria for the identification of essential general acute care hospitals in New Jersey and use the criteria developed to determine

whether a financially distressed hospital at risk of closing is essential to maintaining access to health care for the residents of New Jersey;

e. Make recommendations for the development of State policy to support essential general acute care hospitals that are financially distressed including the development of performance and operational benchmarks for such hospitals;

f. Make recommendations on the effectiveness of current State policy concerning assistance to financially distressed hospitals that are non-essential and that seek to close but require debt relief or other assistance to enable them to do so, and make recommendations on ways to improve State policy to facilitate such closures;

g. Evaluate appropriate alternative uses to which such facilities might be put, including but not limited to, their potential redeployment as federally qualified health centers, other ambulatory care providers, physician offices and treatment facilities;

h. Develop and publish a State Health Care Resource Allocation Plan to promote the rational use of public and private health care resources, labor, and technology and to serve as the basis for reviewing and approving the development and/or redeployment of health care assets and services around the State;

i. Review existing Certificate of Need statutes and regulations to ensure consistency with the State Health Care Resource Allocation Plan and recommend amendments and/or revisions to achieve that objective if necessary;

j. Make recommendations to strengthen State oversight and ensure greater accountability of State resources; and

k. Issue a written report of its findings and recommendations no later than June 1, 2007, to the Governor, the Senate President, the Senate Minority Leader, the Assembly Speaker, and the Assembly Minority Leader.

7. The Governor at his discretion may reconvene the Commission every three years to reevaluate and update the State Health Care Resource Allocation Plan. The Department of Health and Senior Services shall, in the interim periods, continue to collect necessary data for the Commission to review if it is reconvened.

8. This Order shall take effect immediately.

Dated October 12, 2006.

EXECUTIVE ORDER No. 40

WHEREAS, United States Marine Corps Private First Class Donald S. Brown, of Succasunna, New Jersey, was raised in Succasunna and graduated from Roxbury High School, where he excelled in football and track; and

WHEREAS, Pfc. Brown volunteered for enlistment in the United States Marine Corps and received basic training at the Corps Recruit Depot, Parris Island, South Carolina, attaining his long-standing goal of becoming a United States Marine; and

WHEREAS, Pfc. Brown served with honor and distinction as a member of the United States Marine Corps, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, and Kaneohe Bay, Hawaii; and

WHEREAS, Pfc. Brown was killed in action while conducting combat operations against enemy forces in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown was a courageous Marine who loved his parents, siblings, fiancée, friends, teammates, classmates and neighbors; and

WHEREAS, Pfc. Brown was, in turn, loved by his parents, siblings, fiancée, friends, teammates, classmates and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Pfc. Brown has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country as a Marine Corps rifleman in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown has been awarded some of our nation's highest military commendations and honors, including the Purple Heart, the National Defense Service Medal, the Iraq Campaign Medal and the Global War on Terrorism Service Medal; and

WHEREAS, Pfc. Brown's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family and fiancée as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 2, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Private First Class Donald S. Brown.

2. This Order shall take effect immediately.

Dated October 31, 2006.

EXECUTIVE ORDER No. 41

WHEREAS, New Jersey governors traditionally have issued Executive Orders granting the day after Thanksgiving as a day off for employees in the Executive Departments of State government; and

WHEREAS, I firmly believe that, as a matter of sound practice, days off should not be granted in this manner but should be either negotiated or statutorily authorized; and

WHEREAS, Because the granting of a day off on the day after Thanksgiving has been a longstanding practice such that employees may have made plans based on the expectation that such a day off would be granted this year, that practice will not be changed for this year; and

WHEREAS, In the future I will not continue the practice of granting the day after Thanksgiving as a day off by Executive Order, and the

determination of whether employees are able to treat the day after Thanksgiving as a paid day off will be made based on collective negotiations or statutory authorization;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 24, 2006, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 24, 2006.

Dated November 17, 2006.

EXECUTIVE ORDER No. 42

WHEREAS, Executive Order No. 87 (1998) established the Office of Information Technology (OIT); and

WHEREAS, The New Jersey Commission on Government Efficiency and Reform, established by Executive Order No. 9 on April 7, 2006, released a progress report on July 25, 2006, discussing the need to overhaul OIT; and

WHEREAS, There is a critical need to reinforce OIT's role with a new structure and mission to keep up with modern demands, improve services, and reduce costs; and

WHEREAS, The State must develop a comprehensive business plan and the technical architecture necessary to upgrade and renovate its aging portfolio of administrative systems; and

WHEREAS, The State must coordinate and integrate information technology planning, budgeting, and spending throughout the executive branch of State government to advance cost savings and consistent operating efficiencies; and

WHEREAS, Information technology plays an integral role in promoting a robust economy and a sustainable workforce in the State; and

WHEREAS, Information technology provides a powerful tool to reengineer government services and operations to meet citizen and business expectations; and

WHEREAS, There is a current lack of accountability, control, monitoring, and oversight of State department and agency information technology projects;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a State of New Jersey Technology Governing Board (Governing Board). This Board shall be responsible for setting the overall direction, standards, and priorities for the information technology community in the executive branch of State government and for reviewing and approving the annual budget request of the Office of Information Technology (OIT). Also, all requests from departments and agencies for new information technology spending shall first be submitted to and approved by the Governing Board before submission to the Office of Management and Budget.

2. The Governing Board shall be chaired by an individual who shall be appointed by and serve at the pleasure of the Governor and shall possess the management experience and technology background to govern a complex technology landscape. The Governing Board shall meet quarterly, or more frequently, as directed by the Chair.

3. The Governing Board shall consist of the Chair and eight (8) other members, as follows:

a. The Chief Technology Officer;

b. The State Treasurer;

c. Three executive branch commissioners, who shall be appointed by and serve at the pleasure of the Governor; and

d. Three public members, who shall be appointed by and serve at the pleasure of the Governor. Public members shall possess both business and technology expertise. Public members shall not receive compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties. Public members shall be considered "public officers" for purposes of Section I of Executive Order No. 1 (2006).

