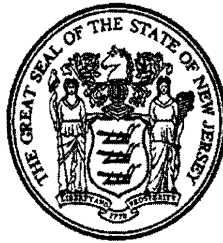


ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Seventeenth Legislature
OF THE
STATE OF NEW JERSEY



2016

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

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7

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9

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¹Resigned 5/9/16

²Sworn in 5/26/16

³Resigned 6/30/16

⁴Sworn in 7/21/16

⁵Resigned 10/20/16

⁶Sworn in 12/12/16

LAWS

ACTS
ENACTED BY THE
First Annual Session
OF THE
Two Hundred and Sixteenth Legislature

CHAPTER 1

AN ACT concerning support proceedings, supplementing Title 2A of the New Jersey Statutes, amending P.L.1996, c.7 and P.L.1998, c.1 and repealing P.L.1998, c.2.

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

ARTICLE 1
GENERAL PROVISIONS

C.2A:4-30.124 Short title.

1. This act may be cited as the “Uniform Interstate Family Support Act.”

C.2A:4-30.125 Definitions.

2. Definitions.

As used in this act:

a. “Child” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

b. “Child support order” means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

c. “Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

d. "Duty of support" means an obligation imposed or impossible by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

e. "Foreign country" means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and: (1) which has been declared under the law of the United States to be a foreign reciprocating country; (2) which has established a reciprocal arrangement for child support with this State as provided in section 24 of this act; (3) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act; or (4) in which the Convention is in force with respect to the United States.

f. "Foreign support order" means a support order of a foreign tribunal.

g. "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the Convention.

h. "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

i. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

j. "Income-withholding order" means an order or other legal process directed to an obligor's employer, as defined by the "New Jersey Child Support Program Improvement Act," P.L.1998, c.1 (C.2A:17-56.7a et al.), to withhold support from the income of the obligor.

k. "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

l. "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

m. “Issuing state” means the state in which a tribunal issues a support order or a judgment determining parentage of a child.

n. “Issuing tribunal” means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.

o. “Law” includes decisional and statutory law and rules and regulations having the force of law.

p. “Obligee” means: (1) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued; (2) a foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support; (3) an individual seeking a judgment determining parentage of the individual’s child; or (4) a person that is a creditor under Article 7 of this act (the Convention).

q. “Obligor” means an individual, or the estate of a decedent that: (1) owes or is alleged to owe a duty of support; (2) is alleged but has not been adjudicated to be a parent of a child; (3) is liable under a support order; or (4) is a debtor in a proceeding under Article 7 of this act (the Convention).

r. “Outside this State” means a location in another state or a country other than the United States, whether or not the country is a foreign country.

s. “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

t. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

u. “Register” means to file in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or a foreign country.

v. “Registering tribunal” means a tribunal in which a support order or judgment determining parentage of a child is registered.

w. “Responding state” means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

x. “Responding tribunal” means the authorized tribunal in a responding state or foreign country.

y. “Spousal support order” means a support order for a spouse or former spouse of the obligor.

z. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

aa. “State IV-D Agency” means the Department of Human Services.

bb. “Support enforcement agency” means a public official, governmental entity, or private agency authorized to: (1) seek enforcement of support orders or laws relating to the duty of support; (2) seek establishment or modification of child support; (3) request determination of parentage of a child; (4) attempt to locate obligors or their assets; or (5) request determination of the controlling child support order.

cc. “Support order” means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney’s fees, and other relief.

dd. “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

C.2A:4-30.126 State tribunal and support enforcement agency.

3. State tribunal and support enforcement agency.

a. The Superior Court, Chancery Division, Family Part is the tribunal of this State.

b. The Probation Division of the Superior Court and the State IV-D Agency are the support enforcement agencies of this State.

C.2A:4-30.127 Remedies cumulative.

4. Remedies cumulative.

a. Remedies provided by this act are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

b. This act does not:

(1) provide the exclusive method of establishing or enforcing a support order under the law of this State; or

(2) grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.

C.2A:4-30.128 Application of act to resident of foreign country and foreign support proceeding.

5. Application of act to resident of foreign country and foreign support proceeding.

a. A tribunal of this State shall apply Articles 1 through 6 of this act and, as applicable, Article 7 of this act, to a support proceeding involving:

- (1) a foreign support order;
- (2) a foreign tribunal; or
- (3) an obligee, obligor, or child residing in a foreign country.

b. A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6 of this act.

c. Article 7 applies only to a support proceeding under the Convention. In such a proceeding, if a provision of Article 7 of this act is inconsistent with Articles 1 through 6 of this act, Article 7 of this act controls.

ARTICLE 2 JURISDICTION

C.2A:4-30.129 Bases for jurisdiction over nonresident.

6. Bases for jurisdiction over nonresident.

a. In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with a summons or notice within this State;

(2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

(5) the child resides in this State as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;

(7) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

b. The bases of personal jurisdiction set forth in subsection a. or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child support order of another state unless the requirements of section 55 are met, or, in the case of a foreign support order, unless the requirements of section 59 are met.

C.2A:4-30.130 Duration of personal jurisdiction.

7. Duration of personal jurisdiction.

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this act or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 10, 11 and 16 of this act.

C.2A:4-30.131 Initiating and responding tribunal of state.

8. Initiating and responding tribunal of state.

Under this act, a tribunal of this State may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

C.2A:4-30.132 Simultaneous proceedings.

9. Simultaneous proceedings.

a. A tribunal of this State may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

(1) the petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and

(3) if relevant, this State is the home state of the child.

b. A tribunal of this State may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

(1) the petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

(2) the contesting party timely challenges the exercise of jurisdiction in this State; and

(3) if relevant, the other state or foreign country is the home state of the child.

C.2A:4-30.133 Continuing, exclusive jurisdiction to modify child support order.

10. Continuing, exclusive jurisdiction to modify child support order.

a. A tribunal of this State that has issued a child support order consistent with the law of this State has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

(1) at the time of the filing of a request for modification this State is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.

b. A tribunal of this State that has issued a child support order consistent with the law of this State may not exercise continuing, exclusive jurisdiction to modify the order if:

(1) all of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) its order is not the controlling order.

c. If a tribunal of another state has issued a child support order pursuant to the "Uniform Interstate Family Support Act," P.L.2016, c.1 (C.2A:4-30.124 et al.) or a law substantially similar to that act which modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

d. A tribunal of this State that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

e. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

C.2A:4-30.134 Continuing jurisdiction to enforce child support order.

11. Continuing jurisdiction to enforce child support order.

a. A tribunal of this State that has issued a child support order consistent with the law of this State may serve as an initiating tribunal to request a tribunal of another state to enforce:

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the "Uniform Interstate Family Support Act," P.L.2016, c.1 (C.2A:14-30.124 et al.); or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

b. A tribunal of this State having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

C.2A:4-30.135 Determination of controlling child support order.

12. Determination of controlling child support order.

a. If a proceeding is brought under this act and only one tribunal has issued a child support order, the order of that tribunal controls and shall be recognized.

b. If a proceeding is brought under this act, and two or more child support orders have been issued by tribunals of this State, another state, or a foreign country with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and shall be recognized:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act:

(a) an order issued by a tribunal in the current home state of the child controls; or

(b) if an order has not been issued in the current home state of the child, the order most recently issued controls.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of this State shall issue a child support order, which controls.

c. If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this State having personal

jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection b. The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6 of this act, or may be filed as a separate proceeding.

d. A request to determine which is the controlling order shall be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

e. The tribunal that issued the controlling order under subsection a., b., or c. of this section has continuing jurisdiction to the extent provided in section 10 or 11 of this act.

f. A tribunal of this State that determines by order which is the controlling order under paragraph (1) or (2) of subsection b. or subsection c. of this section, or that issues a new controlling order under paragraph (3) of subsection b. of this section, shall state in that order:

- (1) the basis upon which the tribunal made its determination;
- (2) the amount of prospective support, if any; and
- (3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 14 of this act.

g. Within 30 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

h. An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under this act.

C.2A:4-30.136 Child support orders for two or more obligees.

13. Child support orders for two or more obligees.

In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this State shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this State.

C.2A:4-30.137 Credit for payments.**14. Credit for payments.**

A tribunal of this State shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this State, another state, or a foreign country.

C.2A:4-30.138 Application of act to nonresident subject to personal jurisdiction.**15. Application of act to nonresident subject to personal jurisdiction.**

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of this State relating to a support order, or recognizing a foreign support order may receive evidence from outside this State pursuant to section 32 of this act, communicate with a tribunal outside this State pursuant to section 33 of this act, and obtain discovery through a tribunal outside this State pursuant to section 34 of this act. In all other respects, Articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of this State.

C.2A:4-30.139 Continuing, exclusive jurisdiction to modify spousal support order.**16. Continuing, exclusive jurisdiction to modify spousal support order.**

a. A tribunal of this State issuing a spousal support order consistent with the law of this State has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

b. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

c. A tribunal of this State that has continuing, exclusive jurisdiction over a spousal support order may serve as:

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this State; or

(2) a responding tribunal to enforce or modify its own spousal support order.

ARTICLE 3**CIVIL PROVISIONS OF GENERAL APPLICATION****C.2A:4-30.140 Proceedings under act.****17. Proceedings under act.**

a. Except as otherwise provided in this act, this article applies to all proceedings under this act.

b. An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

C.2A:4-30.141 Proceeding by minor parent.

18. Proceeding by minor parent.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

C.2A:4-30.142 Application of law of State.

19. Application of law of State.

Except as otherwise provided in this act, a responding tribunal of this State shall:

- a. apply the procedural and substantive law generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and
- b. determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

C.2A:4-30.143 Duties of initiating tribunal.

20. Duties of initiating tribunal.

a. Upon the filing of a petition authorized by this act, an initiating tribunal of this State shall forward the petition and its accompanying documents:

- (1) to the responding tribunal or appropriate support enforcement agency in the responding state; or
- (2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

b. If requested by the responding tribunal, a tribunal of this State shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this State shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

C.2A:4-30.144 Duties and powers of responding tribunal.**21. Duties and powers of responding tribunal.**

a. When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection b. of section 17 of this act, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

b. A responding tribunal of this State, to the extent not prohibited by other law, may do one or more of the following:

(1) establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of a child;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, electronic-mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

c. A responding tribunal of this State shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

d. A responding tribunal of this State may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

e. If a responding tribunal of this State issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

f. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

C.2A:4-30.145 Inappropriate tribunal.

22. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this State, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal of this State or another state and notify the petitioner where and when the pleading was sent.

C.2A:4-30.146 Duties of support enforcement agency.

23. Duties of support enforcement agency.

a. In a proceeding under this act, a support enforcement agency of this State, upon request:

- (1) shall provide services to a petitioner residing in a state;
- (2) shall provide services to a petitioner requesting services through a central authority of a foreign country as described in paragraph (1) or (4) of subsection e. of section 2 of this act; and
- (3) may provide services to a petitioner who is an individual not residing in a state.

b. A support enforcement agency of this State that is providing services to the petitioner shall:

- (1) take all steps necessary to enable an appropriate tribunal of this State, another state, or a foreign country to obtain jurisdiction over the respondent;
- (2) request an appropriate tribunal to set a date, time, and place for a hearing;
- (3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
- (4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;
- (5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
- (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

c. A support enforcement agency of this State that requests registration of a child support order in this State for enforcement or for modification shall make reasonable efforts:

- (1) to ensure that the order to be registered is the controlling order; or
- (2) if two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

d. A support enforcement agency of this State that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

e. A support enforcement agency of this State shall request a tribunal of this State to issue a child support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 35 of this act.

f. This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency and the attorney for the agency and the individual being assisted by the agency.

C.2A:4-30.147 Duty of the Attorney General.

24. Duty of the Attorney General.

a. If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may:

- (1) when the support enforcement agency is the Probation Division of the Superior Court, apply to the Superior Court for an order directing the Probation Division to perform its duties under this act; or
- (2) when the support enforcement agency is the State IV-D agency, order the State IV-D agency to perform its duties under this act; or
- (3) provide those services directly to the individual.

b. The Attorney General may determine that a foreign country has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.

C.2A:4-30.148 Private counsel.

25. Private Counsel.

An individual may employ private counsel to represent the individual in proceedings authorized by this act.

C.2A:4-30.149 Duties of State information agency.**26. Duties of State Information Agency.**

a. The Administrative Office of the Courts and the State IV-D Agency are the State information agencies under this act.

b. The State information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this act and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county in this State in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from another state or a foreign country; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

C.2A:4-30.150 Pleadings and accompanying documents.**27. Pleadings and accompanying documents.**

a. In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country shall file a petition. Unless otherwise ordered under section 28 of this act, the petition or accompanying documents shall provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition shall be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

b. The petition shall specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements

imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

C.2A:4-30.151 Nondisclosure of information in exceptional circumstances.

28. Nondisclosure of information in exceptional circumstances.

If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information shall be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

C.2A:4-30.152 Costs and fees.

29. Costs and fees.

a. The petitioner shall not be required to pay a filing fee or other costs.

b. If an obligee prevails, a responding tribunal of this State may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

c. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

C.2A:4-30.153 Limited immunity of petitioner.

30. Limited immunity of petitioner.

a. Participation by a petitioner in a proceeding under this act before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

b. A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this act.

c. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while physically present in this State to participate in the proceeding.

C.2A:4-30.154 Nonparentage as defense.

31. Nonparentage as defense.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this act.

C.2A:4-30.155 Special rules of evidence and procedure.

32. Special rules of evidence and procedure.

a. The physical presence of a nonresident party who is an individual in a tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

b. An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

c. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

d. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

e. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

f. In a proceeding under this act, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

g. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

h. A privilege against disclosure of communications between spouses does not apply in a proceeding under this act.

i. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this act.

j. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

C.2A:4-30.156 Communications between tribunals.

33. Communications between tribunals

A tribunal of this State may communicate with a tribunal outside this State in a record or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of this State may furnish similar information by similar means to a tribunal outside this State.

C.2A:4-30.157 Assistance with discovery.

34. Assistance with discovery.

A tribunal of this State may:

a. request a tribunal outside this State to assist in obtaining discovery; and

b. upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside this State.

C.2A:4-30.158 Receipt and disbursement of payments.

35. Receipt and disbursement of payments.

a. A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

b. If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request from the support enforcement agency of this State or another state or a tribunal of this State shall:

(1) direct that the support payment be made to the support enforcement agency in the State in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

c. The support enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection b. of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

ARTICLE 4
ESTABLISHMENT OF SUPPORT ORDER OR
DETERMINATION OF PARENTAGE

C.2A:4-30.159 Establishment of support order.

36. Establishment of support order.

a. If a support order entitled to recognition under this act has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

- (1) the individual seeking the order resides outside this State; or
- (2) the support enforcement agency seeking the order is located outside this State.

b. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

- (1) a presumed father of the child;
- (2) petitioning to have his paternity adjudicated;
- (3) identified as the father of the child through genetic testing;
- (4) an alleged father who has declined to submit to genetic testing;
- (5) shown by clear and convincing evidence to be the father of the child;
- (6) an acknowledged father as provided by law;
- (7) the mother of the child; or
- (8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

c. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 21 of this act.

C.2A:4-30.160 Proceeding to determine parentage.

37. Proceeding to determine parentage.

A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage

of a child brought under this act or a law or procedure substantially similar to this act.

ARTICLE 5

ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

C.2A:4-30.161 Employer's receipt of income withholding order of another state.

38. Employer's receipt of income withholding order of another state.

An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer under P.L.1998, c.1 (C.2A:17-56.7a et al.) without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

C.2A:4-30.162 Employer's compliance with income withholding order of another state.

39. Employer's compliance with income withholding order of another state.

a. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

b. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

c. Except as otherwise provided in subsection d. of this section and section 40 of this act, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child support, stated as a sum certain;

(2) the person designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

d. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) the employer's fee for processing an income-withholding order;
- (2) the maximum amount permitted to be withheld from the obligor's income; and
- (3) the times within which the employer shall implement the withholding order and forward the child support payment.

C.2A:4-30.163 Employer's compliance with two or more income withholding orders.

40. Employer's compliance with two or more income withholding orders.

If an obligor's employer receives two or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees.

C.2A:4-30.164 Immunity from civil liability.

41. Immunity from civil liability.

An employer that complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

C.2A:4-30.165 Penalties for noncompliance.

42. Penalties for noncompliance.

An employer who willfully fails to comply with an income-withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

C.2A:4-30.166 Contest by obligor.

43. Contest by obligor.

a. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order as provided in Article 6 of this act, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State.

b. The obligor shall give notice of the contest to:

- (1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income-withholding order relating to the obligor; and

(3) the person designated to receive payments in the income-withholding order or, if no person is designated, to the obligee.

C.2A:4-30.167 Administrative enforcement of orders.

44. Administrative enforcement of orders.

a. A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this State.

b. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this act.

ARTICLE 6

**REGISTRATION, ENFORCEMENT, AND MODIFICATION OF
SUPPORT ORDER**

**PART 1 - REGISTRATION FOR ENFORCEMENT OF
SUPPORT ORDER**

C.2A:4-30.168 Registration of order for enforcement.

45. Registration of order for enforcement.

A support order or income-withholding order issued in another state or a foreign support order may be registered in this State for enforcement.

C.2A:4-30.169 Procedure to register order for enforcement.

46. Procedure to register order for enforcement.

a. Except as otherwise provided in section 66 of this act, a support order or income-withholding order of another state or a foreign support order may be registered in this State by sending the following records to the appropriate tribunal in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(a) the obligor's address and social security number;

(b) the name and address of the obligor's employer and any other source of income of the obligor; and

(c) a description and the location of property of the obligor in this State not exempt from execution; and

(5) except as otherwise provided in section 28 of this act, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

b. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

c. A petition or comparable pleading seeking a remedy that shall be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.

d. If two or more orders are in effect, the person requesting registration shall:

(1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(2) specify the order alleged to be the controlling order, if any; and

(3) specify the amount of consolidated arrears, if any.

e. A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

C.2A:4-30.170 Effect of registration for enforcement.

47. Effect of registration for enforcement.

a. A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this State.

b. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

c. Except as otherwise provided in this act, a tribunal of this State shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

C.2A:4-30.171 Choice of law.

48. Choice of law.

a. Except as otherwise provided in subsection d. of this section, the law of the issuing state or foreign country governs:

(1) the nature, extent, amount, and duration of current payments under a registered support order;

(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) the existence and satisfaction of other obligations under the support order.

b. In a proceeding for arrears under a registered support order, the statute of limitations of this State, or of the issuing state or foreign country, whichever is longer, applies.

c. A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this State.

d. After a tribunal of this State or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

PART 2 – CONTEST OF VALIDITY OR ENFORCEMENT

C.2A:4-30.172 Notice of registration of order.

49. Notice of registration of order.

a. When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this State shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

b. A notice shall inform the nonregistering party:

(1) that a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(2) that a hearing to contest the validity or enforcement of the registered order shall be requested within 20 days after notice unless the registered order is under section 67 of this act;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(4) of the amount of any alleged arrearages.

c. If the registering party asserts that two or more orders are in effect, a notice shall also:

(1) identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in subsection b. apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

d. Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the "New Jersey Child Support Program Improvement Act," P.L.1998, c.1 (C.2A:17-56.7a et al.).

C.2A:4-30.173 Procedure to contest validity or enforcement of registered support order.

50. Procedure to contest validity or enforcement of registered support order.

a. A nonregistering party seeking to contest the validity or enforcement of a registered support order in this State shall request a hearing within the time required by section 49 of this act. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of non-compliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 51 of this act.

b. If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

c. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

C.2A:4-30.174 Contest of registration or enforcement.

51. Contest of registration or enforcement.

a. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this State to the remedy sought;
- (6) full or partial payment has been made;
- (7) the statute of limitation under section 48 of this act precludes enforcement of some or all of the alleged arrearages; or
- (8) the alleged controlling order is not the controlling order.

b. If a party presents evidence establishing a full or partial defense under subsection a., a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this State.

c. If the contesting party does not establish a defense under subsection a. to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

C.2A:4-30.175 Confirmed order.

52. Confirmed order.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

C.2A:4-30.176 Procedure to register child support order of another state for modification.

53. Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in sections 45 through 52 of this act if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading shall specify the grounds for modification.

PART 3 – REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE

C.2A:4-30.177 Effect of registration for modification.

54. Effect of registration for modification.

A tribunal of this State may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered support order may be modified only if the requirements of section 55 or 57 of this act have been met.

C.2A:4-30.178 Modification of child support order of another state.

55. Modification of child support order of another state.

a. If section 57 of this act does not apply, upon petition a tribunal of this State may modify a child support order issued in another state which is registered in this State if, after notice and hearing, the tribunal finds that:

(1) the following requirements are met:

(a) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(b) a petitioner who is a nonresident of this State seeks modification; and

(c) the respondent is subject to the personal jurisdiction of the tribunal of this State; or

(2) this State is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this State, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction.

b. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

c. A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under section 12 of this act establishes the aspects of the support order which are nonmodifiable.

d. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

e. On the issuance of an order by a tribunal of this State modifying a child support order issued in another state, the tribunal of this State becomes the tribunal having continuing, exclusive jurisdiction.

f. Notwithstanding subsections a. through e. of this section and subsection b. of section 6 of this act, a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if:

- (1) one party resides in another state; and
- (2) the other party resides outside the United States.

C.2A:4-30.179 Recognition of order modified in another state.

56. Recognition of order modified in another state.

If a child support order issued by a tribunal of this State is modified by a tribunal of another state which assumed jurisdiction pursuant to the "Uniform Interstate Family Support Act," P.L.2016, c.1 (C.2A:4-30.124 et al.), a tribunal of this State:

- a. may enforce its order that was modified only as to arrears and interest accruing before the modification;
- b. may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- c. shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

C.2A:4-30.180 Jurisdiction to modify child support order of another state when parties reside in this State.

57. Jurisdiction to modify child support order of another state when parties reside in this State.

- a. If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdic-

tion to enforce and to modify the issuing state's child support order in a proceeding to register that order.

b. A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this State to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this act do not apply.

C.2A:4-30.181 Notice to issuing tribunal of modification.

58. Notice to issuing tribunal of modification.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

**PART 4 – REGISTRATION AND MODIFICATION OF FOREIGN
CHILD SUPPORT ORDER**

C.2A:4-30.182 Jurisdiction to modify child support order of foreign country.

59. Jurisdiction to modify child support order of foreign country.

a. Except as otherwise provided in section 71 of this act, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 55 of this act has been given or whether the individual seeking modification is a resident of this State or of the foreign country.

b. An order issued by a tribunal of this State modifying a foreign child support order pursuant to this section is the controlling order.

C.2A:4-30.183 Procedure to register child support order of foreign country for modification.

60. Procedure to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in this State under sections 45 through 52 of this act if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition shall specify the grounds for modification.

ARTICLE 7 SUPPORT PROCEEDING UNDER CONVENTION

C.2A:4-30.184 Definitions.

61. Definitions.

As used in this article:

“Application” means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

“Central authority” means the entity designated by the United States or a foreign country described in paragraph (4) of subsection e. of section 2 of this act to perform the functions specified in the Convention.

“Convention support order” means a support order of a tribunal of a foreign country described in paragraph (4) of subsection e. of section 2 of this act.

“Direct request” means an application filed by an individual in a tribunal of this State in a proceeding involving an obligee, obligor, or child residing outside the United States.

“Foreign central authority” means the entity designated by a foreign country described in paragraph (4) of subsection e. of section 2 of this act to perform the functions specified in the Convention.

“Foreign support agreement”: means an agreement for support in a record that: (1) is enforceable as a support order in the country of origin; (2) has been: (a) formally drawn up or registered as an authentic instrument by a foreign tribunal; or (b) authenticated by, or concluded, registered, or filed with a foreign tribunal; and (c) may be reviewed and modified by a foreign tribunal; and (3) includes a maintenance arrangement or authentic instrument under the Convention.

“United States central authority” means the Secretary of the United States Department of Health and Human Services.

C.2A:4-30.185 Applicability.

62. Applicability.

This article applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through 6 of this act, this article controls.

C.2A:4-30.186 Relationship of the State IV-D agency to United States central authority.

63. Relationship of the State IV-D agency to United States central authority.

The State IV-D Agency or its designee is recognized as the agency designated by the United States central authority to perform specific functions under the Convention.

C.2A:4-30.187 Initiation by the State IV-D agency of support proceeding under convention.

64. Initiation by the State IV-D Agency of support proceeding under Convention.

a. In a support proceeding under this article, the State IV-D Agency or its designee shall:

(1) transmit and receive applications; and

(2) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.

b. The following support proceedings are available to an obligee under the Convention:

(1) recognition or recognition and enforcement of a foreign support order;

(2) enforcement of a support order issued or recognized in this State;

(3) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) establishment of a support order if recognition of a foreign support order is refused under paragraph (2), (4), or (9) of subsection b. of section 68 of this act;

(5) modification of a support order of a tribunal of this State; and

(6) modification of a support order of a tribunal of another state or a foreign country.

c. The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

(1) recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State;

(2) modification of a support order of a tribunal of this State; and

(3) modification of a support order of a tribunal of another state or a foreign country.

d. A tribunal of this State may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

C.2A:4-30.188 Direct request.