4. There is hereby established the position of Chief Technology Officer for the State of New Jersey (CTO). The CTO shall be appointed by and serve at the pleasure of the Governor and shall have overall responsibility and authority for all information technology operations in the executive branch of State government, including agency technology operations.

5. The Office of Information Technology (OIT) shall be directed by the CTO and shall be responsible for the provision and maintenance of the information technology infrastructure of the executive branch of State government, regardless of where it currently exists, and all ancillary components, including those of State departments and agencies. Also, OIT shall provide staff support to the Governing Board. OIT will remain in, but not of, the Department of the Treasury.

6. There is hereby established the position of Deputy Chief Technology Officer. Each Deputy CTO shall be appointed by and serve at the pleasure of the CTO, and the CTO may appoint up to six (6) Deputy CTOs. Each Deputy CTO shall be responsible for information technology planning, coordination, budgeting, technical architecture, and management and oversight of large information technology initiatives, in a single area of interest as determined by the Chair of the Governing Board and the CTO.

7. The CTO shall draft and establish Service Level Agreements with each department. The purpose of these agreements will be to set and manage expectations and the levels of service response among OIT, the Deputy CTOs, and the individual department or agency operations. The agreements should also establish priorities and allocate the resources necessary to achieve such priorities.

8. There is hereby established a Project Review Board (PRB), which shall report directly to the Governing Board. The PRB shall be comprised of between three (3) and five (5) executive branch officials selected by the Chair of the Governing Board, with the approval of the Governor, and shall be responsible for the review, approval, and monitoring of large executive branch information technology projects. The Governing Board shall determine the threshold for projects that would trigger the involvement of the PRB.

9. The Governing Board shall work with the CTO to review the results of the Statewide IT Assessment Study that has been conducted by OIT to identify recommendations for efficiencies and improvements and to develop a proposal for the restructuring and consolidation of information technology functions, including staff currently supporting those functions.

10. All executive branch departments and agencies are directed to cooperate fully with the Governing Board, CTO, and OIT in implementing the provisions of this Order, particularly the provisions of Paragraph 4 regarding the CTO's overall responsibility and authority for all information technology operations in the executive branch of State government.

11. The CTO may enter into agreements, in accordance and consistent with applicable law, regulations, and/or existing contracts, with private and public entities or individuals so as to effectuate the purposes of this Order.

12. Effective immediately, a moratorium on executive branch information technology expenditures is hereby imposed to enable the CTO and the Governing Board to develop a consolidation proposal pursuant to Paragraph 9 of this Order as well as to provide the Governing Board an opportunity to identify information technology priorities for the State as provided for in Paragraph 1 of this Order. The CTO and the Director of the Office of Management and Budget shall, within 30 days of the date of this Order, jointly develop and issue a circular letter setting forth details of the moratorium and an exception process.

13. The CTO shall issue a report annually to the Governor and the Legislature regarding State executive branch information technology operations and the activities of OIT.

14. The Office of Information Technology Governing Board created by Executive Order No. 87 (1998) is hereby abolished. The position of Chief Technology Officer created by Executive Order No. 87 (1998) is hereby abolished. Any other provisions of Executive Order No. 84 (1984) and Executive Order No. 87 (1998) that are inconsistent with the provisions of this Order are hereby rescinded.

15. This Order shall take effect immediately.

Dated November 20, 2006.

EXECUTIVE ORDER No. 43

WHEREAS, United States Army Specialist Eric Rivera, of Atlantic City, New Jersey, was raised in Atlantic City and graduated from Atlantic City High School in 2003; and

WHEREAS, Specialist Rivera joined the Army shortly after graduation, serving with honor and distinction as a member of Bravo Company, 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, based in Schweinfurt, Germany; and

WHEREAS, Specialist Rivera was killed while his platoon was conducting combat operations in an area west of Ramadi, Iraq; and

WHEREAS, Specialist Rivera was a courageous soldier who loved his parents, family, neighbors, and fellow soldiers; and

WHEREAS, Specialist Rivera was, in turn, loved by his parents, family, neighbors, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Specialist Rivera has been recommended for some of our nation's highest military honors; and

WHEREAS, Specialist Rivera has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Specialist Rivera's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 1, 2006, in recognition of the life and in mourning of the passing of United States Army Specialist Eric Rivera.

2. This Order shall take effect immediately.

Dated November 22, 2006.

EXECUTIVE ORDER No. 44

WHEREAS, United States Marine Corps Lance Corporal Michael A. Schwarz, of Carlstadt, New Jersey, was raised in Carlstadt and graduated from Henry P. Becton Regional High School in 2004; and

WHEREAS, Lance Corporal Schwarz was an active contributor to his community, volunteering his time and service as a member of the Carlstadt Volunteer Fire Department and the Wallington Emergency Squad; and

WHEREAS, Lance Corporal Schwarz volunteered to join the Marine Corps following his graduation from Becton Regional High School, fulfilling a lifelong dream; and

WHEREAS, Lance Corporal Schwarz served with honor and distinction as a member of Company A, 1st Battalion, 6th Marine Regiment, 2nd

Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina; and

WHEREAS, Lance Corporal Schwarz was killed in action while conducting a dismounted combat patrol against enemy forces in the city of Ar Ramadi, Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Schwarz was a courageous Marine who loved his parents, brother, family, fellow volunteers, community, and fellow Marines; and

WHEREAS, Lance Corporal Schwarz was, in turn, loved by his parents, brother, family, fellow volunteers, community, and fellow Marines, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Lance Corporal Schwarz has received some of our nation's highest military honors, including the Purple Heart, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Sea Service Deployment Ribbon, the Iraqi Campaign Ribbon, and the Global War on Terrorism Service Medal; and

WHEREAS, Lance Corporal Schwarz has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Lance Corporal Schwarz's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 8,

2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Michael A. Schwarz.

2. This Order shall take effect immediately.

Dated December 6, 2006.