65. Direct request.

a. A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.

b. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 66 through 73 of this act apply.

c. In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

(1) a security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) an obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this State under the same circumstances.

d. A petitioner filing a direct request is not entitled to assistance from the State IV-D Agency or its designee.

e. This article does not prevent the application of laws of this State that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

C.2A:4-30.189 Registration of convention support order.

66. Registration of Convention support order.

a. Except as otherwise provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this State as provided in Article 6.

b. Notwithstanding section 27 and subsection a. of section 46 of this act, a request for registration of a Convention support order shall be accompanied by:

(1) a complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

(2) a record stating that the support order is enforceable in the issuing country;

(3) if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) a record showing the amount of arrears, if any, and the date the amount was calculated;

(5) a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

c. A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

d. A tribunal of this State may vacate the registration of a Convention support order without the filing of a contest under section 67 of this act only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

e. The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.

C.2A:4-30.190 Contest of registered convention support order.

67. Contest of registered Convention support order.

a. Except as otherwise provided in this article, sections 49 through 52 of this act apply to a contest of a registered Convention support order.

b. A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest shall be filed not later than 60 days after notice of the registration.

c. If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection b., the order is enforceable.

d. A contest of a registered Convention support order may be based only on grounds set forth in section 68 of this act. The contesting party bears the burden of proof.

e. In a contest of a registered Convention support order, a tribunal of this State:

(1) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

(2) may not review the merits of the order.

f. A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

g. A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

C.2A:4-30.191 Recognition and enforcement of registered convention support order.

68. Recognition and enforcement of registered Convention support order.

a. Except as otherwise provided in subsection b., a tribunal of this State shall recognize and enforce a registered Convention support order.

b. The following grounds are the only grounds on which a tribunal of this State may refuse recognition and enforcement of a registered Convention support order:

(1) recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(2) the issuing tribunal lacked personal jurisdiction consistent with section 6 of this act;

(3) the order is not enforceable in the issuing country;

(4) the order was obtained by fraud in connection with a matter of procedure;

(5) a record transmitted in accordance with section 66 of this act lacks authenticity or integrity;

(6) a proceeding between the same parties and having the same purpose is pending before a tribunal of this State and that proceeding was the first to be filed;

(7) the order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this act in this State;

(8) payment, to the extent alleged arrears have been paid in whole or in part;

(9) in a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(a) if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(b) if the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

(10) the order was made in violation of section 71 of this act.

c. If a tribunal of this State does not recognize a Convention support order under paragraph (2), (4) or (9) of subsection b. of this section:

(1) the tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and

(2) the State IV-D Agency or its designee shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 64 of this act.

C.2A:4-30.192 Partial enforcement.

69. Partial enforcement.

If a tribunal of this State does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

C.2A:4-30.193 Foreign support agreement.

70. Foreign support agreement.

a. Except as otherwise provided in subsections c. and d., a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.

b. An application or direct request for recognition and enforcement of a foreign support agreement shall be accompanied by:

(1) a complete text of the foreign support agreement; and

(2) a record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

c. A tribunal of this State may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

d. In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of the agreement if it finds:

(1) recognition and enforcement of the agreement is manifestly incompatible with public policy;

(2) the agreement was obtained by fraud or falsification;

(3) the agreement is incompatible with a support order involving the same parties and having the same purpose in this State, another state, or a foreign country if the support order is entitled to recognition and enforcement under this act in this State; or

(4) the record submitted under subsection b. lacks authenticity or integrity.
e. A proceeding for recognition and enforcement of a foreign support agreement shall be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

C.2A:4-30.194 Modification of convention child support order.

71. Modification of Convention child support order.

a. A tribunal of this State may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(1) the obligee submits to the jurisdiction of a tribunal of this State, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

b. If a tribunal of this State does not modify a Convention child support order because the order is not recognized in this State, subsection c. of section 68 of this act applies.

C.2A:4-30.195 Personal information, limit on use.

72. Personal information; limit on use.

Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

C.2A:4-30.196 Record in original language; English translation.

73. Record in original language; English translation.

A record filed with a tribunal of this State under this article shall be in the original language and, if not in English, shall be accompanied by an English translation.

ARTICLE 8 INTERSTATE RENDITION

C.2A:4-30.197 Grounds for rendition.

74. Grounds for rendition.

a. For purposes of this article, “governor” includes an individual performing the functions of governor or the executive authority of a state covered by this act.

b. The Governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand of the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

c. A provision for extradition of individuals not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

C.2A:4-30.198 Conditions of rendition.

75. Conditions of rendition.

a. Before making a demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this act or that the proceeding would be of no avail.

b. If, under this act or a law substantially similar to this act, the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

c. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9

MISCELLANEOUS PROVISIONS

C.2A:4-30.199 Uniformity of application and construction.

76. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

C.2A:4-30.200 Transitional provision.**77. Transitional provision.**

a. This act applies to proceedings begun on or after the effective date of this act to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

b. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) and the repeal of the former "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123) and its replacement with this act does not affect pending actions, rights, duties or liabilities based on those repealed laws, nor does it alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under those laws. After the effective date of this act, all laws repealed shall be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date of this act and the enforcement of any rights, duties, penalties, forfeitures, or liabilities under the repealed laws.

C.2A:4-30.201 Severability.**78. Severability.**

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

79. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to read as follows:

C.2A:17-56.49 Applicability of act.

11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-56.41 et seq.) apply to all orders issued before or after the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support arrearage and health care coverage provisions in existence on or before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.) shall be included in determining whether a case is eligible for enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child support obligations ordered by any state, territory or district of the United States that are being enforced by the Probation Division, that are payable directly to the obligee, or have been registered in this State in accordance with the "Uniform Interstate Family Support Act," originally en-

acted as P.L.1998, c.2 (C.2A:4-30.65 et seq.), and repealed and replaced by P.L.2016, c.1 (C.2A:4-30.124 et al.).

80. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to read as follows:

C.2A:17-56.52 Definitions relative to child support reform.

3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981, c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a), sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25), P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et seq.):

"Account" means a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or money market mutual fund account. "Account" also includes an equity securities account if permitted under federal law.

"Administrative enforcement" means the use of high volume automated data processing to search various State data bases, including, but not limited to, license records, employment service data and State new hire registries, to determine whether information is available in response to a request made by another jurisdiction to enforce a support order.

"Appropriate enforcement methods" means mechanisms such as income withholding, withholding of civil lawsuits, and execution of the assets of the obligor which can result in immediate payment of the child support arrearage when available. In appropriate cases, the license revocation process may be used as an alternative to Rule 5:7-5 of the court rules.

"Arrearage" means the amount of unpaid support as determined by a court order or an administrative order from a state for support of a child or of a child and the custodial parent.

"Child" means a person, whether over or under the age of majority, who is or is alleged to be owed a duty of child support by that person's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child support" means the amount required to be paid under a judgment, decree, or order, whether temporary, final or subject to modification, issued by the Superior Court, Chancery Division, Family Part or a court or administrative agency of competent jurisdiction of another state, for the support and maintenance of a child, or the support and maintenance of a

child and the parent with whom the child is living, which provides monetary support, health care coverage, any arrearage or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

"Child support related warrant" means an outstanding warrant for the arrest of a child support obligor or putative father issued by the court for failure to pay child support as ordered, failure to appear at a hearing to establish paternity or child support, or failure to appear at a hearing to enforce a child support order.

"Commissioner" means the Commissioner of Human Services.

"Court" means the Superior Court, Chancery Division, Family Part.

"Court order" means an order of the court or an order from an administrative or judicial tribunal in another state that is competent to enter or modify orders for paternity or child support.

"Court rules" means the Rules Governing the Courts of the State of New Jersey.

"Credit reporting agency" means a nationally recognized credit reporting agency as approved by the commissioner and defined in the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing reports to third parties and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"Custodial parent" means the parent or other person who has legal and physical custody of a child for the majority of the time. The custodial parent is responsible for the day-to-day decisions related to the child and for providing the basic needs of the child on a daily basis. The custodial parent is the person to whom child support is payable. In shared parenting situations, the custodial parent is known as the Parent of Primary Residence.

"Default order" means a court order entered due to a party's failure to answer a complaint or motion or to appear at a court proceeding as required, after being properly served with notice.

"Department" means the Department of Human Services.

"Employee" means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986. Employee does not include an employee of a federal or state agency performing intelligence or counter-intelligence functions, if the head of such agency has determined that reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

"Employer" has the meaning given the term in section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and labor organization.

"Financial institution" means: a depository institution as defined in 12 U.S.C. s.1813(c); an institution affiliated party as defined in 12 U.S.C. s.1813(u); a federal or State credit union as defined in 12 U.S.C. s.1752, including an institution affiliated party of a credit union as defined in 12 U.S.C. s.1786(r); a benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this State. "Financial institution" also includes an investment and loan corporation if permitted under federal law.

"Health care coverage" means cash medical support, health insurance, dental insurance, eye care, pharmaceutical assistance and other types of medical support which are ordered by the court to maintain the health coverage of a child.

"Income" for the purposes of enforcing a support order, means, but is not limited to, commissions, salaries, earnings, wages, rent monies, unemployment compensation, workers' compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, claims, accounts, assets of estates, inheritances, trusts, federal or State income tax refunds, homestead rebates, State lottery prizes, casino and racetrack winnings, annuities, retirement benefits, veteran's benefits, union benefits, or any other earnings or other periodic entitlements to money from any source and any other property subject to withholding for child support pursuant to State law.

For the purposes of establishing a support order, income is defined pursuant to the child support guidelines in Appendix IX of the court rules.

"Labor organization" means a labor organization as defined in paragraph (5) of section 2 of the federal "National Labor Relations Act" (29 U.S.C. s.152) and includes any entity used by the organization and an employer to carry out the requirements of paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C. s.158(f)(3)) or an agreement between the organization and the employer.

"License" means any license, registration or certificate issued by the State or its agencies or boards that is directly necessary to provide a product or service for compensation, to operate a motor vehicle, or for recreational or sporting purposes.

"Licensing authority" means any department, division, board, agency or other instrumentality of State government that issues a license, registration, certificate or other authorization to provide goods or services for com-

pensation, to operate a motor vehicle, or for recreational or sporting purposes.

"Non-custodial parent" means the parent who does not have physical custody of the child on a day-to-day basis. In shared parenting situations, the non-custodial parent is known as the Parent of Alternate Residence.

"Obligee" means an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered; a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or an individual seeking a judgment determining parentage of the individual's child or providing for the support of a child.

"Obligor" means an individual, or the estate of a decedent, who owes or is alleged to owe a duty of support, who is alleged but has not been adjudicated to be a parent of a child, or who is liable under a support order.

"Payor" means an employer or individual or entity that disburses or is in possession of income or assets payable to an obligor.

"Probation Division" means the Probation Division of the Superior Court, Chancery Division, Family Part.

"RURESA" means the "Revised Uniform Reciprocal Enforcement of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

"Spousal support" means a legally enforceable obligation assessed against a person for the support of a spouse or former spouse.

"State case registry" means the automated system maintained by the State IV-D agency that contains federally required information on child support cases.

"State IV-D agency" means the Department of Human Services.

"Support guidelines" means the set of presumptive standards for determining the amount of child support as established by the court in Appendix IX of the court rules.

"Support order" means a judgment, decree, or order, whether temporary, final or subject to modification, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care coverage, arrearages or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees and other relief.

A support order shall be issued by the court or a court or administrative agency of another state.

"TANF" means the "Temporary Assistance to Needy Families" program established pursuant to Title IV-A of the federal Social Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work First New Jersey program for dependent children and their parents established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

"Title IV-D" means Title IV-D of the federal Social Security Act (42 U.S.C. s.651 et seq.).

"Title IV-D case" means a case under Title IV-A or Title XIX of the federal Social Security Act (42 U.S.C. s.601 et seq.) that involves an assignment of support rights, an appropriate referral under Title IV-E of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-public assistance case in which an application for Title IV-D services has been filed and a fee paid, as appropriate, with the department, or an interstate case referred to the department by another jurisdiction.

"UIFSA" means the "Uniform Interstate Family Support Act," P.L.2016, c.1 (C.2A:4-30.124 et al.), to be adopted by each state to replace RURESA pursuant to Pub.L.104-193 and the former "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123).

Repealer.

81. Repealer.

Sections 1 through 58 of P.L.1998, c.2 (C.2A:4-30.65 through 2A:4-30.123) are repealed.

82. Effective date.

This act shall take effect on April 1, 2016. !!

Approved March 23, 2016.

CHAPTER 2

AN ACT concerning invasion of privacy and amending P.L.2003, c.206.

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

1. Section 1 of P.L.2003, c.206 (C.2C:14-9) is amended to read as follows:

C.2C:14-9 Invasion of privacy, degree of crime; defenses, privileges.

1. a. An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, and under circumstances in which a reasonable person would know that another may expose intimate parts or may engage in sexual penetration or sexual contact, he observes another person without that person's consent and under circumstances in which a reasonable person would not expect to be observed.

b. (1) An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that person's consent and under circumstances in which a reasonable person would not expect to be observed.

(2) An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of the undergarment-clad intimate parts of another person, without that person's consent and under circumstances in which a reasonable person would not expect to have his undergarment-clad intimate parts observed.

c. An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he discloses any photograph, film, videotape, recording or any other reproduction of the image, taken in violation of subsection b. of this section, of: (1) another person who is engaged in an act of sexual penetration or sexual contact; (2) another person whose intimate parts are exposed; or (3) another person's undergarment-clad intimate parts, unless that person has consented to such disclosure.

For purposes of this subsection: (1) "disclose" means sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means, whether for pecuniary gain or not; and (2) "intimate parts" has the meaning ascribed to it in N.J.S.2C:14-1. Notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine not to exceed \$30,000 may be imposed for a violation of this subsection.

d. It is an affirmative defense to a crime under this section that:

(1) the actor posted or otherwise provided prior notice to the person of the actor's intent to engage in the conduct specified in subsection a., b., or c., and

(2) the actor acted with a lawful purpose.

e. (1) It shall not be a violation of subsection a. or b. to observe another person in the access way, foyer or entrance to a fitting room or dressing

room operated by a retail establishment or to photograph, film, videotape, record or otherwise reproduce the image of such person, if the actor conspicuously posts at the entrance to the fitting room or dressing room prior notice of his intent to make the observations, photographs, films, videotapes, recordings or other reproductions.

(2) It shall be a violation of subsection c. to disclose in any manner any such photograph, film, videotape or recording of another person using a fitting room or dressing room except under the following circumstances:

- (a) to law enforcement officers in connection with a criminal prosecution;
- (b) pursuant to subpoena or court order for use in a legal proceeding; or
- (c) to a co-worker, manager or supervisor acting within the scope of his employment.

f. It shall be a violation of subsection a. or b. to observe another person in a private dressing stall of a fitting room or dressing room operated by a retail establishment or to photograph, film, videotape, record or otherwise reproduce the image of another person in a private dressing stall of a fitting room or dressing room.

g. For purposes of this act, a law enforcement officer, or a corrections officer or guard in a correctional facility or jail, who is engaged in the official performance of his duties shall be deemed to be licensed or privileged to make and to disclose observations, photographs, films, videotapes, recordings or any other reproductions.

h. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under subsection b. of this section shall not merge with a conviction under subsection c. of this section, nor shall a conviction under subsection c. merge with a conviction under subsection b.

2. Section 2 of P.L.2003, c.206 (C.2A:58D-1) is amended to read as follows:

C.2A:58D-1 Invasion of privacy, liability, civil action; damages, costs.

2. a. An actor who, in violation of section 1 of P.L.2003, c.206 (C.2C:14-9), photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person who is engaged in an act of sexual penetration or sexual contact, the exposed intimate parts of another person, or the undergarment-clad intimate parts of another person shall be liable to that person, who may bring a civil action in the Superior Court.

b. An actor who, in violation of section 1 of P.L.2003, c.206 (C.2C:14-9), discloses any photograph, film, videotape, recording or any other reproduction of the image of another person who is engaged in an act of sexual

penetration or sexual contact, the exposed intimate parts of another person, or the undergarment-clad intimate parts of another person shall be liable to that person, who may bring a civil action in the Superior Court. For purposes of this section: (1) "disclose" means sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means, whether for pecuniary gain or not; and (2) "intimate parts" has the meaning ascribed to it in N.J.S.2C:14-1.

c. The court may award:

(1) actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation of this act;

(2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorney's fees and other litigation costs reasonably incurred; and

(4) such other preliminary and equitable relief as the court determines to be appropriate.

A conviction of a violation of section 1 of P.L.2003, c.206 (C.2C:14-9) shall not be a prerequisite for a civil action brought pursuant to this section.

3. This act shall take effect immediately.

Approved May 5, 2016.

CHAPTER 3

AN ACT concerning the abuse, neglect, and financial exploitation of persons who are elderly or disabled.

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

1. a. There is established the "New Jersey Task Force on Abuse of Persons who are Elderly or Disabled." The task force shall: (1) evaluate current policies that are designed to protect older adults and persons with disabilities from instances of abuse, neglect, and financial exploitation; (2) identify any existing circumstances that allow for the inadequate protection of older adults and persons with disabilities against instances of abuse, neglect, and financial exploitation; and (3) develop recommendations for legislation, policies, and strategies that would provide a more effective and

efficient means by which to protect older adults and persons with disabilities from instances of abuse, neglect, and financial exploitation.

b. The task force shall consist of 11 members as follows: the Commissioners of Health and Human Services, the Ombudsman for the Institutionalized Elderly, and the President of the New Jersey State Municipal Prosecutors' Association, or their designees, who shall serve *ex officio*; the State Director of the AARP; a representative from Adult Protective Services in the Division of Aging Services in the Department of Human Services; and five public members having relevant knowledge of, or experience in, matters related to the abuse, neglect, or financial exploitation of older adults or persons with disabilities. With respect to the task force's public members, three shall be appointed by the Governor, one shall be appointed by the Senate President, and one shall be appointed by the Speaker of the General Assembly. Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

c. The task force shall organize as soon as practicable, but not more than 120 days after the date of enactment of this act. The task force may meet and hold hearings at such places and times as it shall designate.

d. The members of the task force shall serve without compensation, but may be reimbursed for travel and other necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

e. The Department of Human Services shall provide professional and clerical staff to the task force as may be necessary for the task force's purposes. The task force shall also be entitled to call upon the services of any State, county, or municipal department, board, commission, or agency, as may be available to it for its purposes.

f. In executing its duties under this act, the task force shall consult with associations, organizations, and individuals who are knowledgeable about the abuse, neglect, or financial exploitation of older adults and persons with disabilities.

g. The task force may solicit and receive grants and other funds that are made available for the task force's purposes by any governmental, public, private, not-for-profit, or for-profit agency, including funds that are made available under any federal or State law, regulation, or program.

h. Within 12 months after the task force's organizational meeting, which is held in accordance with the timeframe specified by subsection c. of this section, the task force shall submit a written report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The report shall contain the task force's findings, as well as its rec-

ommendations for legislative and other action that may be necessary to address and prevent the abuse, neglect, and financial exploitation of older adults and persons with disabilities. The task force shall dissolve 30 days after it submits the report required by this subsection.

2. This act shall take effect immediately and shall expire on the 30th day after the task force submits its written report pursuant to subsection h. of section 1 of this act.

Approved May 23, 2016.

CHAPTER 4

AN ACT concerning certain municipalities confronted by severe fiscal distress, supplementing Title 52 of the Revised Statutes, and amending P.L.1977, c.85 and P.L.1974, c.123.

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

C.52:27BBBB-1 Short title.

1. This act shall be known and may be cited as the “Municipal Stabilization and Recovery Act.”

C.52:27BBBB-2 Findings, declarations relative to municipal stabilization and recovery.

2. The Legislature finds and declares that:

a. The short and long-term fiscal stability of local government units is essential to the interests of the citizens of this State to assure the efficient and effective provision of necessary governmental services vital to public health, safety, and welfare, including the fiscal health of our State’s municipalities.

b. In certain extreme cases, local governments that experience severe fiscal distress become incapable of addressing the circumstances that led to that extraordinary distress or of developing a comprehensive plan for financial rehabilitation and recovery.

c. It is necessary and appropriate for the State to take action to assist local governments experiencing severe budget imbalances and other conditions of severe fiscal distress or emergency by requiring prudent fiscal management and operational efficiencies in the provision of public services.

d. As the State entity primarily responsible for the financial integrity and stability of all local government units, the Local Finance Board should be authorized, under certain limited circumstances, to develop a comprehensive rehabilitation plan for local governments that are experiencing severe fiscal distress, and to act on behalf of local government units to remedy the distress.

C.52:27BBBB-3 Definitions relative to municipal stabilization and recovery.

3. As used in P.L.2016, c.4 (C.52:27BBBB-1 et al.):

“Commissioner” means the Commissioner of Community Affairs.

“Director” means the Director of the Division of Local Government Services in the Department of Community Affairs.

“Director’s designee” means one or more individuals designated by the director, as the director deems appropriate, to act in the director’s stead or exercise one or more of the authorities granted to the director by the Local Finance Board pursuant to the terms of P.L.2016, c.4 (C.52:27BBBB-1 et al.).

“Fiscal distress” means a fiscal condition based on a municipality’s tax rate, cash deficit, insufficient percentage of tax collections, insufficient collection of other revenues, over-anticipation of the revenues of prior years, non-liquidation of interfund transfers, reliance on emergency authorizations, continual rollover of tax anticipation notes, inefficiencies in the provision of municipal services such that associated costs substantially exceed costs for similar services in other municipalities, or other factors indicating a constrained ability to meet the municipality’s budgetary requirements.

“Governing body” means the municipal council, committee, board, or other entity having control of the finances of a municipality, and shall include the mayor.

“Local Finance Board” means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs.

“Municipality in need of stabilization and recovery” means a municipality that: (1) has experienced a decrease of more than 50 percent in its total assessed non-equalized property values during the five-year period terminating at the end of the tax year immediately preceding the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.), as determined by the director; and (2) has experienced an increase in outstanding debt exceeding 50 percent during the immediately preceding five-year period, as determined by the director, and upon the recommendation of the director finding that the municipality is experiencing fiscal distress, the commissioner determines the municipality should appropriately be subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.).

C.52:27BBBB-4 Determination of whether municipality is in need of stabilization and recovery.

4. a. The director may ascertain whether a municipality should be deemed a municipality in need of stabilization and recovery. If the director ascertains that a municipality should be deemed a municipality in need of stabilization and recovery, the director shall recommend that the commissioner make that determination. Within 7 days of receipt of the director's recommendation, the commissioner shall make the final determination of whether to deem the municipality a municipality in need of stabilization and recovery and subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.). The commissioner shall notify the Governor, the State Treasurer, and the director when a determination has been made and a municipality is subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.). The director shall then notify the municipal clerk, or other appropriate municipal official of the municipality, in writing, of the determination. A municipality in need of stabilization and recovery shall be subject to the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.) until the end of the recovery plan adopted pursuant to subsection b. of this section and approved by the commissioner pursuant to subsection c. of this section, or until the first day of the 61st month next following the date on which the municipality becomes subject to the requirements and provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 et al.), as applicable.

b. Not later than 150 days next following the commissioner's final determination that a municipality is in need of stabilization and recovery, the governing body of the municipality in need of stabilization and recovery shall prepare and adopt a resolution containing a five-year recovery plan, commencing on the first day of the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.), that is sufficient to effectuate the financial stability of the municipality. The recovery plan shall establish processes and identify specific actions undertaken by the municipality following the determination that it is a municipality in need of stabilization and recovery pursuant to subsection a. of this section, and actions to be undertaken by the municipality if the recovery plan is approved pursuant to subsection c. of this section. The recovery plan shall include a proposed balanced budget for the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.), which shall be consistent with the "Local Budget Law," N.J.S.40A:4-1 et seq., except as otherwise stated in this subsection. There shall be no requirement for the proposed balanced budget to identify amounts outstanding, including accrued interest, on any obligation to the

State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, for deferred pension and health benefit payments for the first fiscal year of the municipality prior to the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.). For the purposes of the proposed budget prepared pursuant to this subsection, the municipality in need of stabilization and recovery is not required to appropriate the total amount necessary for the extinguishment of all outstanding property tax appeal debt. For the purposes of the proposed budget prepared pursuant to this subsection, the municipality in need of stabilization and recovery shall identify and account for the loss in revenue from any anticipated set-offs arising from all such property tax appeal debt or identify and appropriate for any amounts owed in the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.) for the continued repayment of debts related to all property tax appeals settled by the municipality. To effectuate financial stability, in addition to the proposed balanced budget, the recovery plan shall include detailed processes to:

(1) achieve sustainable net reductions in the municipality's general appropriations to be commensurate with revenues anticipated in the proposed budget;

(2) ensure that the municipality remits to the county in which it is located the full amount of all property taxes or payments in lieu of property taxes owed by law to the county on the dates on which the payments are due;

(3) ensure that the municipality remits to the school district serving the municipality the full amount of all property taxes or payments in lieu of property taxes owed by law to the school district on the dates the payments are due;

(4) schedule for the repayment of debts, including any accrued interest, as of the date of the commissioner's determination pursuant to subsection a. of this section, including, without limitation, any money owed to the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, for deferred pension and health benefits payments;

(5) account for future payments on bonded debt and unbonded debt, including, without limitation, any general obligation bonds, refunding bonds, pension refunding bonds, tax appeal bonds, and unbonded tax appeal settlements, obligations, liens, or judgments known to the municipality as of the date of the commissioner's determination pursuant to subsection a. of this section;

(6) account for future payments on any off balance sheet liabilities of the municipality known to the municipality as of the date of the commissioner's determination pursuant to subsection a. of this section;

(7) ensure the repayment of the loan in accordance with section 18 of P.L.2016, c.4 (C.52:27BBBB-16), including accrued interest; and

(8) increase the municipality's revenues, including, without limitation, through the establishment of long-term economic and land use development strategies.

c. The recovery plan shall be submitted by the governing body to the commissioner. The commissioner, within five business days next following the day of receipt of the plan, shall determine, in the commissioner's sole and exclusive discretion, whether the recovery plan is likely or is not likely to achieve financial stability for the municipality. If the commissioner determines that the recovery plan is likely to achieve financial stability for the municipality, the plan shall be effective and the provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 et al.) shall not be applicable with respect to the municipality in need of stabilization and recovery. If the commissioner determines that the recovery plan is likely to achieve financial stability for the municipality, the plan shall be implemented beginning on the first day of the first fiscal year of the municipality next following the enactment of P.L.2016, c.4 (C.52:27BBBB-1 et al.) and the municipality in need of stabilization and recovery shall strictly comply with the recovery plan. If the commissioner determines that the plan is not likely to achieve financial stability for the municipality, if the municipality fails to submit a plan, if the commissioner determines that the municipality is not strictly complying with a recovery plan approved by the commissioner pursuant to this subsection, or if the commissioner determines that a recovery plan approved by the commissioner pursuant to this subsection is no longer likely to achieve financial stability, the municipality shall be immediately subject to the requirements and provisions of sections 5 through 11, 14, 16, and 17 of P.L.2016, c.4 (C.52:27BBBB-5 through C.52:27BBBB-9, C.52:27BBBB-12, C.52:27BBBB-14, and C.52:27BBBB-15) for as long as the municipality is deemed a municipality in need of stabilization and recovery.

C.52:27BBBB-5 Power of Local Finance Board under certain circumstances.

5. a. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, if the municipality in need of stabilization and recovery fails to submit a plan, if the commissioner has determined pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) that the recovery plan is not likely to achieve financial stability for the municipality in need of stabilization and recovery, if the commissioner determines that the municipality is not strictly complying with a recovery plan approved by the

commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), or if the commissioner determines that a recovery plan approved by the commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) is no longer likely to achieve financial stability, the Local Finance Board may, in its exclusive discretion at any time during which the municipality is deemed a municipality in need of stabilization and recovery, assume and reallocate to, and vest exclusively in the director any of the functions, powers, privileges, and immunities of the governing body of that municipality set forth in any statute, regulation, ordinance, resolution, charter, or contract to which the municipality is a party that are, or may be, substantially related to the fiscal condition or financial rehabilitation and recovery of that municipality. The duration of the transfer of the functions, powers, privileges, and immunities of the governing body shall not exceed the duration of the time the municipality is deemed a municipality in need of stabilization and recovery.

(2) In the event the Local Finance Board assumes and reallocates to the director any function, power, privilege, or immunity of the governing body of a municipality in need of stabilization and recovery set forth in a contract to which that municipality is a party, the municipality shall remain the party to the contract and neither the Local Finance Board nor the director shall assume any contractual obligations or liability arising out of that contract or be subject to any claim for breach of that contract or any other claim related to that contract. Any actions or steps taken by the director under P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall be deemed to be by, and on behalf of, the municipality in need of stabilization.

(3) The authorities granted to the director by the Local Finance Board pursuant to this section shall extend to any and all actions that, in the exclusive discretion of the director, may help stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery. Notwithstanding the provisions of any law, rule, regulation, or contract to the contrary, the director shall have the authority to take any steps to stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery, including, but not limited to:

- (a) implementing governmental, administrative, and operational efficiency and oversight measures;
- (b) dissolving, terminating, transferring, abolishing, or otherwise disposing of any municipal authority, board, commission, or department, or any function thereof; provided, however, that no such action shall be taken until adequate provision has been made for the payment of the creditors or obli-

gees of the entity to be impacted unless otherwise permitted by law. This shall include the power to take any steps required of the governing body under applicable laws, including but not limited to the “municipal and county utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et seq.), the “Local Authorities Fiscal Control Law,” P.L.1983, c.313 (C.40A:5A-1 et seq.), the “Water Infrastructure Protection Act,” P.L.2015, c.18 (C.58:30-1 et seq.), the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), and the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.). To the extent that the Local Finance Board or the director exercise any powers under the “Local Authorities Fiscal Control Law,” P.L.1983, c.313 (C.40A:5A-1 et seq.) with respect to any municipal authority or municipal public utility in the municipality in need of stabilization and recovery;

(c) vetoing the minutes of the governing body of the municipality in need of stabilization and recovery, any board, commission, or department of the municipality in need of stabilization and recovery, and any independent board or authority in the municipality in need of stabilization and recovery, including, but not limited to, the housing authority, parking authority, redevelopment authority, planning board, and zoning board of adjustment. A true copy of the minutes of every meeting of the governing body and any board, commission, department, or independent board, or authority shall be delivered forthwith, by and under the certification of the secretary thereof, to the director. No action taken at the meeting shall have force or effect until 15 business days after a copy of the minutes have been so delivered to the director, unless during this 15-day period the director shall approve in writing the minutes or any part thereof, in which case the action shall become effective upon approval. If, within that 15-day period, the director returns a copy of the minutes with a veto of any action taken by the governing body, board, commission, department, or independent board or authority, or any member thereof at the meeting, the action shall be null and void and of no effect. The director may approve all or part of the action taken at a meeting;

(d) controlling litigation and the municipality’s legal affairs, including, but not limited to, suing in the municipality’s corporate name; prosecuting, defending, and resolving litigation, arbitration, disputes, and controversies; and retaining and directing municipal corporation counsel and other special counsel as the director may deem appropriate;

(e) selling, conveying, leasing, monetizing, or otherwise disposing of any interest in any municipally-owned assets, including but not limited to, any water, sewer, wastewater, and storm water infrastructure, equipment or facilities, services, and in any real property, including any improvements

thereon; provided that the director shall not sell, convey, lease, monetize, or otherwise dispose of any municipally-owned water asset pursuant to an agreement with a private entity until one year after the effective date of P.L.2016, c.4 (C.52:27BBBB-1 et al.) to allow the municipality in need of stabilization and recovery to maximize the value of that asset;

(f) amending or terminating any existing contracts or agreements, which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, in accordance with the terms thereof; or unilaterally amending or terminating any contracts or agreements which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, provided that the director determines that the unilateral termination or amendment is reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(g) unilaterally modifying, amending, or terminating any collective negotiations agreements, except those related to school districts, to which the municipality is a party, or unilaterally modifying, amending, or terminating the terms and conditions of employment during the term of any applicable collective negotiations agreement, or both, provided that the director determines that the modifications, amendments, or terminations are reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(h) acting as the sole agent in collective negotiations on behalf of the municipality in need of stabilization and recovery;

(i) with respect to any expired collective negotiations agreement to which the municipality in need of stabilization and recovery is a party, unilaterally modifying wages, hours, or any other terms and conditions of employment;

(j) unilaterally abolishing any non-elected positions in the municipality in need of stabilization and recovery at any time. All of the functions, powers, and duties of abolished positions shall be exercised or delegated by the director; provided, however, that the provisions of Title 11A, Civil Service, shall not apply to any employment action under this paragraph;

(k) unilaterally appointing, transferring, or removing employees of the municipality in need of stabilization and recovery, including, but not limited to, department heads and division heads, as the case may be, but excluding appointed officials who have obtained tenure in office; provided,

however, that the provisions of Title 11A, Civil Service, shall not apply to any employment action under this paragraph;

(l) acting as the appropriate authority, including, without limitation, the appointing authority, for purposes of Title 40A of the New Jersey Statutes;

(m) entering into any agreement with the county in which the municipality in need of stabilization and recovery is located, any of the other municipalities located in that county, or any instrumentality of the State to share or consolidate municipal services pursuant to any law applicable to consolidation or sharing of services, including, without limitation, the “Uniform Shared Services and Consolidation Act,” P.L.2007, c.63 (C.40A:65-1 et al.) and P.L.2015, c.279 (C.40A:14-90.1 et al.);

(n) procuring any goods, services, commodities, information technology, software, hardware, or other items on behalf of the municipality in need of stabilization and recovery, in accordance with either the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), or procurement laws applicable to the State, at the discretion of the director;

(o) retaining any professionals on behalf of the municipality in need of stabilization and recovery, and directing the work of professionals or any professionals previously retained by the municipality in need of stabilization and recovery, in accordance with either the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.) or procurement laws applicable to the State, at the discretion of the director;

(p) retaining bond counsel, adopting bond ordinances to the extent necessary, making appropriate bond applications, and taking any other steps necessary to restructure and adjust debt, on behalf of the municipality in need of stabilization and recovery;

(q) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et al.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(r) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the “Redevelopment Area Bond Financing Law,” P.L.2001, c.310 (C.40A:12A-64 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(s) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the “Long

Term Tax Exemption Law,” P.L.1991, c.431 (C.40A:20-1 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(t) authorizing and filing, on behalf of the municipality in need of stabilization and recovery, subject only to the written approval of the majority of the members of the legislative Joint Budget Oversight Committee, a petition and other pleadings and papers with any United States court or federal bankruptcy court for the purpose of effecting a plan of readjustment or composition of debts as set forth in R.S.52:27-40 et seq., and taking any other and further actions necessary or appropriate in connection with any case or proceeding; and

(u) negotiating and executing any contracts, agreements, or other documents on behalf of the municipality in need of stabilization and recovery as may be necessary or appropriate to effectuate any of the actions or steps specifically identified in P.L.2016, c.4 (C.52:27BBBB-1 et al.) or that may otherwise, as the director deems necessary or appropriate, help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(4) Subject to subsection b. of section 11 of P.L.2016, c.4 (C.52:27BBBB-9), the Local Finance Board may authorize the director to take any action authorized to be taken under the “Local Bond Law,” N.J.S.40A:2-1 et seq., and the “Municipal Qualified Bond Act,” P.L.1976, c.38 (C.40A:3-1 et seq.) by a governing body of a local unit.

(5) The provisions of P.L.1941, c.100 (C.34:13A-1 et seq.), and regulations promulgated thereunder, shall in no way infringe on the authority of the Local Finance Board or the director set forth in this section or any actions taken by the director pursuant to this section.

(6) Any function, power, privilege, or immunity of the municipal governing body that is not assumed by the Local Finance Board and reallocated to and vested exclusively in the director pursuant to this section shall remain allocated to and vested in that governing body unless and until such time as the function, power, privilege, immunity, or duty may be allocated to and vested exclusively in the Local Finance Board or the director pursuant to this section. The Local Finance Board or the director may exercise any power implied or incidental to a power that has been specifically allocated.

b. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, including any requirements set forth in R.S.40:49-1 et seq., the “Senator Byron M. Baer Open Public Meetings Act,” P.L.1975, c.231 (C.10:4-6 et seq.), or R.S.52:27-41, the director shall have the exclusive authority to pass,

adopt, repeal, or amend any ordinance or resolution of the municipality in need of stabilization and recovery, modify any meeting agenda of the governing body of the municipality in need of stabilization and recovery, and negotiate, enter into, amend, or terminate any contract or agreement, on behalf of the municipality in need of stabilization and recovery, provided that the director deems the action necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(2) When exercising powers under this section, the director shall, to the extent practicable, comply with all notice, hearing, and other requirements to which the municipality in need of stabilization and recovery is generally subject, but in no instance shall the director be deemed a "public body" pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

(3) The director may issue to the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery the orders that the director deems appropriate to stabilize the finances, restructure the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery pursuant to the authority granted by the Local Finance Board pursuant to this section. Any order by the director shall be binding on the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery and may be enforced as other orders of the director are enforced under general law.

6. Section 3 of P.L.1977, c.85 (C.34:13A-16) is amended to read as follows:

C.34:13A-16 Negotiations between public fire, police department and exclusive representative; unfair practice charge; negotiation; factfinding; arbitration.

3. a. (1) Negotiations between a public fire or police department and an exclusive representative concerning the terms and conditions of employment shall begin at least 120 days prior to the day on which their collective negotiation agreement is to expire. The parties shall meet at least three times during that 120-day period. The first of those three meetings shall take place no later than the 90th day prior to the day on which their collective negotiation agreement is to expire. By mutual consent, the parties may agree to extend the period during which the second and third meetings are required to take place beyond the day on which their collective negotiation agreement is to expire. A violation of this paragraph shall constitute an un-

fair practice and the violator shall be subject to the penalties prescribed by the commission pursuant to rule and regulation.

Prior to the expiration of their collective negotiation agreement, either party may file an unfair practice charge with the commission alleging that the other party is refusing to negotiate in good faith. The charge shall be filed in the manner, form and time specified by the commission in rule and regulation. If the charge is sustained, the commission shall order that the respondent be assessed for all legal and administrative costs associated with the filing and resolution of the charge; if the charge is dismissed, the commission shall order that the charging party be assessed for all legal and administrative costs associated with the filing and resolution of the charge. The filing and resolution of the unfair practice charge shall not delay or impair the impasse resolution process.

(2) Whenever those negotiations concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, or upon its own motion take such steps, including the assignment of a mediator, as it may deem expedient to effect a voluntary resolution of the impasse.

b. (1) In the event of a failure to resolve the impasse by mediation, the Division of Public Employment Relations, at the request of either party, shall invoke factfinding with recommendation for settlement of all issues in dispute unless the parties reach a voluntary settlement prior to the issuance of the factfinder's report and recommended terms of settlement. Factfinding shall be limited to those issues that are within the required scope of negotiations unless the parties to the factfinding agree to factfinding on permissive subjects of negotiation.

(2) Notwithstanding the provisions of paragraph (2) of subsection a. of this section or paragraph (1) of this subsection, either party may petition the commission for arbitration on or after the date on which their collective negotiation agreement expires. The petition shall be filed in a manner and form prescribed by the commission. The party filing the petition shall notify the other party of its action. The notice shall be given in a manner and form prescribed by the commission.

Any mediation or factfinding invoked pursuant to paragraph (2) of subsection a. of this section or paragraph (1) of subsection b. of this section shall terminate immediately upon the filing of a petition for arbitration.

(3) Upon the filing of a petition for arbitration pursuant to paragraph (2) of this subsection, an arbitrator selected pursuant to paragraph (1) of subsection e. of this section shall conduct an initial meeting as a mediation session to effect a voluntary resolution of the impasse.

c. (Deleted by amendment, P.L.2010, c.105)

d. The resolution of issues in dispute shall be binding arbitration under which the award on the unsettled issues is determined by conventional arbitration. The arbitrator shall determine whether the total net annual economic changes for each year of the agreement are reasonable under the nine statutory criteria set forth in subsection g. of this section and shall adhere to the limitations set forth in section 2 of P.L.2010, c.105 (C.34:13A-16.7). The non-petitioning party, within five days of receipt of the petition, shall separately notify the commission in writing of all issues in dispute. The filing of the written response shall not delay, in any manner, the interest arbitration process.

e. (1) The commission shall take measures to assure the impartial selection of an arbitrator or arbitrators from its special panel of arbitrators. On the first business day following receipt of an interest arbitration petition, the commission shall, independent of and without any participation by either of the parties, randomly select an arbitrator from its special panel of arbitrators. The selection by the commission shall be final and shall not be subject to review or appeal.

(2) Applicants for initial appointment to the commission's special panel of arbitrators shall be chosen based on their professional qualifications, knowledge, and experience, in accordance with the criteria and rules adopted by the commission. Such rules shall include relevant knowledge of local government operations and budgeting. Appointment to the commission's special panel of arbitrators shall be for a three-year term, with reappointment contingent upon a screening process similar to that used for determining initial appointments. Arbitrators currently serving on the panel shall demonstrate to the commission their professional qualification, knowledge and experience, in accordance with the criteria and rules adopted by the commission, within one year of the effective date of this act. Any arbitrator who does not satisfactorily demonstrate such to the commission within the specified time shall be disqualified.

(3) Arbitrators serving on the commission's special panel shall be guided by and subject to the objectives and principles set forth in the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service.

(4) Arbitrators shall be required to complete annual training offered by the State Ethics Commission. Any arbitrator failing to satisfactorily complete the annual training shall be immediately removed from the special panel.

The commission may suspend, remove, or otherwise discipline an arbitrator for a violation of P.L.1977, c.85 (C.34:13A-14 et seq.), section 4 of

P.L.1995, c.425 (C.34:13A-16.1) or for good cause. An arbitrator who fails to render an award within the time requirements set forth in this section shall be fined \$ 1,000 for each day that the award is late.

f. (1) At a time prescribed by the commission, the parties shall submit to the arbitrator their final offers on each economic and non-economic issue in dispute. The offers submitted pursuant to this section shall be used by the arbitrator for the purposes of determining an award pursuant to subsection d. of this section.

(2) In the event of a dispute, the commission shall have the power to decide which issues are economic issues. Economic issues include those items which have a direct relation to employee income including wages, salaries, hours in relation to earnings, and other forms of compensation such as paid vacation, paid holidays, health and medical insurance, and other economic benefits to employees.

(3) Throughout formal arbitration proceedings the chosen arbitrator may mediate or assist the parties in reaching a mutually agreeable settlement.

All parties to arbitration shall present, at the formal hearing before the issuance of the award, written estimates of the financial impact of their last offer on the taxpayers of the local unit to the arbitrator with the submission of their last offer.

(4) Arbitration shall be limited to those subjects that are within the required scope of collective negotiations, except that the parties may agree to submit to arbitration one or more permissive subjects of negotiation.

(5) The decision of an arbitrator or panel of arbitrators shall include an opinion and an award, and shall be rendered within 90 calendar days of the commission's assignment of that arbitrator.

Each arbitrator's decision shall be accompanied by a written report explaining how each of the statutory criteria played into the arbitrator's determination of the final award. The report shall certify that the arbitrator took the statutory limitations imposed on the local levy cap into account in making the award.

Any arbitrator violating the provisions of this paragraph may be subject to the commission's powers under paragraph (3) of subsection e. of this section. The decision shall be final and binding upon the parties and shall be irreversible, except:

(a) Within 14 calendar days of receiving an award, an aggrieved party may file notice of an appeal of an award to the commission on the grounds that the arbitrator failed to apply the criteria specified in subsection g. of this section or violated the standards set forth in N.J.S.2A:24-8 or N.J.S.2A:24-9. The appeal shall be filed in a form and manner prescribed

by the commission. In deciding an appeal, the commission, pursuant to rule and regulation and upon petition, may afford the parties the opportunity to present oral arguments. The commission may affirm, modify, correct or vacate the award or may, at its discretion, remand the award to the same arbitrator or to another arbitrator, selected by lot, for reconsideration. The commission's decision shall be rendered no later than 60 calendar days after the filing of the appeal with the commission.

Arbitration appeal decisions shall be accompanied by a written report explaining how each of the statutory criteria played into their determination of the final award. The report shall certify that in deciding the appeal, the commission took the local levy cap into account in making the award.

An aggrieved party may appeal a decision of the commission to the Appellate Division of the Superior Court.

(b) An arbitrator's award shall be implemented immediately.

(6) The parties shall share equally the costs of arbitration subject to a fee schedule approved by the commission. The fee schedule shall provide that the cost of services provided by the arbitrator shall not exceed \$ 1,000 per day. The total cost of services of an arbitrator shall not exceed \$ 10,000. If the parties cancel an arbitration proceeding without good cause, the arbitrator may impose a fee of not more than \$ 500. The parties shall share equally in paying that fee if the request to cancel or adjourn is a joint request. Otherwise, the party causing such cancellation shall be responsible for payment of the entire fee.

g. The arbitrator shall decide the dispute based on a reasonable determination of the issues, giving due weight to those factors listed below that are judged relevant for the resolution of the specific dispute. In the award, the arbitrator or panel of arbitrators shall indicate which of the factors are deemed relevant, satisfactorily explain why the others are not relevant, and provide an analysis of the evidence on each relevant factor; provided, however, that in every interest arbitration proceeding, the parties shall introduce evidence regarding the factor set forth in paragraph (6) of this subsection and the arbitrator shall analyze and consider the factor set forth in paragraph (6) of this subsection in any award:

(1) The interests and welfare of the public. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(2) Comparison of the wages, salaries, hours, and conditions of employment of the employees involved in the arbitration proceedings with the

wages, hours, and conditions of employment of other employees performing the same or similar services and with other employees generally:

(a) In private employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(b) In public employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(c) In public employment in the same or similar comparable jurisdictions, as determined in accordance with section 5 of P.L.1995, c.425 (C.34:13A-16.2); provided, however, that each party shall have the right to submit additional evidence concerning the comparability of jurisdictions for the arbitrator's consideration.

(3) The overall compensation presently received by the employees, inclusive of direct wages, salary, vacations, holidays, excused leaves, insurance and pensions, medical and hospitalization benefits, and all other economic benefits received.

(4) Stipulations of the parties.

(5) The lawful authority of the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(6) The financial impact on the governing unit, its residents, the limitations imposed upon the local unit's property tax levy pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), and taxpayers. When considering this factor in a dispute in which the public employer is a county or a municipality, the arbitrator or panel of arbitrators shall take into account, to the extent that evidence is introduced, how the award will affect the municipal or county purposes element, as the case may be, of the local property tax; a comparison of the percentage of the municipal purposes element or, in the case of a county, the county purposes element, required to fund the employees' contract in the preceding local budget year with that required under the award for the current local budget year; the impact of the award for each income sector of the property taxpayers of the local unit; the impact of the award on the ability of the governing body to (a) maintain existing local programs and services, (b) expand existing local programs and services for which public moneys have been designated by the governing body in a proposed local budget, or (c) initiate any new programs and services for which public moneys have been designated by the governing body in a proposed local budget.

(7) The cost of living.

(8) The continuity and stability of employment including seniority rights and such other factors not confined to the foregoing which are ordinarily or traditionally considered in the determination of wages, hours, and conditions of employment through collective negotiations and collective bargaining between the parties in the public service and in private employment.

(9) Statutory restrictions imposed on the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by section 10 of P.L.2007, c.62 (C.40A:4-45.45).

h. A mediator, factfinder, or arbitrator while functioning in a mediatory capacity shall not be required to disclose any files, records, reports, documents, or other papers classified as confidential received or prepared by him or to testify with regard to mediation, conducted by him under this act on behalf of any party to any cause pending in any type of proceeding under this act. Nothing contained herein shall exempt such an individual from disclosing information relating to the commission of a crime.

i. The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission, through the Division of Public Employment Relations, that a municipality deemed a “municipality in need of stabilization and recovery” pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will not participate in any impasse procedures authorized by this section. Upon such notice, any pending impasse procedures authorized by this section shall immediately cease, and any pending petition for arbitration shall be vacated. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

j. The Local Finance Board may provide that any arbitration award, including but not limited to an interest arbitration award, involving a municipality deemed a “municipality in need of stabilization and recovery” pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) shall be subject to the review and approval of the Director of the Division of Local Government Services in the Department of Community Affairs, including those on a collective negotiations agreement where the matter has been submitted to an arbitrator pursuant to law, and no such award shall be binding without the approval of the director. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

7. Section 1 of P.L.1974, c.123 (C.34:13A-5.4) is amended to read as follows:

C.34:13A-5.4 Prohibitions relative to public employers, employee organizations, their representatives, agents.

a. Public employers, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Dominating or interfering with the formation, existence or administration of any employee organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act.

(4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative.

(6) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(7) Violating any of the rules and regulations established by the commission.

b. Employee organizations, their representatives or agents are prohibited from:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act.

(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances.

(3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit.

(4) Refusing to reduce a negotiated agreement to writing and to sign such agreement.

(5) Violating any of the rules and regulations established by the commission.

c. The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice listed in subsections a. and b. above. Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place of hearing before the commission or any designated agent thereof; provided that no complaint shall issue based upon any unfair practice occurring more than 6 months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing such charge in which event the 6-month period shall be computed from the day he was no longer so prevented.

In any such proceeding, the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall be applicable. Evidence shall be taken at the hearing and filed with the commission. If, upon all the evidence taken, the commission shall determine that any party charged has engaged or is engaging in any such unfair practice, the commission shall state its findings of fact and conclusions of law and issue and cause to be served on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable affirmative action as will effectuate the policies of this act. All cases in which a complaint and notice of hearing on a charge is actually issued by the commission, shall be prosecuted before the commission or its agent, or both, by the representative of the employee organization or party filing the charge or his authorized representative.

d. The commission shall at all times have the power and duty, upon the request of any public employer or majority representative, to make a determination as to whether a matter in dispute is within the scope of collective negotiations. The commission shall serve the parties with its findings of fact and conclusions of law. Any determination made by the commission pursuant to this subsection may be appealed to the Appellate Division of the Superior Court.

e. The commission shall adopt such rules as may be required to regulate the conduct of representation elections, and to regulate the time of commencement of negotiations and of institution of impasse procedures so that there will be full opportunity for negotiations and the resolution of impasses prior to required budget submission dates.

f. The commission shall have the power to apply to the Appellate Division of the Superior Court for an appropriate order enforcing any order of the commission issued under subsection c. or d. hereof, and its findings of

fact, if based upon substantial evidence on the record as a whole, shall not, in such action, be set aside or modified; any order for remedial or affirmative action, if reasonably designed to effectuate the purposes of this act, shall be affirmed and enforced in such proceeding.

g. The Director of the Division of Local Government Services in the Department of Community Affairs may notify the commission that a municipality deemed a “municipality in need of stabilization and recovery” pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4) shall not be subject to the commission’s authority to prevent an unfair practice pursuant to subsection a. of this section. Upon such notice, neither the commission, nor any designee, shall have the authority to issue or cause to be served upon such municipality in need of stabilization and recovery any complaint alleging an unfair practice under subsection a. of this section or to hold any hearings with respect thereto. Nothing in this subsection shall be construed to limit the scope of any general or specific powers of the Local Finance Board or the Director set forth in P.L.2016, c.4 (C.52:27BBBB-1 et al.).