EXECUTIVE ORDER No. 45

WHEREAS, Pursuant to Executive Order No. 107 (2004), a World War II Memorial Commission ("Commission") was established in, but not of, the Department of Military and Veterans' Affairs to continue the work of the World War II Veterans' Memorial Advisory Commission, formed pursuant to P.L. 1999, Joint Resolution No. 14, which was to make recommendations regarding the location and design of New Jersey's World War II Memorial; and

WHEREAS, The Legislature authorized the Commission and the Adjutant General to raise funds for this project; and

WHEREAS, The Commission continues to develop this Memorial and raise funds; and

WHEREAS, The men and women who served our nation during World War II displayed courage and dedication to the highest principles and goals, and a memorial honoring these men and women is a worthy tribute and an acknowledgement of their sacrifices and bravery; and

WHEREAS, World War II veterans endured great risks, hardships, and deprivations while defending our country; and

WHEREAS, We must act now to complete the World War II Memorial so that veterans of that conflict may see this dream realized in their lifetime; and

WHEREAS, This Administration is dedicated to the World War II Memorial becoming a reality as quickly as possible; and

WHEREAS, The Commission, in its current form, has 17 members, all of whom are representatives of recognized veterans' groups; and

WHEREAS, Expanding the Commission's membership will assist in expediting the fundraising, planning, and construction process;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The World War II Memorial Commission shall continue in, but not of, the Department of Military and Veterans' Affairs in accordance with Executive Order No. 107 (2004).

2. The number of public members of the Commission is hereby increased from a maximum of seventeen (17) members to a maximum of twenty-seven (27) members.

3. Any additional public members appointed by the Governor pursuant to this Order shall have expertise regarding the military, fundraising, planning, and/or construction and need not represent recognized veterans groups. Any such additional public members shall be eligible for appointment by the Governor as Chair, Vice-Chair, or Honorary Chair, as provided in Executive Order No. 107 (2004).

4. In addition to the ex-officio nonvoting members of the Commission identified in section 2(a) of Executive Order No. 107 (2004), the Secretary of State shall also serve as an ex-officio nonvoting member of the Commission.

5. All other provisions of Executive Order No. 107 (2004) which are not inconsistent with the foregoing shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated December 8, 2006.

EXECUTIVE ORDER No. 46

WHEREAS, United States Army Private First Class Joe L. Baines, of Newark, New Jersey, was raised in Newark and attended Louise A. Spencer School in Newark; and

WHEREAS, Private First Class Baines volunteered to join the Army immediately following his graduation from high school in 2005 and received basic and advanced training at Fort Benning, Georgia; and

WHEREAS, Private First Class Baines served with honor and distinction as an infantryman in 1st Squadron, 7th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, based at Fort Hood, Texas; and

WHEREAS, Private First Class Baines was killed in action while conducting combat operations against enemy forces in the city of Taji, Iraq; and

WHEREAS, Private First Class Baines was a courageous soldier who loved his parents, brothers, sister, family, friends, and fellow soldiers; and

WHEREAS, Private First Class Baines was, in turn, loved by his parents, brothers, sister, family, friends, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Private First Class Baines has received some of our nation's highest military honors, including the Army Services Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal, the National Defense Service Medal, and the Overseas Service Ribbon; and

WHEREAS, Private First Class Baines has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Private First Class Baines's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, December 26, 2006, in recognition of the life and in mourning of the passing of United States Army Private First Class Joe L. Baines.

2. This Order shall take effect immediately.

Dated December 22, 2006.

EXECUTIVE ORDER No. 47

WHEREAS, Gerald R. Ford, the 38th President of the United States, served as a Lieutenant Commander in the United States Navy during World War II, was elected to the United States Congress in 1948 and served as the Minority Leader in the House of Representatives before his selection as Vice President of the United States and his subsequent elevation to the Presidency in 1974; and

WHEREAS, President Ford's distinguished career as a public servant was marked by integrity, candor, humility and decency; and

WHEREAS, His service to his country during a difficult time in this country's history provided a steady hand and help to uphold the principle of the rule of law; and

WHEREAS, President Ford strove to make the world a better place through his leadership and compassion; and

WHEREAS, President Ford's patriotism, faith, courage and dignity are an enduring example for all citizens; and

WHEREAS, It is fitting and proper for the State of New Jersey to mourn the passing and honor the memory of President Ford;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours for a period of 30 days from the day of his death in recognition and mourning of the passing of President Gerald R. Ford.

2. This Order shall take effect immediately.

Dated December 27, 2006.

EXECUTIVE ORDER No. 48

WHEREAS, U.S. Army Private First Class Eric R. Wilkus, of Hamilton, New Jersey, an emergency medical technician and a member of the White Horse Volunteer Fire Company, graduated from Hamilton High School West in 2004, where he was a member of the Hornet Band; and

WHEREAS, Private First Class Wilkus loved his country and subsequently enlisted in the U.S. Army; and

WHEREAS, Private First Class Wilkus served proudly in the 57th Military Police Company, 8th Military Police Brigade, Schofield Barracks, Hawaii; and

WHEREAS, Private First Class Wilkus made the ultimate sacrifice, on behalf of his country, when he died on December 25, 2006, as a result of injuries suffered in the line of duty while serving in the United States Army in Iraq; and

WHEREAS, Private First Class Wilkus was a committed and professional soldier and a loving son and brother, whose memory lives in the hearts of his family; and

WHEREAS, Private First Class Wilkus's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on January 5, 2007, in recognition and mourning of U.S. Army Private First Class Eric R. Wilkus of Hamilton, New Jersey.

2. This Order shall take effect immediately.

Dated January 2, 2007.

EXECUTIVE ORDER No. 49

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel (hereinafter referred to as "Agreement") as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, The Agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission (hereinafter referred to as "Commission") by Executive Order No. 208 (1989) to enhance New Jersey's ability to implement the stated goals of the Agreement; and

WHEREAS, The Commission was continued by Executive Order No. 35 (1991) and Executive Order No. 90 (1993) through and including May 31, 1995; and

WHEREAS, The Commission was continued by Executive Order No. 37 (1995) and Executive Order No. 70 (1997) until it expired on January 1, 2002; and

WHEREAS, The Commission was extended and continued by Executive Order No. 12 (2002) through and including January 1, 2007; and

WHEREAS, The Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey-Israel Commission is hereby extended and shall continue in existence through and including January 1, 2012.