C.52:27BBBB-6 Preparation of annual budget for municipality in need of stabilization and recovery.

8. In a municipality in need of stabilization and recovery, the director may prepare the annual budget or instruct the municipal governing body to prepare and submit a proposed annual budget. If the municipal governing body is submitting a proposed annual budget, the director shall fix a date for the municipal governing body to submit that budget to the Local Finance Board, and the board may approve the budget, modify it or instruct the director to prepare an alternative budget. If the director prepares the budget, it shall be submitted to the Local Finance Board for its approval. Once a budget is approved by the Local Finance Board, the budget shall be deemed adopted.

a. The director shall have the authority to make temporary appropriations necessary for the period prior to the adoption of the budget, and to make emergency temporary appropriations pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety, or property of the residents of the municipality, and to make emergency appropriations pursuant to N.J.S.40A:4-46.

b. The director shall have the authority to spend money and authorize expenditures, in accordance with the approved budget or any temporary or emergency appropriations.

C.52:27BBBB-7 Delegation of power by director.

9. The director may delegate to the director's designee any power granted to the Director pursuant to P.L.2016, c.4 (C.52:27BBBB-1 et al.). The designation to a director's designee shall be in writing and filed with the Local Finance Board. Any action of a director's designee taken subsequent to the delegation shall be deemed to have been taken by the Director. If any claims are asserted against the director's designee, the director's designee shall, for that purpose only, be considered a State officer within the scope of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq.

C.52:27BBBB-8 Initiative, referendum approved by voters deemed advisory; exceptions.

10. In a municipality in need of stabilization and recovery, any initiative approved by the voters of the municipality pursuant to section 17-35 of P.L.1950, c.210 (C.40:69A-184) and any referendum approved pursuant to section 17-36 of P.L.1950, c.210 (C.40:69A-185) shall be advisory only and may be followed, or disregarded, by the Local Finance Board and the director in their discretion. The provisions of this section shall not apply to a referendum approved pursuant to section 11 of P.L.2016, c.4 (C.52:27BBBB-9).

C.52:27BBBB-9 Resolutions issued by director deemed sufficient.

11. a. Notwithstanding the provisions of any law or regulation, including, without limitation, the "Local Bond Law," N.J.S.40A:2-1 et seq., and the "Municipal Qualified Bond Act," P.L.1979, c.38 (C.40A:3-1 et seq.), that requires the adoption of an ordinance or resolution to authorize any action of a municipality, a resolution issued by the director shall suffice in lieu of a municipal ordinance or resolution for all purposes, except for bond ordinances, in a municipality in need of stabilization and recovery.

b. In the case of bond ordinances in a municipality in need of stabilization and recovery, the director's resolution in lieu of such ordinances shall be published in full in a newspaper circulating in the municipality and a copy of the resolution shall be filed for public inspection with the municipal clerk of the municipality in need of stabilization and recovery. The publication of the director's resolution shall occur not less than 10 days prior to the time and place of a public hearing to be had on the resolution. The resolution shall become effective on the 45th day after the public hearing, unless:

(1) the resolution is modified by the director subsequent to the meeting, in which case there shall be a second public hearing on no less than 10 days' notice; or

(2) there is filed with the municipal clerk within 45 days of the hearing, a petition requesting a referendum in said municipality signed by either five percent or 10,000 of the registered voters of said municipality, whichever is lesser.

If a petition is filed, the resolution pertaining to the bond measures issued by the director shall be submitted to the registered voters of said municipality at the next general or regular municipal election and in the same manner and form as other public questions to be voted upon by voters of a single municipality.

C.52:27BBBB-10 Severability.

12. If any provision of P.L.2016, c.4 (C.52:27BBBB-1 et al.) or its application is held invalid, the invalidity shall not affect other applications of that provision, or other provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.), which reasonably can be given effect despite the invalidity, and to this end the provisions of P.L.2016, c.4 (C.52:27BBBB-1 et al.) are severable.

C.52:27BBBB-11 Incentive program for retirement, termination of employment.

13. a. In order to achieve financial stability, a municipality in need of stabilization and recovery, as determined by the commissioner pursuant to subsection a. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), may offer and implement an incentive program for retirement or termination of employment after approval of such incentive program by the director. The program shall be limited to full-time employees in any department, office, section, or other organizational component of the municipality in need of stabilization and recovery to achieve financial stability. The incentive program may include one or more of the following:

- (1) cash payments or the purchase of annuities;
- (2) employer contributions to an approved employee deferred compensation program to the extent permitted by federal law;
- (3) payment by the municipality for continuation of health benefits coverage after retirement for not more than five years or until the employee attains the age of eligibility for Medicare, whichever occurs first;
- (4) payment by the municipality for health benefits coverage after retirement under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), or under group insurance contracts pursuant to N.J.S.40A:10-23, for employees and dependents in accordance

with the law and rules governing the State Health Benefits Program or the law governing such group insurance contracts, as the case may be, for employees who fail to meet the service requirement for payment for such coverage after retirement by no more than five years, but who are otherwise eligible for employer payment for health benefits coverage after retirement; or

(5) additional service credit for employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.) or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), or a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50 et seq.), as provided in this section.

b. No later than six months prior to the date on which a proposed incentive program is to begin, the municipality shall submit detailed information concerning the incentive program to the director, in a form and manner prescribed by the director, which shall include the following:

(1) the governmental services affected by the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4);

(2) the departments, offices, sections, and other organizational components of the municipality to be affected, and a list of the employees thereof;

(3) the incentives to be offered;

(4) the estimated number of employees who will retire or terminate employment under the incentive program;

(5) fiscal information sufficient to demonstrate that the incentive program in conjunction with the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will result in a reduction for the municipality in the number of employees providing the affected governmental services, including information on the number of employees by which the municipality will reduce employment for a period of at least five years;

(6) fiscal information sufficient to demonstrate that, taking into consideration the costs of the incentive program, the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will result in a reduction in the cost of providing the affected governmental services for the municipality;

(7) information on the fiscal stability of the municipality sufficient to demonstrate that the municipality will be able to pay the costs for the incentive program which will result in net savings and shall not necessitate any increase in property taxes for the municipality;

(8) information sufficient to demonstrate that the municipality will continue to provide the affected governmental services without the number of employees that are expected to take the incentive; and

(9) any other information which the director may require.

c. The director may, for good cause, permit a municipality to submit information without complying with the time period for submission of information or which does not conform to the specific informational requirements of this section.

d. The director shall provide to the Director of the Division of Pensions and Benefits in the Department of the Treasury sufficient information relating to the incentive program so that the Director of the Division of Pensions and Benefits may provide to the director:

(1) an estimate of the anticipated liability of the affected retirement systems;

(2) a determination of whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the municipality; and

(3) taking into consideration the liability for the incentive program, an estimate of the net savings in the employment costs to provide the affected governmental services.

e. In order to make the calculation required by paragraph (2) of subsection d. of this section, the Director of the Division of Pensions and Benefits in the Department of the Treasury shall submit the proposed incentive program to the actuary of each retirement system which would be affected by the incentive program. Each actuary shall estimate the additional liability to the retirement system for the incentive program, including the liability for the additional service credit and the earlier retirement of employees under the incentive program. Each actuary shall provide the Director of the Division of Pensions and Benefits with an opinion on whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the municipality providing the affected governmental services, and a net savings, taking into consideration the liability for the incentive program, in the employment costs to provide the affected governmental services. The State shall conduct the actuarial work required by this subsection at no charge to the municipality.

f. If the incentive program includes the provision of additional service credit under State retirement systems for eligible employees, the beginning and ending dates for the incentive program and the time period during which the eligible employees will have to elect to participate in the in-

centive program shall be subject to approval by the Director of the Division of Pensions and Benefits in the Department of the Treasury.

g. If the director determines that the incentive program will result in the municipality continuing to provide the affected governmental services with fewer employees and at a lower cost, and that the incentive program will result in net savings and will not necessitate any increase in local property taxes for the municipality, the director shall approve the incentive program for implementation.

h. For employees who are members of the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), an incentive program for retirement may provide additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program, so that the employee shall have an aggregate amount of service credit under the retirement system of no more than 30 years on the effective date of retirement. In no case shall more than 60 months of additional service credit be provided under the incentive program.

i. For employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or a municipal retirement system, an incentive program for retirement may provide not more than 60 additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program.

j. An incentive program may require one or more of the following criteria: a minimum number of years of service credit in a retirement system, a minimum number of years of service with the municipality, or a minimum age for eligibility to participate in the program.

k. An employee who receives an incentive benefit for retirement or termination of employment under this section shall forfeit any tenure, civil service, or other employment right for continued employment or for return to employment based upon the employment for which the employee receives the incentive benefit.

l. When the needs of the municipality require the continuation in service of an employee who elects to retire and receive an incentive benefit under this section, the effective retirement date of the employee may be delayed, with the approval of the governing body of the municipality and the agreement of the employee, until the first day of any month not later than the twelfth month after the last date for retirement under the incentive program. If an employee whose retirement is delayed under this subsection dies before the retirement becomes effective, the retirement shall be effective.

tive on the first day of the month after the date of death of the employee, unless the employee's beneficiary for retirement benefits requests in writing to the board of trustees of the retirement system that benefits payable for death in active service be paid on behalf of the employee.

m. An employee retiring with an incentive benefit under this section who has not paid the full amount of a loan from the retirement system by the effective date of retirement may repay the loan through deductions from the monthly retirement benefits in the same monthly amount which was deducted from the member's compensation immediately preceding retirement, until the balance of the amount borrowed with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining balance shall be repaid as provided in the laws governing the retirement system for repayment of loans.

n. Notwithstanding the provisions of the laws governing the retirement system, an employee purchasing service credit to qualify for a benefit under this section may, for each affected retirement system, purchase a portion of the service credit which the employee is eligible to purchase.

o. If the incentive program is approved and implemented, the actuary to the affected retirement system shall determine the full amount of the liability of the retirement system for the incentive program including the liability for the additional service credit and the earlier retirement of employees under the incentive program in accordance with the assumptions used by the retirement system to determine the full liabilities of the system. The municipality shall pay the amount of the liability determined by the actuary to the retirement system in a lump sum or through annual installment payments with regular interest at the rate used by the retirement system to determine liabilities and to estimate investment return for a period approved by the Director of the Division of Pensions and Benefits in the Department of the Treasury which shall not exceed 15 years. The municipality shall pay the cost for the actuarial work to determine the full liability of the retirement system if the incentive program is approved and implemented. If the municipality does not make payments for the liability, the cost of the actuarial work, and administrative expenses in a timely manner, the municipality shall be subject to interest and penalties on the payments on the same basis provided for late payment of employer contributions to the retirement system under the laws and rules governing the retirement system.

p. The Director of the Division of Pensions and Benefits in the Department of the Treasury shall provide the municipality with information on the estimated liability for the proposed incentive program, and actual liability if the program is approved and implemented. If the program provides

additional service credit to employees under the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), the director shall provide the eligible employees of the municipality with information on the benefits they would receive under the incentive program, and other appropriate assistance, to enable employees to decide whether to accept the incentive benefit and retire from the retirement systems if they accept the incentive benefit.

q. The powers, duties, and responsibilities related to retirement systems under this section for municipal retirement systems shall be exercised and performed by the governing bodies of the retirement systems.

r. Prior to the beginning date of the incentive program, appropriate representatives of the governing body of the municipality which implements an incentive program pursuant to this section shall meet and consult with the majority representative of the bargaining unit or units which include the employees of the municipality who would be eligible for the incentive program.

s. For a period of five years after the last date for retirement or termination of employment under an incentive program implemented pursuant to this section, the employment level of the municipality for the provision of governmental services previously performed by employees that participated in the incentive program shall not, without the approval of the director, exceed the employment level specified in the incentive program approved by the director. The director may approve an increase in the employment level to provide the affected governmental services if the director determines that:

(1) changes in local conditions such as increased residential or commercial development, increased population, or other changes, have created an increased need or demand for the affected governmental services; and

(2) an increase in the employment level for the affected governmental services is warranted and will provide for the delivery of governmental services in an effective and cost efficient manner. The municipality shall submit annual reports to the director for five years after the last date for retirement or termination of employment under an incentive program implemented pursuant to this section, in the form and manner required by the director, concerning the number of employees and the employment costs to provide the affected governmental services.

t. If the municipality exceeds the employment levels under subsection s. of this section, it shall be required by the director to reimburse the Division of Pensions and Benefits in the Department of the Treasury for the

costs of the actuarial work performed for the municipality pursuant to subsection e. of this section, as determined by the director of that division.

C.52:27BBBB-12 Specific power, authority not construed to limit, restrict certain general authorities.

14. The enumeration of any specific power or authority granted to the Local Finance Board or the director pursuant to P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall not be construed to limit or restrict in any way the general authorities granted by P.L.2016, c.4 (C.52:27BBBB-1 et al.) to the Local Finance Board or the director to take actions necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

C.52:27BBBB-13 Liberal construction.

15. P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall be construed liberally to give effect to its intent that severe fiscal distress in municipalities in need of stabilization and recovery shall be addressed and corrected.

C.52:27BBBB-14 Terms of C.52:27BBBB et al. prevail in event of inconsistency.

16. The authorities granted to the director in P.L.2016, c.4 (C.52:27BBBB-1 et al.) are intended to supplement authority provided in the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.) and other applicable laws. To the extent any inconsistency exists between the terms of P.L.2016, c.4 (C.52:27BBBB-1 et al.) and other applicable laws, the terms of P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall prevail.

C.52:27BBBB-15 Attendance of certain meetings required, final report.

17. The director or the director's designee shall attend the regularly scheduled meetings of the municipal council in a municipality in need of stabilization and recovery. On or before the first day of the sixth year next following the determination that a municipality is in need of stabilization and recovery pursuant to section 4 of P.L.2016, c.4 (C.52:27BBBB-4), the director shall provide a final report to the Governor and Legislature regarding the municipality in need of stabilization and recovery.

C.52:27BBBB-16 Transfer of necessary appropriations.

18. The State Treasurer, in consultation with the commissioner, shall 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 secured loan, for the exclusive purpose of

covering expenses of the municipality during the 2016 calendar year, and for a term not to exceed 180 days, to a municipality for which a recovery plan is required under section 4 of P.L.2016, c.4 (C.52:27BBBB-4) to be submitted to the director on such terms and conditions that may be required by the commissioner.

C.52:27BBBB-17 Required amount of relief aid.

19. Notwithstanding any law, rule, or regulation to the contrary, the amount of consolidated municipal property tax relief aid and energy tax receipts property tax relief aid paid to a municipality in need of stabilization and recovery shall not be less than the amount certified for the municipality in the Certification of State Aid for Calendar Year 2016 and Fiscal Year 2017 Budgets issued by the Division of Local Government Services in the Department of Community Affairs.

20. This act shall take effect immediately but shall remain inoperative until the enactment of P.L.2016, c.5 (C.52:27BBBB-18 et al.).

Approved May 27, 2016.

CHAPTER 5

AN ACT concerning the stabilization of the finances of a municipality in which casino gaming is authorized, amending R.S.54:5-6 and P.L.2011, c.18, and supplementing Title 52 of the Revised Statutes.

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

C.52:27BBBB-18 Short title.

1. Sections 1 through 8 and section 10 of P.L.2016, c.5 (C.52:27BBBB-18 et al.) shall be known and may be referred to as the “Casino Property Tax Stabilization Act.”

C.52:27BBBB-19 Findings, declarations relative to stabilization of finances of a municipality in which casino gaming is authorized.

2. The Legislature finds and declares that:

a. In 1976, the voters of the State approved an amendment to the New Jersey Constitution (Article IV, Section VII, paragraph 2, subparagraph D), which authorized casino gaming in Atlantic City.

b. For over 30 years, casinos grew and profited in the City of Atlantic City, until competition from other states in our region, particularly Pennsylvania, siphoned off much of the out-of-State and foreign gamblers who had frequented Atlantic City casinos for many years.

c. The regional competition in casino gaming has had a deleterious effect on Atlantic City in several ways, including: an increase in unemployment due to the recent closing of four casino properties, representing fully one-third of the number of casinos operating in Atlantic City in 2013; a strain on Atlantic City's municipal budget due to property tax refunds required by successful assessment appeals of casino gaming properties; and an increased property tax burden on Atlantic City and Atlantic County residents based on the decreasing value of casino gaming properties.

d. In the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the United States Census (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009) were designated as Garden State Growth Zones and were declared blighted areas and areas in need of rehabilitation; provided, however, that the declaration alone could not be used to allow any property to be taken or acquired.

e. The Legislature has previously recognized the extraordinary situation in Atlantic City, by designating a municipality which contains a tourism district as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority as a Garden State Growth Zone for purposes of incentive programs administered by the New Jersey Economic Development Authority in P.L.2014, c.63 (C.34:1B-251 et al.).

f. Consistent with the Legislature's acts with respect to the other Garden State Growth Zones, a municipality which contains a tourism district as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and is regulated by the Casino Reinvestment Development Authority is hereby declared a blighted area and area in need of redevelopment; provided, however, that this declaration alone shall not be used to allow any property to be taken or acquired.

g. The accurate assessment of casino gaming properties is especially difficult because they are unique properties and their year-to-year value is greatly influenced by the performance of casino gaming properties in other nearby states and by extreme weather events like Super Storm Sandy.

h. It is appropriate for the Legislature to address the extraordinary situation in Atlantic City by devising a program that avoids costly assess-

propriated to Atlantic City shall not impact, reduce, or otherwise affect the amount appropriated for Transitional Aid to Localities.

C.52:27BBBB-20 Definitions relative to stabilization of finances of a municipality in which casino gaming is authorized; payments in lieu of property taxes.

3. a. As used in P.L.2016, c.5 (C.52:27BBBB-18 et al.):

“Atlantic City” means the City of Atlantic City, in Atlantic County;

“Base amount” means the amount of the payment in lieu of taxes as determined by subparagraph (d) of paragraph (3) of subsection c. of this section;

“Casino gaming property” means one or more parcels of real property located in Atlantic City, and any adjacent property utilized in connection with such property, upon which there is located a facility licensed to be used for casino gaming in 2014 or thereafter, whether or not in actual operation, which has more than 500 guest hotel rooms, and is not subject to recorded covenants prohibiting casino gaming;

“Division” means the Division of Gaming Enforcement in the Department of Law and Public Safety;

“Gross gaming revenue” (GGR) means the total amount of revenue raised through casino gaming from all of the casino gaming properties located in Atlantic City as determined by the division;

“Local Finance Board” means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs; and

“Treasury” means the Department of the Treasury.

b. Beginning with calendar year 2017, and for the next succeeding nine calendar years, casino gaming properties located in Atlantic City shall be exempt from local property taxation on real property and improvements, including accessory hotels, conference centers, parking garages, and other appurtenant facilities, except that any new improvement developed on a casino gaming property that is made outside of the perimeter footprint of any improvement existing as of the effective date of this act and any real property, not formerly qualified as casino gaming property, acquired after such date by an owner of casino gaming property shall not be exempt from local property taxation in any calendar year and shall be subject to local property taxation annually at Atlantic City’s general property tax rate. The provisions of this section shall not apply to any casino property that operates under a small scale casino facility license or a staged casino facility license pursuant to section 1 of P.L.2010, c.115 (C.5:12-80.1).

c. (1) In exchange for the property tax exemption granted in subsection b. of this section, each owner of each casino gaming property shall sign a 10-year financial agreement with Atlantic City for each casino gaming

property promising to make quarterly payments to the city of its allocated portion of the annual amount of the payment in lieu of taxes as determined by this section. The owner of each casino gaming property shall be responsible for the payments allocated to that property and shall be subject to the lien provisions of R.S.54:5-6 if those payments are not made.

(2) Any new owner of a casino gaming property following the effective date of P.L.2016, c.5 (C.52:27BBBB-18 et al.) shall immediately become responsible for signing a financial agreement with Atlantic City promising to make payments consistent with this section.

(3) (a) The total amount of the payment in lieu of property taxes owed to Atlantic City for calendar year 2017 shall be \$120 million. To the extent that any owner of a casino gaming property has paid property taxes for calendar year 2017 prior to the date P.L.2016, c.5 (C.52:27BBBB-18 et al.) becomes operative, the amount of property taxes so paid shall be credited toward that owner's allocated share of the \$120 million total payment in lieu of property taxes.

(b) For calendar year 2018 and for each calendar year thereafter, the amount of the payment in lieu of property taxes owed to Atlantic City shall increase by two percent per year in every year in which there is no upward adjustment to the base amount of the payment in lieu of taxes from the previous calendar year as determined by subparagraph (d) of this paragraph.

(c) For calendar year 2018 and for each calendar year thereafter, the total amount of the payment in lieu of property taxes owed to Atlantic City shall be the base amount as determined by subparagraph (d) of this paragraph and the total amount of the annual increases to date as determined by subparagraph (b) of this paragraph.

(d) For calendar year 2018 and for each calendar year thereafter, the base amount of the payment in lieu of taxes shall be determined as follows:

If the amount of the GGR in the preceding calendar year is between \$3.4 billion and \$3.8 billion, the base amount shall be \$165 million, or in the case of an upward adjustment, \$15 million more than the PILOT in the previous year, whichever is greater;

If the amount of the GGR in the preceding calendar year is between \$3.0 billion and \$3.4 billion, the base amount shall be \$150 million, or in the case of an upward adjustment, \$20 million more than the PILOT in the previous year, whichever is greater;

If the amount of the GGR in the preceding calendar year is between \$2.6 billion and \$3.0 billion, the base amount shall be \$130 million, or in the case of an upward adjustment, \$10 million more than the PILOT in the previous year, whichever is greater;

If the amount of the GGR in the preceding calendar year is between \$2.2 billion and \$2.6 billion, the base amount shall be \$120 million, or in the case of an upward adjustment, \$10 million more than the PILOT in the previous year, whichever is greater;

If the amount of the GGR in the preceding calendar year is between \$1.8 billion and \$2.2 billion and the aggregate gross revenues from all of the casino gaming properties located in Atlantic City from all revenue streams, excluding GGR, have not increased compared to the prior calendar year by more than the amount by which GGR is less than \$2.2 billion, as determined by the division, the base amount shall be \$110 million, or in the case of an upward adjustment, \$20 million more than the PILOT in the previous year, whichever is greater;

If the amount of the GGR in the preceding calendar year is \$1.8 billion or less and the aggregate gross revenue from all of the casino gaming properties located in Atlantic City from all revenue streams, excluding GGR have not increased compared to the prior calendar year by more than the amount by which GGR is less than \$1.8 billion as determined by the division, the base amount shall be \$90 million.

(4) The amount of the payment in lieu of property taxes owed pursuant to this subsection shall be calculated annually each calendar year for each casino gaming property using a formula implemented by the Local Finance Board, in consultation with the division, using the following criteria:

The geographic footprint of the real property, expressed in acres, owned by each casino gaming property;

The number of hotel guest rooms in each casino gaming property; and

The gross gaming revenue of the casino in each casino gaming property from the prior calendar year.

Each of these three criteria shall bear equal weight in the formula implemented by the Local Finance Board, in consultation with the division, pursuant to this paragraph, provided that during calendar years 2017, 2018, 2019, 2020, and 2021, if the formula results in any individual casino gaming property being allocated an amount that is in excess of the total real property taxes due and payable by the casino gaming property in calendar year 2015, then that casino gaming property shall receive a credit against the obligation of the operator of that property under paragraph (2) of subsection a. of section 3 of P.L.1984, c.218 (C.5:12-144.1) in the amount of such excess. If, after that credit against the obligation of the operator of that property under paragraph (2) of subsection a. of section 3 of P.L.1984, c.218 (C.5:12-144.1), that casino gaming property would still be liable for a payment in lieu of property taxes in excess of the total real property taxes due and paya-

ble by the casino gaming property in calendar year 2015, the casino gaming property shall not be required to make any additional payment in lieu of property tax payment. Instead, any additional amount that would have been owed by that casino gaming property shall be added, by proportional share, to the payment in lieu of property taxes to be paid by every other casino gaming property in order to provide Atlantic City the total amount of the payment in lieu of property taxes due and owing for that calendar year.

d. When a new casino gaming property is added or when an existing casino gaming property no longer qualifies as a casino gaming property as defined in subsection a. of this section, Atlantic City's financial agreement with each owner of each casino gaming property shall be amended to reflect the change and the allocation of the payment in lieu of property taxes between the casino gaming properties.

e. The provisions of R.S.54:5-6 shall apply to any amount required to be paid under this section, and the municipality shall have the same rights against any casino gaming property for such unpaid amounts relating to that property as if such amounts were unpaid property taxes.

C.52:27BBBB-21 Additional payments required.

4. a. In addition to the amounts required to be remitted under section 3 of P.L.2016, c.5 (C.52:27BBBB-20), the owner of each casino gaming property shall make a separate payment to the State for calendar years 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023, where the aggregate amount of these payments paid by the casino gaming properties shall equal the following: (1) \$30,000,000 for calendar year 2015; (2) \$30,000,000 for calendar year 2016; (3) \$15,000,000 for calendar year 2017; (4) \$10,000,000 for calendar year 2018; (5) \$5,000,000 for calendar year 2019; (6) \$5,000,000 for calendar year 2020; (7) \$5,000,000 for calendar year 2021; (8) \$5,000,000 for calendar year 2022; and (9) \$5,000,000 for calendar year 2023.

b. The Local Finance Board, in consultation with the division, shall determine the amount owed for each casino gaming property based on the proportion of gross gaming revenue of the casino in casino gaming property in the prior year. The owner of each casino gaming property where a casino is operated during the year in which the payments required by this section are due shall remit its payment to the State. The Local Finance Board shall provide the owner of each casino gaming property required to make a payment under this section with written notice of the amount of the payment for each casino gaming property, and instructions for how each payment shall be made. Each owner of a casino gaming property required to

make a payment under this section shall remit its payment within five business days of receipt of the written notice from the Local Finance Board.

c. The funds comprised of the payments collected under this section shall be remitted from the State to Atlantic City, which, for purposes of preparing annual budgets pursuant to the “Local Budget Law,” N.J.S.40A:4-1 et seq., must be applied to the Atlantic City budget for the calendar year for which funds are provided as identified in subsection a. of this section and to no other Atlantic City calendar year budget.

C.52:27BBBB-22 Remitted portion of payment to county and school district.

5. Annually, a portion of the payment in lieu of property tax moneys collected pursuant to section 3 of P.L.2016, c.5 (C.52:27BBBB-20) shall be remitted to the county and the school district for their own purposes. These moneys shall be remitted to the county and to the school district in the same manner as property taxes are paid to counties and school districts pursuant to R.S.54:4-74, R.S.54:4-75, and R.S.54:4-76, except that the Local Finance Board may, in its discretion, apportion a specific percentage of the payment in lieu of property tax moneys to be remitted to the county.

C.52:27BBBB-23 Atlantic City Review Commission.

6. a. On January 1, 2025, there shall be established the Atlantic City Review Commission, to review and determine the efficacy of the payment in lieu of property tax program established by P.L.2016, c.5 (C.52:27BBBB-18 et al.). Specifically, the commission shall determine: the economic vitality and viability of Atlantic City’s casinos; the economic vitality and viability of Atlantic City’s government; the effect of the payment in lieu of property tax program on the economic viability of the casinos, and on Atlantic City’s ability to fund its own government and to provide services to the residents of Atlantic City; and the feasibility of continuing the payment in lieu of property tax program for an additional period of time.

b. The commission shall consist of seven members:

A member of the public, appointed by the Governor, who shall be the Chairperson of the Commission;

The Commissioner of Community Affairs, or the commissioner’s designee;

The Atlantic City Mayor or the mayor’s designee;

The Atlantic County Executive, or the county executive’s designee;

A representative of the casino industry, appointed by the Governor;

A representative of a casino employees’ union, appointed by the Governor upon the recommendation of the President of the Senate; and

A representative of the business community of Atlantic City, appointed by the Governor upon recommendation of the Speaker of the General Assembly. This member shall be a resident of Atlantic City and shall not be an executive or an employee of any of the casinos in Atlantic City. This member shall be appointed from, and shall represent on the commission, the interests of the non-gaming business interests in the city.

c. The commission shall issue its findings and recommendations in writing not later than July 1, 2025 to the Governor, the President of the Senate, and the Speaker of the General Assembly pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The commission shall expire on the 30th day next following the issuance of those findings and recommendations.

C.52:27BBBB-24 State to have first priority lien.

7. The State of New Jersey shall have a first priority lien on payments made under sections 3 and 4 of P.L.2016, c.5 (C.52:27BBBB-20 and C.52:27BBBB-21) to secure repayment of any amounts outstanding, including any accrued interest, at the time of the payment, including, without limitation, on any financial obligations of Atlantic City to the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, on any loans made to Atlantic City by the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, including without limitation loans made pursuant to the "Supplemental Municipal Property Tax Relief Act," P.L.1991, c.63 (C.52:27D-118.32 et seq.), or for any aid provided by the State of New Jersey, including any office, department, division, bureau, board, commission, or agency of the State, to Atlantic City requiring repayment. Atlantic City shall utilize amounts received under sections 3 and 4 of P.L.2016, c.5 (C.52:27BBBB-20 and C.52:27BBBB-21) to first repay the State of New Jersey for any such financial obligation, outstanding loan, or aid amounts. The first priority lien held by the State shall be superior and paramount to any and all prior or subsequent liens or levies by any creditors.

8. R.S.54:5-6 is amended to read as follows:

Unpaid taxes a continuous lien; penalties and costs.

54:5-6. Taxes on lands and payments in lieu of property taxes pursuant to section 3 of P.L.2016, c.5 (C.52:27BBBB-20) shall be a continuous lien on the land on which they are assessed and all subsequent taxes, or payments in lieu of property taxes pursuant to section 3 of P.L.2016, c.5 (C.52:27BBBB-20), as appropriate, interest, penalties and costs of collec-

tion which thereafter fall due or accrue shall be added to and be a part of such initial lien.

C.52:27BBBB-25 Allocation of certain moneys to Atlantic City.

9. Notwithstanding the provisions of section 3 of P.L.1984, c.218 (C.5:12-144.1) or any other law to the contrary, including subsection k. of section 5 of P.L.2011, c.18 (C.5:12-219), the moneys received after the effective date of P.L.2016, c.5 (C.52:27BBBB-18 et al.), by the State Treasurer derived from the payment of the investment alternative tax in the amount specified in paragraph (2) of subsection a. of section 3 of P.L.1984, c.218 (C.5:12-144.1) and the investment alternative tax in the amount as specified in section 17 of P.L.2013, c.27 (C.5:12-95.19), except for any amount thereof pledged for the payment of bonds issued by the Casino Reinvestment Development Authority or otherwise contractually obligated by the authority prior to the effective date of P.L.2016, c.5 (C.52:27BBBB-18 et al.), or any bonds issued to refund such bonds, shall be allocated to Atlantic City for the purposes of paying debt service on bonds issued by Atlantic City prior to and after the effective date of P.L.2016, c.5 (C.52:27BBBB-18 et al.). The provisions of this section shall expire on December 31, 2026.

C.52:27BBBB-26 Classification of certain moneys allocated.

10. Notwithstanding any law, rule, or regulation to the contrary, all moneys allocated pursuant to section 9 of P.L.2016, c.5 (C.52:27BBBB-25) shall be considered "funds appropriated as State aid and not otherwise dedicated to specific municipal programs" so payable to such municipality that are withheld or are required to be withheld by the State Treasurer under the "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.).

11. Section 1 of P.L.2011, c.18 (C.5:12-218) is amended to read as follows:

C.5:12-218 Definitions relative to the Atlantic City Tourism District.

1. As used in P.L.2011, c.18 (C.5:12-218 et al.):

"Atlantic City" or "city" means the City of Atlantic City, Atlantic County.

"Atlantic City convention center project" or "convention center project" means the project authorized by paragraph (9) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6).

"Atlantic City Tourism District" or "tourism district" means the district within Atlantic City established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Authority" means the Casino Reinvestment Development Authority established pursuant to section 5 of P.L.1984, c.218 (C.5:12-153).

"Convention center authority" means the Atlantic City Convention and Visitors Authority established pursuant to section 3 of P.L.1981, c.459 (C.52:27H-31).

"Convention Center Division" or "division" means the division created pursuant to paragraph (1) of subsection b. of section 12 of P.L.2011, c.18 (C.5:12-226) to exist within the authority as a division of the authority.

"Development and design guidelines" means the development and design guidelines for site plan applications, which guidelines are to be adopted by the authority pursuant to section 6 of P.L.2011, c.18 (C.5:12-220).

"District land use regulations" means the regulations, applicable within the tourism district, that are to be adopted by the authority pursuant to P.L.2011, c.18 (C.5:12-218 et al.).

"Gaming" means, in addition to any meaning otherwise provided by law, any legalized form of gambling in New Jersey including, but not limited to, casino gambling and horse racing.

"Nonconforming use" means a legal or pre-existing use or activity which fails to conform to the development and design guidelines or land use regulations adopted by the authority pursuant to P.L.2011, c.18 (C.5:12-218 et al.).

"Public safety improvements" means the development of infrastructure in the tourism district made for the purpose of increasing safety. Such improvements would include the development of appropriate security technology and the installation of increased lighting in outdoor areas, the installation of surveillance cameras, and the installation of emergency phones and lights throughout the tourism district for use by appropriate security and law enforcement personnel.

"Road and highway authority" means any State or local entity, including, but not limited to, Atlantic City or any agency thereof, Atlantic County or any agency thereof, the New Jersey Department of Transportation, and the South Jersey Transportation Authority established under section 4 of P.L.1991, c.252 (C.27:25A-4), or any other State or local entity having jurisdiction over (a) the roads and highways in the tourism district, (b) the roads and highways adjacent to the tourism district, (c) the land area in which the authority is an interested party pursuant to subsection c. of section 6 of P.L.2011, c.18 (C.5:12-220), or (d) the portion of the roads and highways in Atlantic City which provide direct access to the tourism district.

"Tourism district master plan" or "Master plan," or "plan," means the authority's comprehensive master plan for the redevelopment of the tourism district.

"Transfer Date" means, with respect to the assumption by the authority of the powers, duties, assets, and responsibilities of the convention center authority, the date on which (a) the chairs of the authority and the convention center authority certify to the Governor that all of the bonds issued by the convention center authority cease to be outstanding within the meaning of the resolutions pursuant to which the bonds were issued, and (b) the authority assumes all debts and statutory responsibilities of the convention center authority.

Repealer.

12. Sections 7 and 9 of P.L.2011, c.18 (C.5:12-221 and C.5:12-223) are repealed.

13. This act shall take effect immediately but shall remain inoperative unless and until Atlantic City is deemed a municipality in need of stabilization and recovery and the Commissioner of Community Affairs makes a determination regarding Atlantic City's recovery plan pursuant to subsections a. and c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), provided, however, that if this act becomes operative, sections 4, 11, and 12 shall be retroactive to January 1, 2015.

Approved May 27, 2016.

CHAPTER 6

AN ACT concerning certain animal species threatened with extinction, amending and supplementing P.L.1973, c.309, and amending R.S.23:4-27.

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

1. Section 2 of P.L.1973, c.309 (C.23:2A-2) is amended to read as follows:

C.23:2A-2 Legislative findings and declarations.

2. The Legislature hereby finds and declares the following:

- a. That it is the policy of this State to manage all forms of wildlife to insure their continued participation in the ecosystem;
- b. That species or subspecies of wildlife indigenous to the State which may be found to be endangered should be accorded special protection in order to maintain and to the extent possible enhance their numbers; and
- c. That the State should assist in the protection of species or subspecies of wildlife which are deemed to be endangered elsewhere by regulating the taking, possession, transportation, importation, exportation, processing, sale or offer for sale, or shipment within this State of species or subspecies of wildlife including those on any federal endangered species list.

2. Section 3 of P.L.1973, c.309 (C.23:2A-3) is amended to read as follows:

C.23:2A-3 Definitions.

3. For the purposes of P.L.1973, c.309 (C.23:2A-1 et seq.), unless the context clearly requires a different meaning:

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Department" means the Department of Environmental Protection;

"Endangered species" means any species or subspecies of wildlife whose prospects of survival or recruitment are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment of its habitat, or (2) its over-utilization for scientific, commercial or sporting purposes, or (3) the effect on it of disease, pollution, or predation, or (4) other natural or manmade factors affecting its prospects of survival or recruitment within the State, or (5) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of wildlife appearing on any federal endangered species list;

"Nongame species" means any wildlife for which a legal hunting or trapping season has not been established or which has not been classified as an endangered species by statute or regulation of this State;

"Take" means to harass, hunt, capture, kill, or attempt to harass, hunt, capture, or kill, wildlife;

"Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal or any part, product, egg or offspring or the dead body or parts thereof.

3. Section 4 of P.L.1973, c.309 (C.23:2A-4) is amended to read as follows:

C.23:2A-4 Investigations, list of endangered species.

4. a. The commissioner shall conduct investigations concerning wildlife indigenous to the State in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological data to determine management measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the commissioner shall develop management programs which shall be designed to insure the continued ability of wildlife to perpetuate themselves successfully.

b. On the basis of such investigations of wildlife and other available scientific and commercial data the commissioner may by rule or regulation promulgate a list of those species and subspecies of wildlife indigenous to the State which are determined to be endangered, giving their common and scientific names by species and subspecies. The commissioner shall periodically review the State list of endangered species and may by regulation amend the list making such additions or deletions as are deemed appropriate.

4. Section 5 of P.L.1973, c.309 (C.23:2A-5) is amended to read as follows:

C.23:2A-5 Rules, regulations; inspections; fees.

5. a. The commissioner shall have the power to formulate and promulgate, adopt, amend and repeal rules and regulations, limiting, controlling and prohibiting the taking, possession, transportation, importation, exportation, sale or offer for sale, or shipment of any nongame species or any wildlife on the State list of endangered species, and for the purposes of implementing section 6 of P.L.2016, c.6 (C.23:2A-6.1). Such rules and regulations shall be designed to promote the public health, safety and welfare and shall be adopted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The commissioner is authorized to conduct periodic inspections in order to determine compliance with the rules and regulations adopted pursuant to this section, and, to that end, is authorized to charge and collect fees in an amount sufficient to cover the costs of the inspections and services performed pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.). Such fees shall be devoted entirely and exclusively to carrying out the purposes and provisions of P.L.1973, c.309 (C.23:2A-1 et seq.). Inspection fees shall be

established in accordance with a fee schedule adopted by the department as a rule and regulation pursuant to the provisions of the "Administrative Procedure Act."

5. Section 6 of P.L.1973, c.309 (C.23:2A-6) is amended to read as follows:

C.23:2A-6 Prohibitions relative to certain species.

6. Except as otherwise provided in P.L.1973, c.309 (C.23:2A-1 et seq.) or the rules or regulations adopted thereunder, no person shall take, possess, transport, import, export, process, sell or offer for sale, or ship, and no common or contract carrier shall knowingly transport or receive for shipment, any species or subspecies of wildlife appearing on the following lists: (1) the list of wildlife determined to be endangered by the commissioner pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.); (2) the list of nongame species regulated pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.); and (3) any federal list of endangered species. Any species or subspecies of wildlife appearing on any of the foregoing lists which enters the State from another state or from a point outside the territorial limits of the United States and which is transported across the State destined for a point beyond the State may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

C.23:2A-6.1 Prohibitions relative to products, parts of certain species; exceptions; rules, regulations; definitions.

6. a. Notwithstanding the provisions of section 6 of P.L.1973, c.309 (C.23:2A-6) or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, no person shall possess, transport, import, export, process, sell or offer for sale, or ship, and no common or contract carrier shall knowingly transport or receive for shipment any part or product of: (1) any specified African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

b. The following exceptions and defenses shall apply to the prohibition in subsection a. of this section:

(1) the part or product was lawfully possessed within the State prior to the effective date of P.L.2016, c.6 (C.23:2A-6.1 et al.);

(2) the part or product is being used or displayed for scientific, zoological, or educational purposes;

(3) the part or product is conveyed directly to a devisee, heir, or beneficiary, provided that the part or product was lawfully possessed by the decedent prior to the effective date of this section; or

(4) the person lawfully possesses any ivory, ivory product, rhinoceros horn, or rhinoceros horn product in compliance with section 3 of P.L.2014, c.22 (C.23:2A-13.3).

c. The department may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section.

d. Nothing in this section shall be construed to preclude a person violating this section from also being liable for any applicable violation of P.L.2014, c.22 (C.23:2A-13.1 et seq.), R.S.23:4-27, or any other State law, rule, or regulation.

e. As used in this section:

"Beneficiary" has the same meaning as that term is defined in N.J.S.3B:1-1.

"Devisee" has the same meaning as that term is defined in N.J.S.3B:1-1.

"Heir" has the same meaning as that term is defined in N.J.S.3B:1-1.

"Specified African species" means the following species of wildlife: (1) African elephant (*Loxodonta Africana*); (2) African leopard (*Panthera pardus*); (3) African lion (*Panthera leo*); (4) black rhinoceros (*Diceros bicornis*); and (5) white rhinoceros (*Ceratotherium simum*).

C.23:2A-6.2 Activities permitted pursuant to conduct of biomedical research.

7. Notwithstanding the provisions of section 6 of P.L.1973, c.309 (C.23:2A-6), section 6 of P.L.2016, c.6 (C.23:2A-6.1), or any other State law, or any rule or regulation adopted pursuant thereto, to the contrary, unless such activity is otherwise prohibited by federal law, a person may possess, transport, import, export, process, sell or offer for sale, or ship wildlife, or part or product thereof: (1) for purposes related to the conduct of biomedical research at a facility licensed by the United States Department of Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting biomedical research in compliance with the "Public Health Service Policy on Humane Care and Use of Laboratory Animals" issued by the United States National Institutes of Health; (2) in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state, if the wildlife, or part or product thereof, enters the State from another state or from a point outside the

territorial limits of the United States, and is transported across the State destined for a point beyond the State; or (3) in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law, if the person is an employee or agent of the federal government, the State government, or a bi-state authority.

8. Section 7 of P.L.1973, c.309 (C.23:2A-7) is amended to read as follows:

C.23:2A-7 Programs for conservation and management of nongame and endangered species of wildlife.

7. a. The commissioner shall establish such programs, including acquisition of land or aquatic habitats, as are deemed necessary for the conservation and management of nongame and endangered species of wildlife.

b. In carrying out programs authorized by P.L.1973, c.309 (C.23:2A-1 et seq.), the commissioner may enter into agreements with federal agencies, with political subdivisions of the State, or with private persons for administration and management of any area established under this section or utilized for management of nongame or endangered species of wildlife.

c. With the approval of the Governor, the commissioner may cooperate with and receive money from the federal government, any county or municipal government, or private sources for the purposes of P.L.1973, c.309 (C.23:2A-1 et seq.). The commissioner may establish a separate fund from these contributions for the support of nongame and endangered species programs and for the purposes of P.L.1973, c.309 (C.23:2A-1 et seq.).

d. The commissioner may authorize, under such terms and conditions as may be prescribed by rule or regulation, the taking, possession, transportation, importation, exportation, sale or offer for sale, or shipment of nongame species and wildlife which appear on the State list of endangered species for scientific, zoological, or educational purposes, for propagation in captivity of such wildlife, or for other special purposes.

e. The commissioner shall appoint a committee of experts to advise and assist the commissioner in carrying out the intent of P.L.1973, c.309 (C.23:2A-1 et seq.). These experts shall include persons actively involved in the conservation of wildlife.

9. R.S.23:4-27 is amended to read as follows:

Unlawful sale, purchase of wildlife; penalties.

23:4-27. a. No person shall sell or purchase wildlife, except as authorized pursuant to this section or any other law or as may be authorized by rule or regulation adopted by the division pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The provisions of subsection a. of this section shall not apply to the sale or purchase of wildlife authorized or regulated by chapter 2A or 2B of this title, R.S.23:3-28 through R.S.23:3-39, section 4 of P.L.1970, c.247 (C.23:3-65), R.S.23:4-50, R.S.23:5-2, or Title 50 of the Revised Statutes, or any rule or regulation adopted pursuant thereto, provided that the wildlife was taken and possessed in a lawful manner.

c. Unless prohibited or restricted by rule or regulation adopted by the division, the raw or processed hide of the white-tailed deer (*Odocoileus virginianus*), the tail of the white-tailed deer, the portion of the front leg of a white-tailed deer limited to the carpal, metacarpal, and phalange bones, or the portion of the hind leg of a white-tailed deer limited to the tarsus, metatarsus, and phalange bones may be sold or purchased, provided that those parts or products are from a white-tailed deer that was taken and possessed in a lawful manner.

d. Notwithstanding the provisions of subsection a. of this section to the contrary:

(1) the dead body or any part or product thereof of the following wildlife may be sold or purchased, provided that the wildlife was taken and possessed in a lawful manner:

Virginia Opossum	<i>Didelphis virginiana</i>
Beaver	<i>Castor canadensis</i>
Muskrat	<i>Ondatra zibethicus</i>
Nutria	<i>Myocaster coypus</i>
Coyote	<i>Canis latrans</i>
Red Fox	<i>Vulpes vulpes</i>
Gray Fox	<i>Urocyon cinereoargenteus</i>
Raccoon	<i>Procyon lotor</i>
Long Tail Weasel	<i>Mustela frenata</i>
Short Tail Weasel	<i>Mustela erminea</i>
Mink	<i>Mustela vison</i>
Striped Skunk	<i>Mephitis mephitis</i>
River Otter	<i>Lutra canadensis</i>

(2) wildlife not native to this State that originated from a state or other jurisdiction where it is legal to sell or purchase that wildlife and the wildlife was sold or purchased in accordance with the laws of that state or other ju-

risdiction, may be sold or purchased in this State unless prohibited by federal law, rule, or regulation, "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et seq.), or any other State law, rule, or regulation; provided that the wildlife is labeled with the state or other jurisdiction of origin, the name and address of the exporter, and all applicable permit numbers until the expected final retail transaction has been made.

e. The division shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section and to otherwise provide for the control and regulation of the sale and purchase of wildlife, including but not limited to wildlife not specifically listed in this section.

f. In addition to any penalties that may be prescribed by any other applicable law:

(1) a person who violates this section shall be:

(a) subject to a civil penalty of not less than \$200 and not more than \$1,000 for the first offense, and not less than \$500 and not more than \$3,000 for each subsequent offense. If the violation involves the sale or purchase of a black bear (*Ursus americanus*), turkey (*Meleagris gallapavo*), white-tailed deer (*Odocoileus virginianus*), bobcat (*Felis rufus*), or illegally taken river otter (*Lutra canadensis*), the civil penalty shall be not less than \$1,000 and not more than \$2,000 for the first offense, and not less than \$1,500 and not more than \$3,000 for each subsequent offense; and

(b) assessed the replacement value of the animal, as prescribed by section 10 of P.L.1990, c.29 (C.23:3-22.2); and

(2) a person who purposely violates this section when the total value of the sale or purchase is:

(a) less than \$200 shall be guilty of a disorderly persons offense;

(b) \$200 or more, but less than \$500, shall be guilty of a crime of the fourth degree;

(c) \$500 or more shall be guilty of a crime of the third degree.

g. For the purposes of this section, "sell or purchase" means to sell or offer for sale, possess for sale, purchase or agree to purchase, receive compensation, barter or offer to barter, trade or offer to trade, or transfer or offer to transfer, or conspire for any of those purposes.

10. This act shall take effect immediately.

Approved June 1, 2016.

CHAPTER 7

AN ACT concerning the possession and transport of the parts and products of certain animals at certain airports and port facilities and supplementing Title 32 of the Revised Statutes.

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

C.32:1-177 Definitions relative to possession, transport of parts, products of certain animals at certain airports, port facilities; exceptions; rules, regulations.

1. a. As used in P.L.2016, c.7 (C.32:1-177 et seq.):

"Priority species" means: (1) any specified African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

"Specified African species" means the African elephant, *Loxodonta africana*; African leopard, *Panthera pardus*; African lion, *Panthera leo*; black rhinoceros, *Diceros bicornis*; and white rhinoceros, *Ceratotherium simum*.

b. Notwithstanding the provisions of any other law to the contrary, the parts or products of priority species shall not be imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by any individual, firm, corporation, association, or partnership at any airport or port facility owned or operated by the Port Authority of New York and New Jersey.

c. Any Port Authority agent or Port Authority police officer shall have authority to enforce the prohibition in subsection b. of this section and, where necessary, to apply for and execute any warrant to search for and seize any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section.

d. The following exceptions and defenses shall apply to the prohibition in subsection b. of this section:

(1) the part or product was lawfully located or possessed within the State of New Jersey or the State of New York prior to the effective date of P.L.2016, c.7 (C.32:1-177 et seq.);

(2) the part or product is to be made part of a temporary or permanent collection at a museum or zoo, or similar educational or research facility;

(3) the part or product is to be used for purposes related to the conduct of biomedical research at a facility licensed by the United States Department of Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting biomedical research in compliance with the "Public Health Service Policy on Humane Care and Use of Laboratory Animals" issued by the United States National Institutes of Health;

(4) the part or product is imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by an employee or agent of the federal government, the State government, or a bi-state agency, in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law; or

(5) the part or product entered the State of New Jersey or the State of New York from a point outside either state, including a point outside the territorial limits of the United States, was intended for transport across the State of New Jersey or the State of New York, but was destined for a point beyond the State of New Jersey or the State of New York, and the part or product conforms with the terms of any federal permit or permit issued under the laws or regulations of a state other than the State of New Jersey or the State of New York.

e. The Department of Environmental Protection may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section.

f. (1) Any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section shall be held pending criminal proceedings in any court of proper jurisdiction.

(2) A person who violates subsection b. of this section shall be guilty of a crime of the fourth degree.