2. The membership of the Commission shall be modified to consist of a minimum of fifteen (15) members and a maximum of one hundred (100) members. The members of the Commission shall be appointed by the Governor. This shall include eight members who shall be State legislators, four of whom shall represent the Assembly, no more than two of whom shall be members of the same political party, and four of whom shall represent the Senate, no more than two of whom shall be members of the same political party. All legislative members shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly and the President of the Senate respectively.

3. The membership of the members of the New Jersey–Israel Commission who were serving as of January 1, 2007 shall be considered to have ceased as of that date. However, any former member shall be eligible for appointment pursuant to this Order.

4. The Governor shall designate a chair and/or co-chairpersons of the Commission from among the members. The chair and/or co-chairpersons shall serve as such at the pleasure of the Governor.

5. All other provisions of Executive Order No. 208 (1989), Executive Order No. 35 (1991), Executive Order No. 90 (1993), Executive Order No. 37 (1995), Executive Order No. 70 (1997), and Executive Order No. 12 (2002) which are not inconsistent with this Order shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated January 2, 2007.

EXECUTIVE ORDER No. 50

WHEREAS, Economic growth and the creation of high-quality jobs are essential to the continued well-being and prosperity of the State of New Jersey; and

WHEREAS, Sustaining New Jersey's position as one of the nation's most prosperous states and most vital centers of innovation demands proactive leadership in increasingly competitive times; and

WHEREAS, Since the beginning of this administration, the Office of Economic Growth, operating as a unit within the Governor's Office, has been working to develop and implement Statewide economic development policies, including developing the recently announced "Economic Growth Strategy for New Jersey 2007" (Economic Growth Strategy); and

WHEREAS, Steps toward implementation of the Economic Growth Strategy already have been taken through the creation of the New Jersey Economic Growth Council and the Action Council on the Economy; and

WHEREAS, Further implementation of the Economic Growth Strategy would be enhanced by making the Office of Economic Growth a permanent part of the executive branch of State government through allocation to a principal department; and

WHEREAS, Such allocation will better enable the Office of Economic Growth to work cooperatively with other agencies through formal arrangements that will help ensure successful implementation of the Economic Growth Strategy;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Office of Economic Growth, which currently operates as a unit within the Governor's Office, and its functions, powers, duties and personnel are hereby continued and allocated to the Department of the Treasury. Notwithstanding this allocation the Office shall be in but not of the Department and shall be independent of any supervision and control by the Department or any officer thereof. The Office of Economic Growth shall assist in and oversee the implementation of the State's Economic Growth Strategy and shall coordinate the State's economic development efforts across all sectors and departments.

2. The Office of Economic Growth shall be headed by a Chief of Economic Growth who shall be a cabinet-level official appointed by, reporting to, and serving at the pleasure of the Governor.

3. The Office of Economic Growth shall be authorized to call upon the expertise and assistance of all State departments, divisions, authorities, and agencies to carry out its mission, including but not limited to the New Jersey Economic Development Authority, the Commerce, Economic Growth and Tourism Commission, and the Department of the Treasury.

4. Each State department, division, authority, and agency shall be required, to the extent not inconsistent with law, to cooperate with the Office of Economic Growth.

5. The Office of Economic Growth may, consistent with law, consult and contract with private and public entities and enter into such agreements with public and private individuals or entities as necessary to further the mission of the Office of Economic Growth. In addition, the Chief and Deputy Chief of the Office of Economic Growth each are hereby authorized, consistent with law, to enter into letters of intent in furtherance of the mission of the Office of Economic Growth.

6. This Order shall take effect immediately.

Dated January 5, 2007.

INDEX

ALCOHOLIC BEVERAGES
Development projects, certain, creation of special permits to serve alcoholic beverages; permitted, C.33:1-12.49, Ch.17.

ANIMALS
Emergency operations plans, coordination; required, emergency plan for animals, certain, development; required, amends C.App.A:9-43.1 et seq., Ch.92.
Working dogs, certain, access to housing, public facilities, transportation; required, C.10:5-29.7 et seq., Ch.88.

APPROPRIATIONS
Agriculture, Department:
Asian Longhorn Beetle Program, $3,000,000, Ch.21.
Cooperative Gypsy Moth Suppression, federal funds; $750,000, Ch.22.
Annual, Ch.45.
Budget message, Governor's transmittal to Legislature, time extended, Ch.2.
Education, Department:
"School District Deficit Relief Account," for advance State aid payment in certain districts, reappropriation of funds, certain; authorized, Ch.15.
Environmental Protection, Department:
From "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," loans to fund lake dredging, restoration, stream cleaning, desnagging projects, $15,000,000, Ch.66.
From "Garden State Green Acres Preservation Trust Fund," for acquisition of lands for recreation, conservation purposes, $80,000,000, Ch.80.
From various funds for environmental infrastructure projects, Ch.68.
Human Services Department:
"Bloodborne Disease Harm Reduction Act," Division of Addiction Services, $10,000,000, Ch.99.
New Jersey Environmental Infrastructure Trust, loans for projects, various; authorized, Ch.67.
New Jersey Historic Trust:
From "Garden State Historic Preservation Trust Fund" for grants for certain historic preservation projects, $1,263,166, Ch.30.

APPROPRIATIONS (Continued)
State Agriculture Development Committee for grants to local governments for farmland preservation projects, $48,500,000, Ch.71; for farmland preservation in Highlands Region, $15,000,000, Ch.72; for farmland acquisition, $27,572,751, for soil and water conservation, $341,278, State Transfer Rights Development Bank, administrative funding; revised, Ch.73; farmland preservation incentive grants to local governments, $21,588,646, county strategic plan programs, $600,000, Ch.74; farmland preservation grants to nonprofit organizations, $6,515,000, Ch.81.
Transportation, Department:
Veterans Memorial Highway," signage, $2,500, Ch.76.

AUTHORITIES
"Fort Monmouth Economic Revitalization Planning Authority Act," C.52:27I-1 et seq., Ch.16.
"Municipal Hospital Authority Law," C.30:9-23.15 et seq., amends C.26:2H-7a et al., Ch.46.
New Jersey Transportation Trust Fund Authority, law concerning; revised, C.27:1B-22.2 et seq., amends C.27:1B-9 et al., repeals C.27:1B-21.31, Ch.3.