(3) Upon conviction, or upon the entry of a judgment restraining a person from any activity that is or would be in violation of subsection b. of this section, any seized property shall be forfeited, and upon forfeiture, disposed of in a manner consistent with the best interest of the public as determined by the court.

(4) Any penalty imposed pursuant to this section shall be in addition to any applicable penalty that may be imposed for a violation of "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et seq.), R.S.23:4-27, and any other applicable law.

C.32:1-178 Effective date.

2. This act shall take effect upon the enactment by the State of New York of legislation having an identical effect, but if such legislation has already been enacted by the State of New York then this act shall take effect immediately.

Approved June 1, 2016.

CHAPTER 8

AN ACT amending and supplementing the Fiscal Year 2016 annual appropriations act, P.L.2015, c.63.

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

1. In addition to the amounts appropriated under P.L.2015, c.63, the annual appropriations act for fiscal year 2016, there are appropriated out of the General Fund the following sums for the purposes specified:

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

STATE AID

02-5120	Nonpublic School Aid	<u>\$500,000</u>
	Total State Aid Appropriation, Direct Educational	
	Services and Assistance	<u>\$500,000</u>

State Aid:

02	Nonpublic Security Aid	(\$500,000)
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Department of Education, Total State Appropriation.....	<u>\$500,000</u>
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46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

22 Health Planning and Evaluation

GRANTS-IN-AID

07-4270	Health Care Systems Analysis	\$11,076,000
	Total Grants-in-Aid Appropriation,	
	Health Planning and Evaluation	\$11,076,000

Grants-in-Aid:

07	Health Care Subsidy Fund Payments	(\$11,076,000)
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Department of Health, Total State Appropriation	<u>\$11,076,000</u>
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Total Appropriation, General Fund..... \$11,576,000

Total Appropriation, All State Funds..... \$11,576,000

2. The following language provisions in section 1 of P.L.2015, c.63, the annual appropriations act for fiscal year 2016, are amended to read as follows:

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

From the amount hereinabove appropriated for Nonpublic Security Aid the Commissioner of Education shall provide State aid to each school district in an amount equal to \$25 multiplied by the number of nonpublic school students within the district identified by the district on or before November 5 for security services, equipment, or technology to ensure safe and secure school environment for nonpublic school students. Provided further that \$2,500,000 shall be transferred to the Office of the Secretary of Higher Education and shall be allocated to the institution of higher education determined by the Secretary to be most in need of security enhancements in order to protect the safety of students and faculty.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

22 Health Planning and Evaluation

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Spinal Cord Research Fund such amounts as necessary to support the award of grants for research on the treatment of spinal cord injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting except that an amount not to exceed \$3,500,000 from the unexpended balance in the fund may be transferred to the General Fund as State revenue, subject to the approval of the director.

3. The following language provision is added to section 1 of P.L.2015, c.63, the annual appropriations act for fiscal year 2016:

82 DEPARTMENT OF TREASURY

70 Government Direction, Management, and Control

74 General Government Services

Notwithstanding the provisions of section 22 of P.L.2010, c.104 (C.48:23-29) or any other law or regulation to the contrary, \$9,000,000 received by the New Jersey Public Broadcasting Authority from T-Mobile USA, Inc. pursuant to the Concurrent Operations and Interference Avoidance Agreement and deposited into the Trust Fund for the Support of Public Broadcasting is appropriated from the trust fund for deposit into the General Fund as State revenue.

4. This act shall take effect immediately.

Approved June 30, 2016.

CHAPTER 9

AN ACT revising the priority schedule for the issuance of converted tax credits under the Business Employment Incentive Program, amending P.L.1996, c.26.

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

1. Section 6 of P.L.1996, c.26 (C.34:1B-129) is amended to read as follows:

C.34:1B-129 Employment incentive grant criteria; tax credit transfer certificate.

6. a. The amount of the employment incentive awarded as a grant by the authority shall either be awarded in cash or as a tax credit. In each case, the amount of the grant shall be not less than 10 percent and not more than 50 percent of the withholdings of the business, or not less than 10 percent and not more than 30 percent of the estimated tax of the partners of an eligible partnership whether paid directly by the partner or by the eligible partnership on behalf of the partner's account, or any combination thereof, and shall be subject to the provisions of sections 10 and 11 of P.L.1996, c.26 (C.34:1B-133 and C.34:1B-134). In no case shall the aggregate amount of the employment incentive grant awarded pursuant to a business employment incentive agreement entered into on or after July 1, 2003 exceed an average of \$50,000 for all new employees over the term of the grant. The employment incentive shall be based on criteria developed by the authority after considering the following:

- (1) The number of eligible positions to be created;
- (2) The expected duration of those positions;
- (3) The type of contribution the business can make to the long-term growth of the State's economy;
- (4) The amount of other financial assistance the business will receive from the State for the project;
- (5) The total dollar investment the business is making in the project;
- (6) Whether the business is a designated industry;
- (7) Impact of the business on State tax revenues; and

(8) Such other related factors determined by the authority.

b. A business may be eligible to be awarded a grant, either in cash or in tax credits, of up to 80 percent of the withholdings of the business or up to 50 percent of the estimated tax of the partners of an eligible partnership if the grant promotes smart growth and the goals, strategies, and policies of the State Development and Redevelopment Plan, established pursuant to section 5 of P.L.1985, c.398 (C.52:18A-200), as determined by and based upon criteria promulgated by the authority following consultation with the Office of State Planning in the Department of State.

c. The term of the grant shall not exceed 10 years.

d. At the discretion of the authority, the grant may apply to new employees or partners in eligible positions created during the base years, and during the remainder of the term of the grant.

e. Within 180 days of the date of enactment of P.L.2015, c.194 (C.34:1B-137.1 et al.), a business that was approved for a grant prior to the enactment of P.L.2015, c.194 (C.34:1B-137.1 et al.), may direct the authority to convert the grant to a tax credit against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The direction to convert the grant to a tax credit shall be irrevocable. An approved tax credit shall be issued in the manner and for the amounts as follows and may only be applied in the tax period for which they are issued and shall not be carried forward:

(1) For grants accrued but not paid during calendar years 2008 through 2013, the tax credit shall be equal to an approved amount and shall be issued in five installments over a five-year period beginning in the 2017 tax accounting or privilege period of the business or tax credit transferee in the following percentages: in year one, five percent of the accrued amount; in year two, 20 percent of the accrued amount; in year three, 25 percent of the accrued amount; in year four, 25 percent of the accrued amount; in year five, 25 percent of the accrued amount. To the extent any amount in this paragraph has not been approved by the authority by the commencement of State fiscal year 2017, the aggregate tax credit that would have been issued in State fiscal year 2017 shall be issued in the year the amount is approved and the five-year period shall commence in that fiscal year;

(2) For a grant accrued but not paid during calendar year 2014, the tax credit shall be equal to any approved amount and shall be issued in four equal installments over a four-year period beginning in the 2019 tax accounting or privilege period of the business or tax credit transferee;

(3) For a grant accrued but not paid during calendar year 2015, the tax credit shall be equal to any approved amount and shall be issued in four equal installments over a four-year period beginning in the 2019 tax accounting or privilege period of the business or tax credit transferee;

(4) For a grant accrued but not paid during calendar year 2016, the tax credit shall be equal to any approved amount and shall be issued in three equal installments over a three-year period beginning in the 2020 tax accounting or privilege period of the business or tax credit transferee;

(5) For a grant accrued but not paid during calendar year 2017, the tax credit shall be equal to any approved amount and shall be issued in three equal installments over a three-year period beginning in the 2020 tax accounting or privilege period of the business or tax credit transferee;

(6) For a grant accrued but not paid during calendar year 2018, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2022 tax accounting or privilege period of the business or tax credit transferee;

(7) For a grant accrued but not paid during calendar year 2019, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2022 tax accounting or privilege period of the business or tax credit transferee;

(8) For a grant accrued but not paid during calendar year 2020, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee;

(9) For a grant accrued but not paid during calendar year 2021, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee;

(10) For a grant accrued but not paid during calendar year 2022, the tax credit shall be equal to any approved amount and shall be paid in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee;

(11) For a grant accrued but not paid during calendar year 2023, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee;

(12) For a grant accrued but not paid during calendar year 2024, the tax credit shall be equal to any approved amount and shall be issued in the 2025 tax accounting or privilege period of the business or tax credit transferee; and

(13) For a grant accrued but not paid during calendar year 2025, the tax credit shall be equal to any approved amount and shall be issued in the 2025 tax accounting or privilege period of the business or tax credit transferee.

f. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5, prior to all other credits and payments. If the credit exceeds the amount of tax liability otherwise due from a business that pays taxes under section 5 of P.L.1945, c.162 (C.54:10A-5), that amount of excess shall be an overpayment for the purposes of R.S.54:49-15, provided, however, that section 7 of P.L.1992, c.175 (C.54:49-15.1) shall not apply.

g. A business that does not pay taxes under section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5 may apply to the executive director of the authority for a tax credit transfer certificate, covering one or more years. The tax credit transfer certificate, upon receipt thereof by the business from the executive director of the authority, may be sold or assigned, in full or in part, in an amount not less than \$100,000, or the amount of the refundable tax credit issued if less than \$100,000, of tax credits to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The tax credit transfer certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount before considering any further discounting to present value which shall be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same privileges, limitations, and conditions that apply to the use of the credit by the business that originally applied for and was allowed the tax credit, including treating the amount of excess as an overpayment under subsection f. of this section. The tax credit transferee may not transfer its tax credit to any other party.

2. This act shall take effect immediately; provided, however, that section 1 shall apply retroactively to January 11, 2016.

Approved June 30, 2016.

CHAPTER 10

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2017 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2016-2017**

GENERAL FUND

Undesignated Fund Balance, July 1, 2016..... \$550,704,000

Major Taxes

Sales	\$9,761,620,000
<i>Less: Sales Tax Dedication.....</i>	<i>(729,000,000)</i>
Corporation Business.....	2,492,973,000
Transfer Inheritance.....	848,496,000
Insurance Premium.....	688,716,000
Motor Fuels	540,000,000
Motor Vehicle Fees	515,585,000
Realty Transfer	330,366,000
Petroleum Products Gross Receipts.....	218,064,000
Corporation Banks and Financial Institutions.....	150,000,000
Cigarette	149,040,000
Alcoholic Beverage Excise.....	110,827,000
Tobacco Products Wholesale Sales	22,396,000
Public Utility Excise (Reform)	<u>15,570,000</u>
Total - Major Taxes	<u>\$15,114,653,000</u>

Miscellaneous Taxes, Fees, and Revenues

Executive Branch

Department of Agriculture:

Fertilizer Inspection Fees	366,000
Miscellaneous Revenue	<u>2,000</u>
Subtotal, Department of Agriculture	<u>368,000</u>

Department of Banking and Insurance:

Actuarial Services.....	29,000
Banking – Assessments	14,708,000
Banking - Licenses and Other Fees	1,900,000
Fraud Fines.....	1,300,000
HMO Covered Lives	275,000
Insurance - Examination Billings	1,000,000

Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

Insurance - Licenses and Other Fees	49,961,000
Insurance - Special Purpose Assessment	42,022,000
Insurance Fraud Prevention	31,639,000
Real Estate Commission	<u>11,000,000</u>
Subtotal, Department of Banking and Insurance.....	<u>\$153,834,000</u>
Department of Children and Families:	
Child Care Licensing	\$320,000
Contract Recoveries.....	14,500,000
Divorce Filing Fees	1,300,000
Marriage License/Civil Union Fees.....	<u>1,150,000</u>
Subtotal, Department of Children and Families.....	<u>\$17,270,000</u>
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -	
Fair Housing.....	\$41,247,000
Construction Fees	16,752,000
Fire Safety	17,343,000
Housing Inspection Fees.....	10,654,000
Planned Real Estate Development Fees.....	<u>750,000</u>
Subtotal, Department of Community Affairs	<u>\$86,746,000</u>
Department of Education:	
Audit Recoveries	\$150,000
Audit of Enrollments	1,300,000
Nonpublic Schools Handicapped and Auxiliary Recoveries	4,500,000
Nonpublic Schools Textbook Recoveries.....	1,000,000
School Construction Inspection Fees.....	500,000
State Board of Examiners	<u>4,264,000</u>
Subtotal, Department of Education	<u>\$11,714,000</u>
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources	\$9,000,000
Air Pollution Fees - Title V Operating Permits	4,500,000
Air Pollution Fines.....	1,000,000
Clean Water Enforcement Act.....	1,400,000
Coastal Area Facility Review Act	1,860,000
Endangered Species Tax Check-Off.....	158,000
Environmental Infrastructure Financing Program	
Administrative Fee.....	5,000,000
Excess Diversion	170,000
Freshwater Wetlands Fees.....	3,100,000
Freshwater Wetlands Fines.....	250,000
Hazardous Waste Fees	4,275,000
Hazardous Waste Fines	450,000
Hunters' and Anglers' Licenses.....	11,983,000
Industrial Site Recovery Act.....	30,000

Laboratory Certification Fees.....	2,500,000
Laboratory Certification Fines.....	30,000
Marina Rentals	885,000
Marine Lands - Preparation and Filing Fees.....	145,000
Medical Waste	5,000,000
New Jersey Pollutant Discharge Elimination System /	
Stormwater Permits.....	16,700,000
Parks Management Fees and Permits	4,300,000
Parks Management Fines.....	50,000
Pesticide Control Fees	4,400,000
Pesticide Control Fines.....	25,000
Radiation Protection Fees.....	5,000,000
Radiation Protection Fines	110,000
Radon Testers Certification.....	235,000
Solid Waste - Utility Regulation Assessments	3,100,000
Solid Waste Fines	1,000,000
Solid Waste Management Fees.....	10,510,000
Solid and Hazardous Waste Disclosure.....	202,000
Stream Encroachment.....	3,800,000
Toxic Catastrophe Prevention Fees	1,540,000
Toxic Catastrophe Prevention Fines.....	100,000
Treatment Works Approval.....	1,300,000
Underground Storage Tanks Fees.....	600,000
Water Allocation	2,425,000
Water Supply Management Regulations	1,215,000
Water/Wastewater Operators Licenses.....	210,000
Waterfront Development Fees.....	3,255,000
Waterfront Development Fines	20,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands.....	120,000
Worker Community Right to Know - Fines	<u>5,000</u>
Subtotal, Department of Environmental Protection	<u>\$113,058,000</u>
Department of Health:	
Admission Charge Hospital Assessment.....	\$6,000,000
Federal Funds - Graduate Medical Education	126,000,000
Health Care Reform.....	1,200,000
Licenses, Fines, Permits, Penalties and Fees	2,540,000
Miscellaneous Revenue.....	<u>150,000</u>
Subtotal, Department of Health	<u>\$135,890,000</u>
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment	\$7,972,000
Medicaid Uncompensated Care - Acute.....	157,487,000
Medicaid Uncompensated Care - Mental Health.....	35,713,000
Medicaid Uncompensated Care - Psychiatric.....	178,685,000

Miscellaneous Revenue	3,746,000
Patients' and Residents' Cost Recovery - Developmental	
Disabilities	14,767,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals	81,222,000
School Based Medicaid	<u>74,963,000</u>
Subtotal, Department of Human Services	<u>\$554,555,000</u>
Department of Labor and Workforce Development:	
Miscellaneous Revenue	\$145,000
Special Compensation Fund	1,933,000
Workers' Compensation Assessment	13,617,000
Workplace Standards – Licenses, Permits and Fines.....	<u>4,358,000</u>
Subtotal, Department of Labor and Workforce Development	<u>\$20,053,000</u>
Department of Law and Public Safety:	
Beverage Licenses	\$4,199,000
Charities Registration Section	556,000
Consumer Affairs	830,000
Controlled Dangerous Substances	100,000
Elevator, Escalator and Moving Walkway Mechanics	
Licensing Board.....	2,000
Forfeiture Funds	250,000
Legalized Games of Chance Control.....	1,200,000
Miscellaneous Revenue	20,000
New Jersey Cemetery Board	4,000
Private Employment Agencies	258,000
Recreational Boating	2,100,000
Securities Enforcement.....	13,394,000
Settlements	140,000,000
State Board of Architects.....	238,000
State Board of Audiology and Speech-Language Pathology	
Advisory.....	25,000
State Board of Certified Public Accountants	35,000
State Board of Chiropractors	14,000
State Board of Cosmetology and Hairstyling	1,960,000
State Board of Court Reporting	18,000
State Board of Dentistry	126,000
State Board of Electrical Contractors	140,000
State Board of HVAC Contractors	70,000
State Board of Marriage Counselor Examiners	595,000
State Board of Massage and Bodyworks	333,000
State Board of Master Plumbers	307,000
State Board of Medical Examiners	6,215,000
State Board of Mortuary Science.....	144,000
State Board of Nursing	3,217,000

State Board of Occupational Therapists and Assistants	18,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	13,000
State Board of Optometrists	298,000
State Board of Orthotics and Prosthetics	31,000
State Board of Pharmacy	1,505,000
State Board of Physical Therapy	23,000
State Board of Polysomnography	70,000
State Board of Professional Engineers and Land Surveyors	228,000
State Board of Professional Planners.....	2,000
State Board of Psychological Examiners.....	357,000
State Board of Real Estate Appraisers.....	27,000
State Board of Respiratory Care	11,000
State Board of Social Workers	805,000
State Board of Veterinary Medical Examiners	210,000
State Police – Fingerprint Fees	3,694,000
State Police – Other Licenses	300,000
State Police – Private Detective Licenses.....	185,000
Victims of Violent Crime Compensation	3,372,000
Weights and Measures - General.....	<u>2,612,000</u>
Subtotal, Department of Law and Public Safety	<u>\$190,111,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes	<u>\$51,000,000</u>
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$51,000,000</u>
Department of Transportation:	
Air Safety Fund	\$965,000
Applications and Highway Permits	2,000,000
Autonomous Transportation Authorities	24,500,000
Drunk Driving Fines.....	400,000
Federal Debt Service Offset Revenue.....	38,000,000
Good Driver.....	81,300,000
Logo Sign Program Fees	300,000
Maritime Program Receipts.....	2,000,000
Miscellaneous Revenue	40,000
Outdoor Advertising.....	<u>740,000</u>
Subtotal, Department of Transportation.....	<u>\$150,245,000</u>
Department of the Treasury:	
Assessment on Real Property Greater Than \$1 Million	\$124,512,000
Assessments - Cable TV.....	5,121,000
Assessments - Public Utility.....	30,975,000
CATV Universal Access	9,790,000
Commercial Recording – Expedited.....	1,150,000
Commissions (Notary).....	1,100,000
Domestic Security	37,100,000

Dormitory Safety Trust Fund - Debt Service Recovery	362,000
Equipment Leasing Fund - Debt Service Recovery	4,141,000
General Revenue - Fees (Commercial Recording and UCC)	62,800,000
Higher Education Capital Improvement Fund - Debt Service Recovery	21,128,000
Hotel/Motel Occupancy Tax.....	105,452,000
Miscellaneous Revenue	1,500,000
NJ Economic Development Authority.....	17,000,000
NJ Public Broadcasting Authority	5,350,000
NJ Public Records Preservation.....	28,000,000
Nuclear Emergency Response Assessment	4,477,000
Office of Dispute Settlement Mediation.....	50,000
Public Defender Client Receipts.....	3,750,000
Public Utility Fines.....	1,050,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer).....	120,000,000
Railroad Tax - Class II.....	4,635,000
Railroad Tax - Franchise	7,200,000
Rate Counsel.....	8,316,000
Surplus Property	1,500,000
Tax Referral Cost Recovery Fee.....	10,000,000
Telephone Assessment	122,100,000
Tire Clean-Up Surcharge.....	9,800,000
Subtotal, Department of the Treasury	<u>\$748,359,000</u>
Other Sources:	
Miscellaneous Revenue	<u>\$10,200,000</u>
Subtotal, Other Sources	<u>\$10,200,000</u>
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds - Recoveries.....	\$2,810,000
Employee Maintenance Deductions	300,000
Federal Fringe Benefit Recoveries from School Districts	51,000,000
Fringe Benefit Recoveries from Colleges and Universities / University Hospital	242,063,000
Fringe Benefit Recoveries from Federal and Other Funds	356,304,000
Indirect Cost Recoveries - DEP Other Funds	11,500,000
MTF Revenue Fund.....	15,700,000
Rent of State Building Space.....	3,470,000
Social Security Recoveries from Federal and Other Funds	<u>62,784,000</u>
Subtotal, Interdepartmental Accounts.....	<u>\$745,931,000</u>
Judicial Branch	
The Judiciary:	
Court Fees.....	<u>\$51,000,000</u>

Subtotal, The Judiciary	<u>\$51,000,000</u>
Total - Miscellaneous Taxes, Fees, and Revenues.....	<u>\$3,040,334,000</u>

Interfund Transfers

Beaches and Harbor Fund.....	\$2,000
Building Our Future Fund	216,000
Dam, Lake, Stream and Flood Control Project Fund - 2003	10,000
Developmental Disabilities Waiting List Reduction Fund	1,000
Enterprise Zone Assistance Fund	78,557,000
Fund for the Support of Free Public Schools.....	5,091,000
Garden State Farmland Preservation Trust Fund.....	2,067,000
Garden State Green Acres Preservation Trust Fund	5,681,000
Garden State Historic Preservation Trust Fund	84,000
Hazardous Discharge Site Cleanup Fund	18,951,000
Housing Assistance Fund	7,000
Judiciary Bail Fund.....	33,000
Judiciary Probation Fund.....	9,000
Judiciary Special Civil Fund.....	4,000
Judiciary Superior Court Miscellaneous Fund.....	3,000
Legal Services Fund	10,000,000
Mortgage Assistance Fund	300,000
Motor Vehicle Security Responsibility Fund	1,000
NJ Bridge Rehabilitation and Improvement and R.R. Right-of-Way Preservation Fund	4,000
Natural Resources Fund.....	1,000
New Jersey Spill Compensation Fund.....	16,820,000
New Jersey Workforce Development Partnership Fund.....	32,055,000
Pollution Prevention Fund	1,019,000
Safe Drinking Water Fund.....	2,564,000
Shore Protection Fund	10,000
State Disability Benefit Fund.....	38,773,000
State Land Acquisition and Development Fund	1,000
State Lottery Fund	965,000,000
State Lottery Fund - Administration.....	13,271,000
State of New Jersey Cash Management Fund.....	1,434,000
Statewide Transportation and Local Bridge Fund	7,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Unclaimed Insurance Payments on Deposit Accounts Trust Fund.....	8,000
Unclaimed Personal Property Trust Fund.....	172,000,000
Unclaimed Utility Deposits Trust Fund.....	7,000
Unemployment Compensation Auxiliary Fund	13,322,000
Universal Service Fund	67,650,000
Wage and Hour Trust Fund	2,000
Water Conservation Fund	1,000

Water Supply Fund	4,406,000
Worker and Community Right to Know Fund.....	<u>2,792,000</u>
Total - Interfund Transfers	<u>\$1,454,164,000</u>
Total Resources, General Fund	<u>\$20,159,855,000</u>

Property Tax Relief Fund

Gross Income Tax.....	\$13,982,280,000
Sales Tax Dedication	<u>751,100,000</u>
Total Resources, Property Tax Relief Fund	<u>\$14,733,380,000</u>

Casino Control Fund

Undesignated Fund Balance, July 1, 2016	\$260,000
Investment Earnings	\$11,000
License Fees	<u>50,257,000</u>
Total Resources, Casino Control Fund	<u>\$50,528,000</u>

Casino Revenue Fund

Undesignated Fund Balance, July 1, 2016	\$4,891,000
Casino Simulcasting Fund	\$175,000
Gross Revenue Tax	199,140,000
Other Casino Taxes and Fees.....	<u>9,233,000</u>
Total Resources, Casino Revenue Fund.....	<u>\$213,439,000</u>

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 2016	\$1,292,000
Taxpayers' Designations.....	<u>\$700,000</u>
Total Resources, Gubernatorial Elections Fund.....	<u>\$1,992,000</u>

Total Resources, All State Funds

\$35,159,194,000

Federal Revenue

Executive Branch

 Department of Agriculture:

Child Care.....	\$95,323,000
Child Nutrition - School Breakfast	98,000,000
Child Nutrition - School Lunch	305,000,000
Child Nutrition - Special Milk	1,300,000
Child Nutrition - Summer Programs.....	11,117,000
Child Nutrition Administration.....	10,200,000
Farm Risk Management Education Program	282,000
Farmland Preservation	4,500,000
Food Stamp - The Emergency Food Assistance Program	
(TEFAP).....	2,650,000
Fresh Fruit and Vegetable Program	5,200,000
Indemnities - Avian Influenza	550,000