BONDS
Dedicated cigarette tax revenue, annual fiscal year deposits, timing of debt service payments, amends C.26:2H-18.58g et al., Ch.98.
Facilities for stem cell research, biomedical research, blood collection and cancer research, issuance of bonds for funding; $270 million authorized, C.34:1B-21.31 et seq., Ch.102.

CEMETERIES
For-profit entities, certain, management, operation of cemeteries; permitted, C.45:2-7.1, amends C.45:27-13, Ch.26.

CHILDREN
"Department of Children and Families Act," C.9:3A-1 et al., amends C.2A:4A-37 et al., repeals C.9:6-8.105 et al., Ch.47.
Office of the Child Advocate, position of First Assistant; established, qualification as an attorney, amends C.52:27EE-67, Ch.11.

CHILDREN (Continued)
"Robert E. Dwight, Jr., Raquan Ellis and Zahir Atkins Memorial Child-Protection Window Guard Law," C.55:13A-7.12a, amends C.55:13A-7.12 et al., Ch.55.
Tanning facilities, use by minors, prohibited, exceptions, C.26:2D-82.1, amends C.26:2D-83 et al., Ch.48.

CIVIL ACTIONS
Residential foreclosure procedures, provision of information, certain, to debtor; required, amends C.2A:50-58, Ch.13.

CIVIL DEFENSE
Contractors, employees, certain, criminal history background check to work in certain positions; required, C.App.A:9-79 et seq., Ch.101.

CIVIL RIGHTS
Civil unions; established, C.37:1-28 et al., amends R.S.37:1-1 et al., Ch.103.
"Law Against Discrimination," provisions regarding gender identity or expression; included, amends R.S.10:2-1 et al., Ch.100.
Working dogs, certain, access to housing, public facilities, transportation; required, C.10:5-29.7 et seq., Ch.88.

CIVIL SERVICE
Law enforcement officers, certain, participation in intergovernmental transfer program, waiver of accumulated sick leave, seniority; permitted, C.11A:2-28, Ch.77.

COLLEGES AND UNIVERSITIES
University of Medicine and Dentistry of New Jersey, board of trustees, number of voting members, powers; increased, board of directors for University Hospital; established, C.18A:64G-6.1 et seq., amends C.18A:65G-4 et al., Ch.95.

COMMERCE AND INDUSTRY
Construction contracts, certain, prompt payment; required, amends C.2A:30A-1 et seq., Ch.96.
"New Jersey Heritage Tourism Task Force"; established, Ch.60.

COMMERCE AND INDUSTRY (Continued)
Payments to unregistered, unincorporated construction contractors, withholding of gross income taxes; required, C.54A:7-1.2, amends N.J.S.54A:7-1, Ch.85.

COMMUNICATIONS
Cable television service, system-wide franchise for providers, certain; authorized, C.48:5A-25.1 et al., amends C.48:5A-2 et al., Ch.83.

CONSTITUTION, STATE
Corporation business tax revenues for funding development of land for recreation, conservation purposes, allocation percentages; changed, amends Article VIII, Section II, paragraph 6, proposed, ACR No. 195 (ACS).
Motor fuels tax, dedication to fund the State transportation system, 10.5 cents per gallon, amends Article VIII, Section II, paragraph 4, proposed, SCR No. 78(1R).
Sales tax, dedication of ½ of 1%, property tax reform, amends Article VIII, Section I, paragraph 7, proposed, ACR No.1.

CONSUMER AFFAIRS
"New Jersey Prescription Drug Retail Price Registry"; established, C.45:14-81 et seq., Ch.84.
"Raincheck Policy Disclosure Act," C.56:8-2.28 et seq., Ch.59.

COUNTIES
Blanket bond coverage for certain county, municipal officers, employees; permitted, amends C.40A:5-34.1 et al., Ch.50.
Emergency operations plans, coordination; required, emergency plan for animals, certain, development; required, amends C.App.A:9-43.1 et seq., Ch.92.
Farmland, leased, certain, acquired by county or municipality, lease to prior lessee, certain circumstances; permitted, C.40A:12-14.1, amends C.40A:12-14, Ch.52.

COURTS
Municipal court administrators, certification; required, appointment of interim administrators, certain circumstances; provided, amends N.J.S.2B:12-11, Ch.20.

CRIMES AND OFFENSES
Funerals, disruption, certain, disorderly persons offense, C.2C:33-8.1, Ch.93.
Jurisdiction relative to death, bodily injury, motor vehicle offenses, certain circumstances; clarified, C.2B:12-17.2 et al., Ch.28.
Organized retail theft, leader of organized retail theft enterprise; offense created, C.2C:20-11.2, amends N.J.S.2C:20-11, Ch.56.
Private school teacher, assault against, offense; upgraded, amends N.J.S.2C:1-14 et al., Ch.78.
Sex offender information, release to DYFS; permitted, amends C.2C:7-5, Ch.6.

DOMESTIC RELATIONS
Civil unions; established, C.37:1-28 et al., amends R.S.37:1-1 et al., Ch.103.
"Department of Children and Families Act," C.9:3A-1 et al., amends C.2A:4A-37 et al., repeals C.9:6-8.105 et al., Ch.47.

DRUGS
"Bloodborne Disease Harm Reduction Act," C.26:5C-25 et al., Ch.99.
"New Jersey Prescription Drug Retail Price Registry"; established, C.45:14-81 et seq., Ch.84.

ELECTIONS
Voting machines, use of, certain, by municipalities for annual school, municipal nonpartisan elections during 2006; permitted, Ch.1.

ENVIRONMENT
Contaminated site remediation, submission of notice to DEP, adoption of rules relative to notice requirements by DEP; required, C.58:10B-24.1 et seq., Ch.65.
Fine particle emissions from diesel engines, certain, cost estimates by DEP for retrofit technology, requirements for sale, distribution, use of ultra low sulfur diesel fuel, laws concerning; changed, amends C.26:2C-8.31 et al., Ch.94.
Fish, taking, processing by certain vessels in marine waters; prohibited, C.23:2B-19, Ch.18.
Hazardous discharge site remediation fund, funding limits for grants to local units; changed, amends C.58:10B-6, Ch.89.