National School Lunch Program - Equipment Assistance for School Food Authorities.....	1,000,000
Specialty Crop Block Grant Program	1,600,000
Various Federal Programs and Accruals	4,489,000
Subtotal, Department of Agriculture.....	<u>\$541,211,000</u>
Department of Children and Families:	
Restricted Federal Grants	\$15,559,000
Social Services Block Grant	44,166,000
Title IV-B Child Welfare Services	10,846,000
Title IV-E Foster Care	<u>168,234,000</u>
Subtotal, Department of Children and Families.....	<u>\$238,805,000</u>
Department of Community Affairs:	
Community Services Block Grant.....	\$20,500,000
Continuum of Care Program.....	\$4,300,000
Emergency Solutions Grants Program.....	3,200,000
Family Self Sufficiency	350,000
Low Income Home Energy Assistance Program	143,525,000
Mainstream 5	450,000
Moderate Rehabilitation Housing Assistance.....	9,500,000
National Affordable Housing - HOME Investment Partnerships.....	6,000,000
National Housing Trust Fund	15,000,000
Section 8 Housing Voucher Program	242,650,000
Small Cities Block Grant Program	8,023,000
Weatherization Assistance Program	<u>5,250,000</u>
Subtotal, Department of Community Affairs.....	<u>\$458,748,000</u>
Department of Corrections:	
Diversity Training	\$100,000
Federal Re-Entry Initiative	500,000
Inmate Vocational Certifications.....	350,000
Medicaid Eligibility Workers	150,000
Offender Reentry	500,000
Prison Rape Elimination Grant.....	500,000
Smart Supervision	500,000
Special Investigations Division - Intelligence Technology	500,000
Special Operations Tactical Equipment.....	200,000
State Criminal Alien Assistance Program	3,130,000
Technology Enhancements.....	500,000
Various Federal Programs and Accruals	263,000
Videoconferencing Equipment Upgrade	<u>175,000</u>
Subtotal, Department of Corrections	<u>\$7,368,000</u>
Department of Education:	
21st Century Schools.....	\$25,730,000
AIDS Prevention Education	217,000

Bilingual and Compensatory Education - Homeless Children and Youth.....	1,640,000
Head Start Collaboration	275,000
Improving America's Schools Act - Consolidated Administration	4,846,000
Improving Teacher Quality - Higher Education	1,415,000
Individuals with Disabilities Education Act Basic State Grant	369,275,000
Individuals with Disabilities Education Act Preschool Grants	11,056,000
Language Acquisition Discretionary Administration	20,936,000
Mathematics and Science Partnerships Grants	2,825,000
Migrant Education - Administration/Discretionary	2,022,000
Public Charter Schools	5,210,000
Race to the Top - Preschool Development Grant	17,500,000
School Improvement Grants	9,750,000
State Assessments	8,772,000
State Grants for Improving Teacher Quality	50,075,000
Title I - Grants to Local Educational Agencies	342,750,000
Title I - Part D, Neglected and Delinquent	1,536,000
Various Federal Programs and Accruals	2,680,000
Vocational Education - Basic Grants - Administration	<u>22,392,000</u>
Subtotal, Department of Education	<u>\$900,902,000</u>
Department of Environmental Protection:	
Air Pollution Maintenance Program	\$10,500,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees	985,000
Atlantic Coastal Cooperative Program	150,000
Atlantic Coastal Fisheries	300,000
Beach Monitoring and Notification	699,000
BioWatch Monitoring	700,000
Boat Access (Fish and Wildlife)	1,000,000
Brownfields	1,500,000
Capital Repair to Leonardo Marina	1,700,000
Clean Diesel Retrofit	400,000
Clean Vessels	1,000,000
Clean Water State Revolving Fund	63,500,000
Coastal Wetlands Planning	1,500,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program	350,000
Consolidated Forest Management	1,000,000
Cooperative Technical Partnership	1,000,000
Diesel Emissions Reduction Act - Marine Vessel Emission Reduction	1,500,000
Drinking Water State Revolving Fund	20,200,000
Endangered Species	350,000

Endangered and Nongame Species Program State Wildlife	
Grants.....	1,000,000
Fish and Wildlife Action Plan	115,000
Fish and Wildlife Health	950,000
Forest Legacy	6,665,000
Forest Resource Management - Cooperative Forest	
Fire Control.....	1,775,000
Hazardous Waste - Resource Conservation Recovery Act.....	4,650,000
Historic Preservation Survey and Planning	1,000,000
Hunters' and Anglers' License Fund.....	9,385,000
Land and Water Conservation Fund	4,000,000
Marine Fisheries Investigation and Management	1,750,000
Maurice River Habitat Restoration.....	5,200,000
Multimedia	750,000
NJ - FRAMES - Monmouth County.....	900,000
National Coastal Wetlands Conservation	3,475,000
National Dam Safety Program (FEMA)	120,000
National Geologic Mapping Program.....	300,000
National Recreational Trails.....	1,900,000
New Jersey Atlantic and Shortnose Sturgeon.....	365,000
New Jersey Landowner Incentive.....	250,000
New Jersey Shooting Range Development and Improvement	2,750,000
New Jersey's Landscape Project	750,000
Nonpoint Source Implementation (319H)	3,828,000
Northeast Wildlife Teamwork Strategy	60,000
Particulate Monitoring Grant.....	1,001,000
Pesticide Technology.....	500,000
Port Security	6,250,000
Preliminary Assessments/Site Inspections	1,900,000
Radon Program.....	500,000
Recovery Land Acquisition.....	2,500,000
Remedial Planning Support Agency Assistance.....	1,000,000
Species of Greater Conservation Need - Mammal	
Research and Management	300,000
State and EPA Data Management Grant	600,000
Superfund Grants.....	5,000,000
Underground Storage Tank Program Standard Compliance	
Inspections	1,250,000
Underground Storage Tanks.....	2,500,000
Various Federal Programs and Accruals	735,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program.....	4,675,000
Wetland Program Development Grants - Multi Metric	500,000
Wetland Program Development Grants - Wetland Baseline	<u>200,000</u>

Subtotal, Department of Environmental Protection	<u>\$194,083,000</u>
Department of Health:	
AIDS Drug Distribution Program	\$2,000,000
Abstinence Education - Family Health Services (FHS).....	1,500,000
Asthma Surveillance and Coalition Building	769,000
Bioterrorism Hospital Emergency Preparedness	14,786,000
Birth Defects Surveillance Program	508,000
Breast and Cervical Cancer Early Detection Program.....	2,800,000
Breastfeeding Peer Counseling.....	300,000
Chronic Disease Prevention and Health Promotion Programs -	
Public Health.....	3,350,000
Clinical Laboratory Improvement Amendments Program.....	617,000
Comprehensive AIDS Resources Grant	46,311,000
Conformance with the Manufactured Food Regulatory	
Program Standards	290,000
Coordinated Integrated Initiative	2,255,000
Core Injury Prevention and Control Program	300,000
Early Hearing Detection and Intervention (EHDI) Tracking,	
Research.....	210,000
Early Intervention for Infants and Toddlers with Disabilities	
(Part C).....	13,000,000
Ebola Hospital Preparedness and Response	6,022,000
Emergency Medical Services for Children (EMSC) Partnership	
Grants.....	200,000
Emergency Preparedness For Bioterrorism	29,581,000
Enhanced HIV/AIDS Surveillance - Perinatal.....	213,000
Enhancing & Making Programs & Outcomes Work to End Rape.....	96,000
Federal Lead Abatement Program	440,000
Food Emergency Response Network - E. Coli in Ground Beef	165,000
Food Inspection	603,000
Fundamental & Expanded Occupational Health.....	985,000
HIV/AIDS Events Without Care in New Jersey.....	373,000
HIV/AIDS Prevention and Education Grant.....	17,600,000
HIV/AIDS Surveillance Grant.....	3,318,000
Heart Disease and Stroke Prevention.....	450,000
Home Visiting Innovation Grant	4,000,000
Housing Opportunities For Persons With AIDS.....	1,764,000
Housing Opportunities for Incarcerated Persons with AIDS.....	1,958,000
Immunization Project	10,000,000
Improving Mental Health for Older African Americans	240,000
Integrated Community Systems for Children with Special	
Health Needs	300,000

Lab Biomonitoring Program - Impact of Biohazards on NJ	
Citizens	1,000,000
Maternal and Child Health (MCH) Early Childhood	
Comprehensive System.....	140,000
Maternal and Child Health Block Grant.....	13,000,000
Maternal, Infant and Early Childhood Home Visiting ACA	
Formula Grant.....	1,492,000
Maternal, Infant and Early Childhood Home Visiting Program	19,862,000
Medicare/Medicaid Inspections of Nursing Facilities	14,500,000
Morbidity and Risk Behavior Surveillance	725,000
National Cancer Prevention and Control - Public Health.....	6,889,000
National HIV/AIDS Behavioral Surveillance.....	512,000
National Program of Cancer Registries	842,000
New Jersey Cancer Education & Early Detection (NJ CEED).....	219,000
New Jersey Childhood Lead.....	316,000
New Jersey Personal Responsibility Education Program	1,426,000
New Jersey's Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program.....	1,000,000
Pandemic Influenza Healthcare Preparedness	1,935,000
Pediatric AIDS Health Care Demonstration Project.....	2,350,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	4,776,000
Prevention & Public Health Fund (PPHF) - Coordinated	
Integrated Initiative.....	1,187,000
Prevention and Public Health Fund Immunization and	
Vaccines for Children	3,600,000
Public Employees Occupational Safety and Health – State Plan.....	900,000
Public Health Emergency Ebola Preparedness and Response.....	3,875,000
Public Health Laboratory Biomonitoring Planning.....	2,156,000
Rape Prevention and Education Program	1,896,000
Ryan White Part B - Emergency Relief.....	7,300,000
Ryan White Part B - Supplemental.....	1,500,000
Senior Farmers' Market Nutrition Program	2,000,000
Supplemental Food Program - Women, Infants, and Children	
(WIC).....	151,608,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Tobacco Age of Sale Enforcement (TASE)	1,393,000
Tuberculosis Control Program.....	6,095,000
Various Federal Programs and Accruals	15,151,000
Venereal Disease Project.....	3,882,000
Vital Statistics Component	1,498,000
West Nile Virus - Laboratory	200,000
West Nile Virus - Public Health.....	1,942,000

Women, Infants, and Children (WIC) Farmers' Market	
Nutrition Program	<u>2,600,000</u>
Subtotal, Department of Health.....	<u>\$449,300,000</u>
Department of Human Services:	
Block Grant Mental Health Services.....	\$14,500,000
Child Care Block Grant - Discretionary	39,119,000
Child Care Block Grant - Mandatory and Matching.....	82,952,000
Child Support Enforcement Program	195,027,000
Developmental Disabilities Council	1,637,000
Electronic Health Records Provider Incentive Payments	50,000,000
Grants to Prevent Prescription Drug/Opioid Overdose Deaths.....	1,000,000
Health Information Technology (HIT)	5,661,000
Medication Assisted Drug and Opioid.....	1,663,000
National Family Caregiver Program.....	5,200,000
New Jersey Money Follows the Person.....	19,867,000
Older Americans Act - Title III C1	26,781,000
Older Americans Act - Title III C2.....	7,300,000
Projects for Assistance in Transition from Homelessness (PATH)....	2,139,000
Refugee Resettlement Program	4,275,000
Strategic Prevention Framework	2,208,000
Substance Abuse Block Grant	46,427,000
Supplemental Nutrition Assistance Program	162,798,000
Supplemental Nutrition Assistance Program - Education.....	7,000,000
Temporary Assistance to Needy Families Block Grant.....	434,440,000
Title XIX Child Residential.....	92,891,000
Title XIX Community Care Waiver	488,178,000
Title XIX ICF/MR.....	229,177,000
Title XIX Medical Assistance	7,794,218,000
Title XXI Children's Health Insurance Program	359,974,000
United States Department of Agriculture Older Americans	4,350,000
Various Federal Programs and Accruals	7,699,000
Vocational Rehabilitation Act, Section 120.....	<u>12,877,000</u>
Subtotal, Department of Human Services	<u>\$10,099,358,000</u>
Department of Labor and Workforce Development:	
ATAC Assistive Technology - USDHHS	\$550,000
Current Employment Statistics	2,325,000
Disability Determination Services.....	70,986,000
Disabled Veterans' Outreach Program	2,898,000
Employment Services	26,339,000
Employment Services Grants - Alien Labor Certification.....	666,000
Independent Living - USDHHS.....	600,000
Local Veterans' Employment Representatives.....	1,530,000

National Council on Aging - Senior Community Services	
Employment Project.....	3,850,000
Occupational Safety Health Act - On-Site Consultation	2,600,000
One Stop Labor Market Information	1,010,000
Public Employees Occupational Safety and Health Act.....	2,754,000
Redesigned Occupational Safety and Health (ROSH)	370,000
Reemployment Eligibility Assessments - State Administration	2,500,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	975,000
Trade Adjustment Assistance Project.....	4,145,000
Unemployment Insurance.....	157,270,000
Various Federal Programs and Accruals	1,880,000
Vocational Rehabilitation Act of 1973	51,955,000
Work Opportunity Tax Credit	719,000
Workforce Investment Act	108,420,000
Workforce Investment Act - Adult and Continuing Education	<u>16,979,000</u>
Subtotal, Department of Labor and Workforce Development .	<u>\$463,321,000</u>
Department of Law and Public Safety:	
Anti-Methamphetamine.....	\$500,000
Body Cameras	1,000,000
Bulletproof Vest Partnership	15,000
COPS Anti-Heroin Task Force Program	200,000
Community Oriented Policing (COPS) Hiring Program	7,000,000
Community Policing Development	500,000
Comprehensive Anti-Gang Strategies and Programs	300,000
Domestic Marijuana Eradication Suppression Program	75,000
Emergency Management Performance Grant - Non Terrorism.....	9,000,000
Encouraging Innovation	500,000
Equal Employment Opportunity Commission.....	328,000
Fatality Analysis Reporting System (FARS).....	280,000
Flood Mitigation Assistance.....	9,000,000
Forensic Casework DNA Backlog Reduction	1,800,000
Hazardous Materials Transportation	525,000
Highway Traffic Safety	31,762,000
Homeland Security Grant Program	8,354,000
Incident Command	1,500,000
Intellectual Property	270,000
Internet Crimes Against Children.....	575,000
Justice Assistance Grant (JAG)	5,000,000
Justice and Mental Health Collaboration.....	270,000
Juvenile Justice Delinquency Prevention	952,000
Medicaid Fraud Unit.....	3,783,000
National Criminal History Program - Office of the Attorney	
General.....	600,000

Non-Motorized Safety	400,000
Paul Coverdell National Forensic Science Improvement	400,000
Port Security	3,000,000
Pre-Disaster Mitigation Grant (Competitive)	5,000,000
Prescription Drug Monitoring Program	500,000
Project Safe Neighborhoods	500,000
Recreational Boating Safety	3,800,000
Residential Treatment for Substance Abuse	152,000
Sex Offender Registration and Notification Act (SORNA).....	900,000
Smart Policing Initiative	690,000
Solving Cold Cases.....	250,000
UASI Nonprofit Security Grant Program (NSGP)	1,149,000
Urban Area Security Initiative (UASI).....	20,534,000
Urban Search and Rescue	9,000,000
Various Federal Programs and Accruals	390,000
Victim Assistance Grants	63,000,000
Victim Centered Law Enforcement Training	600,000
Victim Compensation Award	2,700,000
Victim of Crime Act - Training Discretionary	670,000
Victims of Crime Act - Vision 21	250,000
Victims of Human Trafficking	1,350,000
Violence Against Women Act - Criminal Justice.....	<u>4,300,000</u>
Subtotal, Department of Law and Public Safety	<u>\$203,624,000</u>
Department of Military and Veterans' Affairs:	
Antiterrorism Program Manager.....	\$120,000
Armory Renovations and Improvements.....	5,200,000
Army Facilities Service Contracts	5,000,000
Army National Guard Electronic Security System	100,000
Army National Guard Statewide Security Agreement.....	800,000
Army National Guard Sustainable Range Program	80,000
Army Training and Technology Lab	400,000
Atlantic City Air Base - Service Contracts	2,688,000
Atlantic City Environmental.....	70,000
Atlantic City Operations and Maintenance.....	191,000
Atlantic City Sustainment, Restoration and Modernization	700,000
Brigadier General Doyle Memorial Cemetery Building Project.....	10,000,000
Dining Facility Operations	150,000
Facilities Support Contract	17,000,000
Federal Distance Learning Program	200,000
Fire Fighter/Crash Rescue Service Cooperative Funding	
Agreement.....	2,000,000
Hazardous Waste Environmental Protection Program.....	3,000,000
McGuire Air Force Base - Service Contracts	1,440,000

McGuire Air Force Base Environmental	83,000
McGuire Operations and Maintenance	200,000
Medicare Part A Receipts for Resident Care and Operational Costs	11,520,000
National Guard Communications Agreement	500,000
New Jersey National Guard ChalleNGe Youth Program	3,200,000
Sea Girt Regional Training Institute - Construction	34,000,000
Training Site Facilities Maintenance Agreements	120,000
Training and Equipment - Pool Sites	700,000
Various Federal Programs and Accruals	4,055,000
Veterans' Education Monitoring	552,000
Warren Grove/Coyle Field	<u>60,000</u>
Subtotal, Department of Military and Veterans' Affairs	<u>\$104,129,000</u>
Department of State:	
Americorps Grants	\$5,345,000
Foster Grandparent Program	850,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,928,000
John R. Justice Grant Program	107,000
National Endowment for the Arts Partnership	900,000
National Health Service Corps - Student Loan Repayment Program	150,000
State Trade and Export Promotion Pilot Grant Program	750,000
Student Loan Administrative Cost Deduction and Allowance	<u>13,300,000</u>
Subtotal, Department of State	<u>\$25,330,000</u>
Department of Transportation:	
Airport Fund	\$2,000,000
Boating Infrastructure Program (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Program	1,316,000
Development and Implementation Grant - Federal Transit Administration	1,000,000
Motor Carrier Safety Assistance Program	9,900,000
New Jersey Maritime Program - Ferry Boat	<u>5,000,000</u>
Subtotal, Department of Transportation	<u>\$20,816,000</u>
Department of the Treasury:	
Damage Prevention Grant Program	\$100,000
One Call Grant Program	50,000
Pipeline Safety	900,000
State Energy Conservation Program	<u>1,097,000</u>
Subtotal, Department of the Treasury	<u>\$2,147,000</u>
Judicial Branch	
The Judiciary:	
Adult Drug Court Statewide Enhancement	\$1,500,000

Various Federal Programs and Accruals	<u>1,325,000</u>
Subtotal, The Judiciary	<u>\$2,825,000</u>
Special Transportation Fund	
Department of Transportation:	
Transportation Trust Fund - Federal Highway Administration .	\$1,089,857,000
Transportation Trust Fund - Federal Transit Administration.....	<u>904,888,000</u>
Subtotal, Special Transportation Fund.....	<u>\$1,994,745,000</u>
 Total - Federal Revenue.....	 <u>\$15,706,712,000</u>
 Grand Total Resources, All Funds	 <u>\$50,865,906,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2017. 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, 2017 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2017 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, 2017 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, 2016 are available for payments applicable to fiscal year 2016 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, 2016 together with an explanation of their status. On or before December 1, 2016, 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, 2016, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2016.

01 LEGISLATURE**70 Government Direction, Management, and Control****71 Legislative Activities****0001 Senate****DIRECT STATE SERVICES**

01-0001 Senate	<u>\$11,700,000</u>
Total Direct State Services Appropriation, Senate.....	<u>\$11,700,000</u>

Direct State Services:

Personal Services:

Senators (40)	(\$1,990,000)
Salaries and Wages	(4,590,000)
Members' Staff Services	(4,400,000)
Materials and Supplies.....	(135,000)
Services Other Than Personal.....	(486,000)
Maintenance and Fixed Charges.....	(72,000)
Additions, Improvements and Equipment	(27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated. In addition to the amount hereinabove appropriated, there is appropriated \$1,000,000 for Senate operations.

0002 General Assembly**DIRECT STATE SERVICES**

02-0002 General Assembly	<u>\$18,217,000</u>
Total Direct State Services Appropriation, General Assembly...	<u>\$18,217,000</u>

Direct State Services:

Personal Services:

Assemblypersons (80).....	(\$3,937,000)
Salaries and Wages	(4,702,000)
Members' Staff Services	(8,800,000)
Materials and Supplies.....	(108,000)
Services Other Than Personal.....	(576,000)
Maintenance and Fixed Charges.....	(90,000)
Additions, Improvements and Equipment	(4,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated. In addition to the amount hereinabove appropriated, there is appropriated \$1,000,000 for General Assembly operations.

0003 Office of Legislative Services**DIRECT STATE SERVICES**

03-0003 Legislative Support Services	<u>\$32,646,000</u>
Total Direct State Services Appropriation, Office of Legislative Services.....	<u>\$32,646,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$24,889,000)
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, Eagleton Institute	(100,000)
03 District Office Support Services	(500,000)
03 Henry J. Raimondo Legislative Fellows Program.....	(69,000)

Additions, Improvements and Equipment (256,000)

Such amounts as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Such amounts as are required for Master Lease payments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Such amounts as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

Receipts from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

77 Legislative Commissions and Committees

DIRECT STATE SERVICES

09-0010 Intergovernmental Relations Commission	\$400,000
09-0014 Joint Committee on Public Schools.....	335,000
09-0018 State Commission of Investigation.....	4,679,000
09-0053 New Jersey Law Revision Commission	321,000
09-0058 State Capitol Joint Management Commission.....	<u>9,838,000</u>

Total Direct State Services Appropriation, Legislative

Commissions and Committees \$15,573,000***Direct State Services:***

Intergovernmental Relations Commission:

09 The Council of State Governments.....(\$145,000)

09 National Conference of State Legislatures.....(184,000)

09 Eastern Trade Council - The Council of

State Governments(31,000)

09 National Foundation for Women Legislators.....(40,000)

Joint Committee on Public Schools

09 Expenses of Commission.....(335,000)

State Commission of Investigation:

09 Expenses of Commission.....(4,679,000)

New Jersey Law Revision Commission:

09 Expenses of Commission.....(321,000)

State Capitol Joint Management Commission:

09 Expenses of Commission.....(9,838,000)

Legislature, Total State Appropriation..... \$78,136,000

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.

Such amounts as are required for the establishment and operation of the Apportionment Commission and the legislative New Jersey Redistricting Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Summary of Legislature Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$78,136,000

Appropriations by Fund:

General Fund..... \$78,136,000

06 OFFICE OF THE CHIEF EXECUTIVE**70 Government Direction, Management, and Control****76 Management and Administration****DIRECT STATE SERVICES**01-0300 Executive Management \$6,736,000

Total Direct State Services Appropriation, Management

and Administration \$6,736,000

Direct State Services:

Personal Services:

Salaries and Wages (\$5,724,000)

Special Purpose:

01 National Governors' Association (185,000)

01 Education Commission of the States (125,000)

01 National Conference of Commissioners

On Uniform State Laws (65,000)

01 Brian Stack Intern Program (10,000)

01 Allowance to the Governor of Funds Not

Otherwise Appropriated, For Official

Reception on Behalf of the State,

Operation of an Official Residence

and Other Expenses (95,000)

Materials and Supplies (133,000)

Services Other Than Personal (356,000)

Maintenance and Fixed Charges (43,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation \$6,736,000**Summary of The Office of the Chief Executive Appropriations**

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$6,736,000

Appropriations by Fund:

General Fund \$6,736,000

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

01-3310 Animal Disease Control \$1,274,000

02-3320 Plant Pest and Disease Control 1,633,000

03-3330 Agricultural and Natural Resources 533,000

05-3350 Food and Nutrition Services 343,000

06-3360 Marketing and Development Services 687,000

08-3380 Farmland Preservation 2,080,000

99-3370 Administration and Support Services 969,000

Total Direct State Services Appropriation, Agricultural

Resources, Planning, and Regulation \$7,519,000

Direct State Services:**Personal Services:**

Salaries and Wages	(\$4,640,000)
Materials and Supplies.....	(88,000)
Services Other Than Personal.....	(156,000)
Maintenance and Fixed Charges.....	(162,000)

Special Purpose:

05 The Emergency Food Assistance Program	(343,000)
06 Promotion/Market Development.....	(50,000)
08 Agricultural Right-to-Farm Program	(85,000)
08 Open Space Administrative Costs.....	(1,995,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Diagnostic Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Diagnostic Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for the cost of these programs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit program account is appropriated for the same purpose.

Receipts from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for the cost of that program.

Receipts from dairy licenses and inspections are appropriated for the cost of that program.

Receipts from agriculture chemistry fees not to exceed \$75,000 are appropriated to support the organic certification program.

Receipts from organic certification program fees are appropriated for the cost of that program.