ENVIRONMENT (Continued)
N.J. Environmental Infrastructure Trust Financing Program, changes, certain, amends C.58:11B-6 et al., Ch.69.
Petroleum underground storage tanks, funding laws regarding remediation; changed, C.58:10A-24.8 et seq., amends C.58:10A-37.2 et al., Ch.58.

EXECUTIVE ORDERS
Advisory Committee on Police Standards; established, No.29.
Board of Directors of the Schools Construction Corporation, replacement of Attorney General with member of the Governor's executive staff, certain, paragraph 1(a) of Executive Order No. 24 (2002) amended, No.7.
Cable television system-wide franchises, regulatory, enforcement actions; encouraged, No.25.
Commission on Rationalizing New Jersey's Health Care Resources; established, No.39.
Coretta Scott King; death commemorated, No.2.
Director of Energy Savings within the Department of the Treasury; position created, No.11.
Division of Minority and Women Business Development within the Office of Economic Growth; established, No.34.
Family child care providers; recognition of CCWU as majority representative, No.23.
Financial disclosure for certain State officials; required, Governor's Code of Conduct, adopted, No.1.
Firefighter Kevin Apuzzio; death commemorated, No.10.
Firefighter Vincent Neglia; death commemorated, No.32.
Governing board of a State university or college, members, certain, conflicts of interest; prohibited, filing, required, No.14.
Governor's Office, periodic policy coordination meetings with management of State authorities, transparency of governance and contracting, No.37.
Governor's School Board of Overseers established by Executive Order No.129 (1986) and Executive Order No. 42 (1991); continued, membership reconstituted, No.35.
Judicial Advisory Panel; established, No.36.
New Jersey Committee on Native American Community Affairs; established, No.24.
New Jersey Commission on Government Efficiency and Reform; established, No.9.
New Jersey Economic Growth Council; established, No.30.

EXECUTIVE ORDERS (Continued)
New Jersey-Israel Commission; continued through January 1, 2012, membership, modified, No.49.
Office of Economic Growth within Governor's Office, continued and allocated to the Department of the Treasury, No.50.
Office of Homeland Security and Preparedness; created, No.5.
Police Detective Kieran T. Shields; death commemorated, No.26.
President Gerald R. Ford; death commemorated, No.47.
September 11, 2001 terrorist attacks, victims; deaths commemorated, No.31.
Special Counsel to the Governor for School Construction; position, program improvements; established, No.3.
State employees, November 24, 2006; granted as a day off, No.41.
State Interagency Coordinating Council established by Executive Order No. 94 (1993); continued, membership, amended, No.27.
State of emergency, absence of General Appropriations Law; declared, No.17; continued, No.18, resumption of government functions, No.19.
State of emergency relative to weather conditions; declared, No.16; terminated, No.20.
State of New Jersey Technology Governing Board; established; No.42.
United States Air Force Airman Carl Jerome Ware, Jr.; death commemorated, No.21.
United States Army Private First Class Joe L. Baines; death commemorated, No.46.
United States Army Specialist Eric Rivera; death commemorated, No.43.
United States Army Specialist Hai Ming Hsia; death commemorated, No.28.
United States Army Staff Sergeant Christian Longsworth; death commemorated, No. 15.
United States Army Staff Sergeant Robert Joseph Chiomento II; death commemorated, No.22.
United States Marine Corps Lance Corporal Christopher B. Cosgrove, III; death commemorated, No.38.
United States Marine Corps Lance Corporal Michael A. Schwarz; death commemorated, No.44.
United States Marine Corps Private First Class Donald S. Brown; death commemorated, No.40.
United States Marine Corps Private First Class Vincent M. Frassetto; death commemorated, No.33.

EXECUTIVE ORDERS (Continued)
U.S. Army Captain Douglas R. Wight, Jr.; death commemorated, No.13.
U.S. Army Captain John F. Dugan, Jr.; death commemorated, No.8.
U.S. Army Private First Class Eric R. Wilkus; death commemorated, No.48.
U.S. Army SPC Carlos Gonzalez; death commemorated, No.6.
U.S. Marine Corps Sergeant Matthew J. Fenton; death commemorated, No.12.
Watchung Borough Police Officer Matthew J. Melchionda; death commemorated, No.4.
World War II Memorial Commission created by Executive Order No. 107 (2004); continued, membership, increased, No.45.

FEDERAL RELATIONS
Reciprocal debt collection agreement between State Treasurer and federal government, sharing of certain taxpayer information; authorized, C.54:49-12.7 et seq., amends R.S.54:50-9, Ch.32.

FIRE SAFETY
Fire companies, volunteer, exemption from water use registration renewal fees; provided, amends C.58:1A-11, Ch.90.
Fire departments, municipal, applicants, certain, eligibility for preference for children under P.L.2005, c.290; clarified, Ch.27.
Fire emergency procedures, law concerning; revised, amends C.52:14E-16, Ch.8.

FISH AND WILDLIFE
Computer-assisted remote hunting; prohibited, C.23:4-24.5 et seq., Ch.7.
Fish, taking, processing by certain vessels in marine waters; prohibited, C.23:2B-19, Ch.18.

HANDICAPPED PERSONS
Moderate security unit, requirements for placement of developmentally disabled in; established, C.30:4-25.13 et seq., Ch.5.

HEALTH
Access to Employer-Based Health Insurance for employed recipients of State health assistance programs, certain, annual report; required, C.30:4J-17 et al., Ch.87.
"Bloodborne Disease Harm Reduction Act," C.26:5C-25 et al., Ch.99.

HEALTH (Continued)
"Brain Injury Awareness Month," March; designated, C.36:2-87, J.R.1.
Closing, relocation notices to residents of certain facilities, 60-day notice; required, exceptions, C.26:2H-126, Ch.75.
Death, pronouncement in any setting by registered nurse; permitted, amends C.26:6-8.1, Ch.86.
Facilities for stem cell research, biomedical research, blood collection and cancer research, issuance of bonds for funding; $270 million authorized, C.34:1B-21.31 et seq., Ch.102.
HMOs, annual assessment on premiums to support charity care; increased, amends C.26:2J-47, Ch.43.
"Independence, Dignity and Choice in Long-Term Care Act," C.30:4D-17.23 et seq., Ch.23.
Meningococcal meningitis, provision of information to parents, guardians of schoolchildren, certain; required, C.26:2X-3 et al., Ch.64.
"New Jersey Prescription Drug Retail Price Registry"; established, C.45:14-81 et seq., Ch.84.
Postpartum depression, information on, screening for; required, amends C.26:2-176, Ch.12.
Tanning facilities, use by minors, prohibited, exceptions, C.26:2D-82.1, amends C.26:2D-83 et al., Ch.48.

HIGHWAYS
"Veterans Memorial Highway," Route 55; designated, Ch.76.

HISTORICAL AFFAIRS
"New Jersey Heritage Tourism Task Force"; established, Ch.60.

HOSPITALS
"Municipal Hospital Authority Law," C.30:9-23.15 et seq., amends C.26:2H-7a et al., Ch.46.
Postpartum depression, information on, screening for; required, amends C.26:2-176, Ch.12.

HOUSING
"Robert E. Dwight, Jr., Raquan Ellis and Zahir Atkins Memorial Child-Protection Window Guard Law," C.55:13A-7.12a, amends C.55:13A-7.12 et al., Ch.55.

HUMAN SERVICES
Access to Employer-Based Health Insurance for employed recipients of State health assistance programs, certain, annual report; required, C.30:4J-17 et al., Ch.87.
Department of Children and Families Act, C.9:3A-1 et al., amends C.2A:4A-37 et al., repeals C.9:6-8.105 et al., Ch.47.
Division of Developmental Disabilities, preparation of plan for community-based living for clients, certain; required, Ch.61.
Independence, Dignity and Choice in Long-Term Care Act," C.30:4D-17.23 et seq., Ch.23.
Information relative to adult disability services to parents of special education students, provision by Department of Education, designation by schools of parent liaison; required, C.18A:46-7.2 et seq., Ch.62.
Moderate security unit, requirements for placement of developmentally disabled in; established, C.30:4-25.13 et seq., Ch.5.
Sex offender information, release to DYFS; permitted, amends C.2C:7-5, Ch.6.

INSURANCE
Access to Employer-Based Health Insurance for employed recipients of State health assistance programs, certain, annual report; required, C.30:4J-17 et al., Ch.87.
Annuities, two-tier, treatment under "Indexed Standard Nonforfeiture Law for Individual Deferred Annuities"; clarified, amends C.17B:25-28, Ch.49.
Fraternal benefit society members, insurer producer licensing requirements, certain circumstances; exempt, amends C.17:44B-32, Ch.57.

INTERNATIONAL RELATIONS
Turkey, discrimination against the Ecumenical Patriarchate, elimination; urged, J.R.3.

INTERSTATE RELATIONS
Interstate Compact for Horse Racing Licensees; enacted, C.5:5-161 et seq., Ch.4.

JOINT RESOLUTIONS
"Brain Injury Awareness Month," March; designated, C.36:2-87, J.R.1.
Turkey, discrimination against the Ecumenical Patriarchate, elimination; urged, J.R.3.

"Veterans of Salem County Memorial Bridge"; designated, J.R.2.

LABOR

Employer communications to employees relative to religious, political matters, forced participation in meetings, certain; prohibited, C.34:19-9 et seq., Ch.53.

Wage disputes heard by department, jurisdictional amount permitted; increased, amends R.S.34:11-58, Ch.25.

MILITARY AND VETERANS

New Jersey POW-MIA medal; created, C.38A:15-4 et seq., Ch.79.

Poppies, sale of, time restrictions; removed, amends C.38:25A-2 et al., repeals C.38:25A-4, Ch.29.

"Veterans of Salem County Memorial Bridge"; designated, J.R.2.

MOTOR VEHICLES

Jurisdiction relative to death, bodily injury, motor vehicle offenses, certain circumstances; clarified, C.2B:12-17.2 et al., Ch.28.

Luxury, fuel inefficient passenger automobiles, supplemental titling fee; established, C.39:3-8.3 et seq., Ch.39.

Motor vehicle daily rental surcharge; increased, funding of New Jersey Domestic Security Account; required, amends C.App.A:9-78, Ch.42.

Motor vehicles, abandoned, notices, certain, for sale by public agency; required, amends C.39:10A-1, Ch.91.

MUNICIPALITIES

Abandoned properties, discontinuance of utility service, removal of equipment; authorized, C.55:19-106 et seq., amends C.55:19-80 et al., Ch.24.

Blanket bond coverage for certain county, municipal officers, employees; permitted, amends C.40A:5-34.1 et al., Ch.50.

Emergency operations plans, coordination; required, emergency plan for animals, certain, development; required, amends C.App.A:9-43.1 et seq., Ch.92.

Farmland, leased, certain, acquired by county or municipality, lease to prior lessee, certain circumstances; permitted, C.40A:12-14.1, amends C.40A:12-14, Ch.52.

Fire departments, municipal, applicants, certain, eligibility for preference for children under P.L.2005, c.290; clarified, Ch.27.

"Municipal Beautification Act," power to regulate graffiti; provided, C.40:48-2.59, amends C.13:1E-217, Ch.31.

MUNICIPALITIES (Continued)
Municipal court administrators, certification; required, appointment of interim administrators, certain circumstances; provided, amends N.J.S.2B:12-11, Ch.20.
"Municipal Hospital Authority Law," C.30:9-23.15 et seq., amends C.26:2H-7a et al., Ch.46.
Property, hotel taxes, collection by cities of first class; permitted, amends C.40:48E-5, Ch.97.
Urban enterprise zones, sales tax exemptions for businesses, certain; provided, amends C.52:27H-79 et al., Ch.34.
NURSING HOMES, ROOMING AND BOARDING HOUSES
Closing, relocation notices to residents of certain facilities, 60-day notice; required, exceptions, C.26:2H-126, Ch.75.

PUBLIC CONTRACTS
Contracting units, certain, use of schedules from federal procurement programs, certain circumstances; permitted, amends N.J.S. 18A:18A-10 et al., Ch.10.
Local public contracts, bid proposal documents, inclusion of traffic safety requirements; required, amends C.40A:11-23.1, Ch.9.

PUBLIC EMPLOYEES
Law enforcement officers, certain, participation in intergovernmental transfer program, waiver of accumulated sick leave, seniority; permitted, C.11A:2-28, Ch.77.
Removal, suspension, etc., "45-Day" rule, applicability to corrections officers, sheriff's officers, NJ Transit police officers, firefighters, certain; provided, C.30:8-18.2 et al., Ch.54.

PUBLIC MEETINGS
"Senator Byron M. Baer Open Public Meetings Act," "Open Public Meetings Act"; renamed, amends C.10:4-6, Ch.70.

PUBLIC UTILITIES
Abandoned properties, discontinuance of utility service, removal of equipment; authorized, C.55:19-106 et seq., amends C.55:19-80 et al., Ch.24.

Cable television service, system-wide franchise for providers, certain; authorized, C.48:5A-25.1 et al., amends C.48:5A-2 et al., Ch.83.

PUBLIC UTILITIES (Continued)
Nuclear electric generating facilities, operator; fees assessed, C.26:2D-48.1 et seq., amends C.26:2D-48, Ch.35.
TEFA, phase-out schedule; changed, amends C.48:2-21.34, Ch.40.

RACING
Horse racing, wagering, regulations concerning; changed, C.5:5-22.2, Ch.19.
Interstate Compact for Horse Racing Licensees; enacted, C.5:5-161 et seq., Ch.4.

REAL PROPERTY
Commercial real property, certain, transfers, additional fee; assessed, tax on certain purchasers, C.46:15-7.4 et al., amends C.46:15-7.2, Ch.33.
"New Jersey Real Estate Timeshare Act," C.45:15-16.50 et seq., amends C.45:15-16.28 et al., Ch.63.
Residential foreclosure procedures, provision of information, certain, to debtor; required, amends C.2A:50-58, Ch.13.

SCHOOLS
Information relative to adult disability services to parents of special education students, provision by Department of Education, designation by schools of parent liaison; required, C.18A:46-7.2 et seq., Ch.62.
Meningococcal meningitis, provision of information to parents, guardians of schoolchildren, certain; required, C.26:2X-3 et al., Ch.64.
Prepaid lunch programs, establishment; permitted, C.18A:33-3.1, Ch.14.
Private school teacher, assault against, offense; upgraded, amends N.J.S.2C:1-14 et al., Ch.78.
"School District Fiscal Accountability Act," C.18A:7A-54 et seq., Ch.15.

SENIOR CITIZENS
"Independence, Dignity and Choice in Long-Term Care Act," C.30:4D-17.23 et seq., Ch.23.

STATE GOVERNMENT
Contractors, employees, certain, criminal history background check to work in certain positions; required, C.App.A:9-79 et seq., Ch.101.

"Department of Children and Families Act," C.9:3A-1 et al., amends C.2A:4A-37 et al., repeals C.9:6-8.105 et al., Ch.47.

STATE GOVERNMENT (Continued)

Emergency operations plans, coordination; required, emergency plan for animals, certain, development; required, amends C.App.A:9-43.1 et seq., Ch.92.

"Fort Monmouth Economic Revitalization Planning Authority Act," C.52:27I-1 et seq., Ch.16.

Office of the Child Advocate, position of First Assistant; established, qualification as an attorney, amends C.52:27EE-67, Ch.11.

Sale of surplus land, North Princeton Developmental Center, sale to Montgomery Township; authorized, Ch.51.

State Auditor, performance review audits; authorized, C.52:24-4.4, amends R.S.52:24-4 et al., Ch.82.

TAXATION

Cigarettes, moist snuff, tax rate; changed, C.54:40B-3.1, amends C.54:40A-8 et al., Ch.37.

Commercial real property, certain, transfers, additional fee; assessed, tax on certain purchasers, C.46:15-7.4 et al., amends C.46:15-7.2, Ch.33.

Corporation business tax, 4% surtax on liability; imposed, minimum tax; increased, C.54:10A-5.40, amends C.54:10A-5, Ch.38.

Dedicated cigarette tax revenue, annual fiscal year deposits, timing of debt service payments, amends C.26:2H-18.58g et al., Ch.98.

Fur clothing, retail sale, gross receipts tax; imposed, C.54:32G-1, Ch.41.

Payments to unregistered, unincorporated construction contractors, withholding of gross income taxes; required, C.54A:7-1.2, amends N.J.S.54A:7-1, Ch.85.

Property, hotel taxes, collection by cities of first class; permitted, amends C.40:48E-5, Ch.97.

Reciprocal debt collection agreement between State Treasurer and federal government, sharing of certain taxpayer information; authorized, C.54:49-12.7 et seq., amends R.S.54:50-9, Ch.32.

Sales and use tax, rate; increased, base; expanded, C.54:32B-4.1, amends C.54:32B-2 et al., Ch.44.

Tax returns, acceptable methods, electronic filing, certain circumstances; required, C.54A:8-6.1, amends R.S.54:48-2 et al., Ch.36.

Urban enterprise zones, sales tax exemptions for businesses, certain; provided, amends C.52:27H-79 et al., Ch.34.

TOBACCO
Cigarettes, moist snuff, tax rate; changed, C.54:40B-3.1, amends C.54:40A-8 et al., Ch.37.

TRANSPORTATION
New Jersey Transportation Trust Fund Authority, law concerning; revised, C.27:1B-22.2 et seq., amends C.27:1B-9 et al., repeals C.27:1B-21.31, Ch.3.

WATER SUPPLY
Fire companies, volunteer, exemption from water use registration renewal fees; provided, amends C.58:1A-11, Ch.90.

WOMEN
Postpartum depression, information on, screening for; required, amends C.26:2-176, Ch.12.