Receipts from inspection fees from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of \$0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxa-

tion, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund, the 2007 Farmland Preservation Fund, and the 2009 Farmland Preservation Fund to the General Fund, together with an amount not to exceed \$1,029,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$200,000 shall be transferred from the appropriate funds established in the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

GRANTS-IN-AID

05-3350 Food and Nutrition Services..... \$6,818,000

Total Grants-in-Aid Appropriation, Agricultural

Resources, Planning, and Regulation \$6,818,000

Grants-in-Aid:

05 Hunger Initiative/Food Assistance

Program (\$6,818,000)

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$250,000 may be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated for the Animal Waste Management portion of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Conservation Assistance Program is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, \$540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated to support nonpoint source pollution control programs in the Department of Agriculture on or before September 1 of the current fiscal year. Further additional amounts may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account to support nonpoint source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unex-

pendent balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds for the Conservation Cost Share program hereinabove appropriated shall be based upon an expenditure plan, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

05-3350 Food and Nutrition Services	\$5,613,0001
08-3380 Farmland Preservation	<u>3,000</u>
Total State Aid Appropriation, Agricultural Resources,	
Planning, and Regulation	<u>\$5,616,000</u>

State Aid:

05 School Lunch Aid - State Aid Grants	(\$5,613,000)
08 Payments in Lieu of Taxes	(3,000)

The unexpended balance at the end of the preceding fiscal year in the School Lunch Aid - State Aid Grants account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program shall be paid from the School Lunch Aid - State Aid Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Agriculture, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Department of Agriculture, Total State Appropriation	<u>\$19,953,000</u>
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Summary of Department of Agriculture Appropriations (For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$7,519,000
Grants-in-Aid	6,818,000
State Aid	5,616,000

Appropriations by Fund:

General Fund	\$19,953,000
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14 DEPARTMENT OF BANKING AND INSURANCE

50 Economic Planning, Development, and Security

52 Economic Regulation

DIRECT STATE SERVICES

01-3110 Consumer Protection Services and Solvency Regulation	\$21,484,000
02-3120 Actuarial Services	5,200,000

03-3130 Regulation of the Real Estate Industry	3,680,000
04-3110 Public Affairs, Legislative and Regulatory Services	2,322,000
06-3110 Bureau of Fraud Deterrence	22,996,000
07-3170 Supervision and Examination of Financial Institutions	4,159,000
99-3150 Administration and Support Services	<u>4,172,000</u>
Total Direct State Services Appropriation, Economic	
Regulation	<u>\$64,013,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$42,720,000)
Materials and Supplies	(392,000)
Services Other Than Personal	(7,209,000)
Maintenance and Fixed Charges	(479,000)

Special Purpose:

01 Rate Counsel - Insurance	(149,000)
02 Actuarial Services	(168,000)
06 Insurance Fraud Prosecution Services	(12,896,000)

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those amounts as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed \$400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) are appropriated to the Pinelands Development Credit Bank to administer the "Pinelands Development Credit Bank Act." The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank is appropriated to administer the operations of the bank.

In addition to the amounts hereinabove appropriated, such other amounts, as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pur-

suant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount hereinabove appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

Department of Banking and Insurance, Total State	
Appropriation	<u>\$64,013,000</u>

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$64,013,000
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Appropriations by Fund:

General Fund.....	\$64,013,000
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16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

DIRECT STATE SERVICES

01-1610 Child Protection and Permanency	\$461,480,000
<i>(From General Fund.....</i>	<i>\$186,490,000)</i>
<i>(From Federal Funds.....</i>	<i>274,578,000)</i>
<i>(From All Other Funds</i>	<i>412,000)</i>
02-1620 Children's System of Care	2,127,000
<i>(From General Fund.....</i>	<i>1,919,000)</i>
<i>(From Federal Funds.....</i>	<i>208,000)</i>
03-1630 Family and Community Partnerships	1,889,000
<i>(From General Fund.....</i>	<i>1,889,000)</i>
04-1600 Education Services	26,683,000
<i>(From General Fund.....</i>	<i>8,201,000)</i>
<i>(From Federal Funds.....</i>	<i>1,231,000)</i>
<i>(From All Other Funds</i>	<i>17,251,000)</i>
05-1600 Child Welfare Training Academy Services and Operations.....	8,240,000
<i>(From General Fund.....</i>	<i>6,181,000)</i>
<i>(From Federal Funds.....</i>	<i>2,059,000)</i>
06-1600 Safety and Security Services	7,455,000
<i>(From General Fund.....</i>	<i>3,775,000)</i>
<i>(From Federal Funds.....</i>	<i>3,680,000)</i>
99-1600 Administration and Support Services	<u>61,653,000</u>

(From General Fund.....	46,674,000)
(From Federal Funds.....	14,979,000)
Total Appropriation, State, Federal and	
All Other Funds.....	<u>\$569,527,000</u>
(From General Fund.....	\$255,129,000)
(From Federal Funds.....	296,735,000)
(From All Other Funds.....	17,663,000)
Less:	
Federal Funds.....	\$296,735,000
All Other Funds.....	17,663,000
Total Deductions.....	<u>\$314,398,000</u>
Total Direct State Services Appropriation, Social	
Services Programs	<u>\$255,129,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$475,976,000)
Materials and Supplies.....	(4,371,000)
Services Other Than Personal.....	(18,289,000)
Maintenance and Fixed Charges.....	(36,671,000)

Special Purpose:

05 NJ Partnership for Public Child Welfare.....	(3,500,000)
06 Safety and Security Services.....	(7,455,000)
99 Information Technology	(1,524,000)
99 Safety and Permanency in the Courts	(15,545,000)
Additions, Improvements and Equipment	(6,196,000)

Less:

Federal Funds.....	\$296,735,000
All Other Funds.....	17,663,000

Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such amounts as may be necessary shall be used to train the Department of Children and Families' staff who serve children and families in the field, who have not already received training in cultural competency. The Department of Children and Families shall also offer training opportunities in cultural competency to staff of community-based organizations serving children and families under contract to the Department of Children and Families.

Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed \$15,045,000 shall be reimbursed to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-1610 Child Protection and Permanency	\$488,205,000
(From General Fund	\$437,771,000)

(From Federal Funds.....	43,580,000)
(From All Other Funds	6,854,000)
02-1620 Children's System of Care	562,685,000
(From General Fund.....	363,472,000)
(From Federal Funds.....	199,063,000)
(From All Other Funds	150,000)
03-1630 Family and Community Partnerships	110,898,000
(From General Fund.....	67,776,000)
(From Federal Funds.....	41,789,000)
(From All Other Funds	1,333,000)
04-1600 Education Services	27,357,000
(From Federal Funds.....	1,081,000)
(From All Other Funds	26,276,000)
99-1610 Administration and Support Services	<u>658,000</u>
(From Federal Funds.....	658,000)
Total Appropriation, State, Federal, and All Other Funds	<u>\$1,189,803,000</u>
(From General Fund	\$869,019,000)
(From Federal Funds.....	286,171,000)
(From All Other Funds	34,613,000)
Less:	
Federal Funds.....	\$286,171,000
All Other Funds.....	34,613,000
Total Deductions.....	<u>\$320,784,000</u>
Total Grants-in-Aid Appropriation, Social Services Programs	<u>\$869,019,000</u>
Grants-in-Aid:	
01 Substance Use Disorder Services.....	(\$10,024,000)
01 Court Appointed Special Advocates	(2,000,000)
01 Independent Living and Shelter Care.....	(14,459,000)
01 Out-of-Home Placements.....	(16,912,000)
01 Family Support Services	(84,250,000)
01 Child Abuse Prevention	(12,324,000)
01 Foster Care.....	(90,521,000)
01 Subsidized Adoption.....	(142,279,000)
01 Foster Care and Permanency Initiative	(7,558,000)
01 New Jersey Homeless Youth Act.....	(1,556,000)
01 Wynona M. Lipman Child Advocacy Center, Essex County	(537,000)
01 Purchase of Social Services	(62,289,000)
01 Child Health Units	(31,516,000)
01 Restricted Federal Grants.....	(7,180,000)
01 Child Advocacy Center Competitive Grant Program	(4,800,000)

02	Care Management Organizations	(90,867,000)
02	Out-of-Home Treatment Services	(284,900,000)
02	Family Support Services	(29,820,000)
02	Mobile Response.....	(33,337,000)
02	Intensive In-Home Behavioral Assistance	(86,412,000)
02	Youth Incentive Program	(3,687,000)
02	Outpatient.....	(13,110,000)
02	Contracted Systems Administrator	(13,552,000)
02	State Children's Health Insurance Program Administration.....	(4,000,000)
02	Restricted Federal Grants.....	(3,000,000)
03	Early Childhood Services.....	(29,168,000)
03	School Linked Services Program	(30,293,000)
03	Family Support Services	(18,079,000)
03	Women's Services.....	(22,413,000)
03	Children's Trust Fund	(180,000)
03	Restricted Federal Grants.....	(7,615,000)
03	Sexual Violence Prevention and Intervention Services	(2,800,000)
03	Latino Action Network Hispanic Women's Resource Centers.....	(250,000)
03	Project S.A.R.A.H.....	(100,000)
04	Education Services.....	(27,357,000)
99	National Center for Child Abuse and Neglect.....	(658,000)

Less:

Federal Funds.....\$286,171,000

All Other Funds.....34,613,000

Of the amounts hereinabove appropriated for Substance Use Disorder Services, an amount not to exceed \$10,024,000 shall be transferred to the Department of Human Services' Division of Mental Health and Addiction Services to fund the Division of Child Protection and Permanency Child Welfare Substance Use Disorder Treatment Services contracts as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services' Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Out-of-Home Placements, Independent Living and Shelter Care, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Of the amounts hereinabove appropriated for Out-of-Home Placements and Independent Living and Shelter Care, such amounts as determined by the Department of Children and Families may be transferred between such accounts to properly align expenditures based upon changes in client placements, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Out-of-Home Placements account is subject to the following condition: amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Child Protection and Permanency account, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Foster Care, Subsidized Adoption, and Independent Living and Shelter Care are subject to the following condition: any change by the Department of Children and Families in the rates paid for these programs shall be approved by the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Foster Care and Subsidized Adoption, such amounts as determined by the Department of Children and Families may be transferred between such accounts to address the movement of children from foster care to a permanent adoption setting, subject to the approval of the Director of the Division of Budget and Accounting.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Receipts from counties for persons under the care and supervision of the Division of Child Protection and Permanency are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Purchase of Social Services account, \$1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and the Division of Child Protection and Permanency shall prioritize the expenditure of this allocation to address transitional living services in the division's region that is experiencing the most severe over-capacity.

Of the amounts hereinabove appropriated for the Purchase of Social Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Post Adoption Child Care Program, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Out-of-Home Treatment Services, Care Management Organizations, Youth Incentive Program, Behavioral Assistance and In-Home Community Services, Family Support Services, except those services provided pursuant to the "Family Support Act," P.L.1993,c.98 (C.30:6D-33 et seq.), and Mobile Response shall be expended for any individual served by Children's System of Care, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for NJ FamilyCare. Individuals receiving services from appropriations covered by the exceptions above shall apply for NJ FamilyCare in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

Of the amounts hereinabove appropriated for Early Childhood Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services' Division of Family Development shall be transferred to the Department of Human Services' Division of Family Development to fund the Strengthening Families Initiative Training Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the School Linked Services Program, there shall be available \$400,000 for the After School Reading Initiative, \$200,000 for the After School Start-Up Fund, \$400,000 for School Health Clinics, and \$530,000 for Positive Youth Development.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the increases in divorce filing fees enacted 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.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, \$1,150,000 is payable out of the Marriage and Civil Union License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Receipts in the Marriage and Civil Union License Fee Fund in excess of the amount anticipated are appropriated for Domestic Violence Prevention Services.

The amount hereinabove appropriated for the Child Advocacy Center Competitive Grant Program shall be distributed as grants pursuant to a competitive process to child advocacy centers or multi-disciplinary teams for construction of new centers, renovation of existing centers, technology improvements, operational costs, or any other purpose that would enhance effective and efficient operation of centers or teams consistent with National Children's Alliance standards.

Of the amount hereinabove appropriated for Women's Services, the amounts allocated to the lead domestic violence agencies in the State and to the New Jersey Coalition for Battered Women and the amount allocated to the 21 county-based sexual violence service organizations and the New Jersey Coalition Against Sexual Assault shall be no less than the amounts allocated for FY 2015 to those agencies.

Department of Children and Families,	
Total State Appropriation.....	<u>\$1,124,148,000</u>

Summary of Department of Children and Families Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$255,129,000
 Grants-in-Aid 869,019,000

Appropriations by Fund:

General Fund.....\$1,124,148,000

22 DEPARTMENT OF COMMUNITY AFFAIRS**40 Community Development and Environmental Management****41 Community Development Management****DIRECT STATE SERVICES**

01-8010 Housing Code Enforcement \$8,555,000
 02-8020 Housing Services 3,150,000
 06-8015 Uniform Construction Code 12,783,000
 13-8027 Codes and Standards 426,000
 18-8017 Uniform Fire Code 7,622,000
 Total Direct State Services Appropriation, Community
 Development Management..... \$32,536,000

Direct State Services:**Personal Services:**

Salaries and Wages(\$28,317,000)
 Materials and Supplies.....(86,000)
 Services Other Than Personal.....(563,000)
 Maintenance and Fixed Charges.....(102,000)

Special Purpose:

02 Affordable Housing(1,759,000)
 02 Local Planning Services.....(1,334,000)
 18 Local Fire Fighters' Training.....(375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the additional fee established by section 10 of P.L.2003, c.311 (C.52:27D-437.10) are appropriated to the Housing Code Enforcement program classification for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Construction Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) fees account, together with any receipts in excess of the amount anticipated, is appropriated for code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provisions of any law or regulation to the contrary, unexpended balances at the end of the preceding fiscal year in the Uniform Construction Code Revolving Fund are appropriated for expenses of code enforcement activities.

Such amounts as may be required for the registration of builders and reviewing and paying claims under "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Fire Safety may transfer within its own division between a Direct State Services appropriations account and a Grants-In-Aid appropriations account, such amounts as are necessary for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts appropriated from the Department of Community Affairs' code enforcement activities in excess of the amount anticipated and in excess of the amounts required to support the code enforcement activity for which they were collected may be transferred as necessary to cover shortfalls in other Department of Community Affairs' code enforcement accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees associated with the Fire Protection Contractor's Certification program pursuant

to P.L.2001, c.289 (C.52:27D-25n et seq.), are appropriated to the Department of Community Affairs Division of Fire Safety, in such amounts as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Local Planning Services and Affordable Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Housing and Community Resources may transfer between the Affordable Housing State Aid appropriations account, the Local Planning Services Direct State Services appropriations account and the Affordable Housing Direct State Services appropriations account, such amounts as are necessary, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide written notice of such a transfer to the Joint Budget Oversight Committee within 10 working days of making such a transfer.

There is appropriated from the "Petroleum Overcharge Reimbursement Fund" the amount of \$300,000 for the expenses of the Green Homes Office, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the "Boarding House Rental Assistance Fund" that were originally appropriated from the General Fund may be used by the commissioner for the purpose of providing life safety improvement loans, and any moneys held in the "Boarding House Rental Assistance Fund" may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the commissioner shall have authority to disburse funds from the "Boarding House Rental Assistance Fund" established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

GRANTS-IN-AID

01-8010 Housing Code Enforcement	\$919,000
02-8020 Housing Services.....	35,410,000
18-8017 Uniform Fire Code	<u>8,571,000</u>

Total Grants-in-Aid Appropriation, Community
Development Management..... \$44,900,000

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 (18,500,000)
02 Lead-Safe Home Renovation Pilot Program..... (10,000,000)
02 Camden County Housing First Pilot Program..... (250,000)
18 Uniform Fire Code - Local Enforcement
 Agency Rebates (8,425,000)
18 Uniform Fire Code - Continuing
 Education..... (146,000)

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated for the expenses of the State Rental Assistance Program.

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the "New Jersey Affordable Housing Trust Fund," any available balance in the Shelter Assistance account may be transferred to the Affordable Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Shelter Assistance program, the Prevention of Homelessness program, and the State Rental Assistance Program shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer

fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as are necessary shall be available from the Prevention of Homelessness Grants-In-Aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

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 any law or regulation to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be received from the New Jersey Housing and Mortgage Finance Agency for the State Rental Assistance Program are appropriated to the Department of Community Affairs for the purposes of providing rental assistance.

In addition to the amount hereinabove appropriated for the State Rental Assistance Program (SRAP), an amount not less than \$20,000,000 is appropriated from the "New Jersey Affordable Housing Trust Fund" to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

The amount hereinabove appropriated for the Lead-Safe Home Renovation Pilot Program may be transferred to the Revolving Housing Development and Demonstration Grant Fund for the purpose of remediating lead in dwellings statewide, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the "Boarding House Rental Assistance Fund."

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed \$250,000, is appropriated for the expenses of the Relocation Assistance program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$400,000 is appropriated from the New Jersey Affordable Housing Trust Fund as determined by the Commissioner of Community Affairs as necessary to match, on a 50/50 basis, the federal share of the administrative costs of the USHUD Community Development Block Grant-Small Cities Program, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as the Commissioner of Community Affairs determines are necessary are appropriated from the New Jersey Affordable Housing Trust Fund, to be pledged as a match for the USHUD HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the New Jersey Affordable Housing Trust Fund an amount to be determined by the Commissioner of Community Affairs to be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Community Affairs may determine that monies appropriated from the New Jersey Affordable Housing Trust Fund can be provided directly to the housing project being assisted; provided, however, that any such project has the support by resolution of the governing body of the municipality in which it is located; and subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Urban and Rural Centers Unsafe Buildings Demolition Revolving Loan Fund established under P.L.1997, c.125 the sum of \$9,950,522.53, to be used for building demolition and disposal projects in the following municipalities in the following amounts: Brick Township: \$300,000; Camden City: \$3,000,000; Glassboro Borough: \$1,499,000; Gloucester City: \$856,329.53; Hillside Township: \$105,000; Irvington Township: \$600,000; Paterson City: \$1,987,343; Pemberton Township: \$260,000; Pleasantville City: \$289,850; Salem City: \$250,000; Vineland City: \$635,000; Winslow Township: \$168,000.

50 Economic Planning, Development, and Security

55 Social Services Programs

DIRECT STATE SERVICES

05-8050 Community Resources..... \$100,000

Total Direct State Services Appropriation, Social

Services Programs \$100,000

Direct State Services:

Personal Services:

Salaries and Wages (\$76,000)

Services Other Than Personal..... (24,000)

Additional funds as may be allocated by the federal government for New Jersey's Low Income Home Energy Assistance Block Grant Program (LIHEAP) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-8050 Community Resources..... \$9,135,000

Total Grants-in-Aid Appropriation, Social

Services Programs \$9,135,000

Grants-in-Aid:

05 Recreation for the Handicapped..... (\$585,000)

05 Volunteers of America - Re-Entry Services..... (2,500,000)

05 New Jersey Re-Entry Corporation - One Stop

Offender Re-entry Services (2,500,000)

05 First Tee Program - County of Essex..... (3,000,000)

- 05 Boys and Girls Clubs of New Jersey -
 At Risk Youth.....(145,000)
 05 Special Olympics(405,000)
- Of the amount hereinabove appropriated for the Special Olympics program, an amount not to exceed \$75,000 may be allocated for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the "Lead Hazard Control Assistance Fund" is payable from receipts of the portion of the sales tax directed to be credited to the "Lead Hazard Control Assistance Fund" pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed \$8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the "Lead Hazard Control Assistance Fund" for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.
- The amounts hereinabove appropriated for Volunteers of America - Re-entry Services shall be utilized to provide expanded re-entry services in Atlantic City and Trenton which shall include medication-assisted treatment for relapse prevention.
- The amount hereinabove appropriated for New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services shall be utilized to provide One-Stop Re-entry services in Newark, Jersey City, Paterson, and Toms River which shall include medication-assisted treatment for relapse prevention.

70 Government Direction, Management, and Control

75 State Subsidies and Financial Aid

DIRECT STATE SERVICES

04-8030 Local Government Services	<u>\$4,512,000</u>
Total Direct State Services Appropriation, State	
Subsidies and Financial Aid	<u>\$4,512,000</u>

Direct State Services:

Personal Services:

Local Finance Board Members	(\$84,000)
Salaries and Wages	(4,146,000)
Materials and Supplies.....	(40,000)
Services Other Than Personal.....	(227,000)
Maintenance and Fixed Charges.....	(15,000)

Receipts received by the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services	<u>\$746,515,000</u>
(From General Fund.....	\$1,600,000)
(From Property Tax Relief Fund.....	744,915,000)

Total State Aid Appropriation, State Subsidies and	
Financial Aid	<u>\$746,515,000</u>
(From General Fund	\$1,600,000)
(From Property Tax Relief Fund	744,915,000)

State Aid:

04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(\$623,082,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350)	(1,600,000)
04 County Prosecutor Funding Initiative Pilot Program (PTRF)	(4,000,000)
04 Consolidation Implementation (PTRF)	(4,000,000)
04 Transitional Aid to Localities (PTRF)	(107,350,000)
04 Open Space Payments in Lieu of Taxes (PTRF)	(6,483,000)

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; December 1 for municipalities operating under a calendar fiscal year; 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program and received from amounts transferred from Consolidated Municipal Property Tax Relief Aid to the "Energy Tax Receipts Property Tax Relief Fund" account, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the "Energy Tax Receipts Property Tax Relief Fund" since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities that received funding pursuant to the previous fiscal year's annual appropriations act; provided further, however, that from the amount hereinabove appropriated there are transferred to the "Energy Tax Receipts Property Tax Relief Fund" account such amounts as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2012, fiscal year 2013, fiscal year

2014, fiscal year 2015, and fiscal year 2016 pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439), as amended by P.L.1999, c.168; and except that the amount of Consolidated Municipal Property Tax Relief Aid received by a municipality shall be increased by such amounts of Transitional Aid to Localities deemed to constitute Consolidated Municipal Property Tax Relief Aid by the Director of the Division of Local Government Services in the previous fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the "Energy Tax Receipts Property Tax Relief Fund" account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the total annual amount due for the current fiscal year from Consolidated Municipal Property Tax Relief Aid to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the director may take into account the particular circumstances of a municipality. In preparing the Best Practices Inventory, the director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the total annual amount due for the current fiscal year.

The Director of the Division of Local Government Services may permit any municipality that received Regional Efficiency Aid Program funds pursuant to the annual appropriations act for fiscal year 2010, P.L.2009, c.68, to use a portion of Consolidated Municipal Property Tax Relief Aid to provide "Regional Efficiency Aid Program" benefits pursuant to P.L.1999, c.61 (C.54:4-8.76 et seq.).

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, \$895,000; Essex County, \$1,811,000; Hudson County, \$802,500; and Mercer County, \$491,500.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidation Implementation shall be allocated to provide reimbursement to local government units that consolidate pursuant to any law, including but not limited to P.L.2007, c.63 (C.40A:65-1 et seq.) and P.L.2009, c.118 (C.54:1-86 et seq.), or to a municipality that is wholly annexed by another municipality pursuant to N.J.S.40A:7-1 et seq., for non-recurring costs that the Director of the Division of Local Government Services, or in the case of a school district consolidation the Commissioner of Education, determines to be necessary to implement

such consolidation or annexation, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that in addition to the amounts hereinabove appropriated, there are appropriated such additional amounts as are determined to be necessary for reimbursement of non-recurring costs associated with local government unit consolidations, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Transitional Aid to Localities, an amount may be allocated by the Director of the Division of Local Government Services to provide short-term financial assistance to a local government unit that is determined by the director to be experiencing financial distress caused by the destruction or loss of a major local business ratable. For purposes of this paragraph, a "major local business ratable" means one or more related parcels of property owned by a single business entity, classified as commercial or industrial, which comprised the largest assessed valuation of any one or more line items of taxable property in a municipality, or generated an annual PILOT payment in excess of 10% of the total municipal levy, or is otherwise determined by the director to be of such significance to a municipality that its destruction or loss has resulted in financial distress; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services may direct that part of any such allocation be paid to an affected school district or county, or to both, in the same manner as if the award of Transitional Aid were raised as revenue from the municipal tax levy; and provided further that a local government unit determined to be experiencing financial distress because of the loss or destruction of a major local business ratable shall not be required to be subject to any additional conditions, requirements, orders, or other operational efficiency or oversight measures authorized pursuant to P.L.2011, c.144 (C.52:27D-118.42a), except as determined to be appropriate by the Director of the Division of Local Government Services.

The amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: notwithstanding the provisions of R.S.43:21-14, or any other law or regulation to the contrary, the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Community Affairs, is authorized to enter into individualized payment plan agreements with municipalities that receive Transitional Aid for the reimbursement of unemployment benefits paid to former employees of such municipal government units, at reasonable interest rates based on current market conditions, and on such other terms and conditions as may be determined to be appropriate by the Commissioner of Labor and Workforce Development. Any municipality that enters into an individualized payment plan agreement pursuant to this section shall be required to expend all funds budgeted for this activity remaining as of the last day of its budget year for the repayment of outstanding obligations under the plan.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities shall be allocated to provide short-term financial assistance where needed to help a municipality that is in serious fiscal distress meet immediate budgetary needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if it is identified by the Director of the Division of Local Government Services as experiencing serious fis-

cal distress where the director determines that, despite local officials having implemented substantive cost reduction strategies, there continue to exist conditions of serious fiscal distress, which may include but shall not be limited to: substantial structural or accumulated deficits; ongoing reliance on non-recurring revenues; limited ability to raise supplemental non-property tax revenues; extraordinary demands for public safety appropriations; and other factors indicating a constrained ability to raise sufficient revenues to meet budgetary requirements that substantially jeopardizes the fiscal integrity of the municipality. Municipalities seeking transitional aid shall file an application on a form prescribed by the director, which application, among other things, shall set forth the minimum criteria that must be met in order for an application to be considered by the director for a determination of eligibility. The director shall determine whether a municipality which files an application meeting such minimum criteria is in serious fiscal distress, and, if so, what amount of transitional aid should be provided to address the municipality's serious fiscal distress. The transitional aid shall be provided to the municipality subject to the provisions of subsection a. of section 1 of P.L.2011, c.144 (C.52:27D-118.42a); provided, however, that an amount of Transitional Aid to Localities as determined by the Director of the Division of Local Government Services for a municipality may be deemed to constitute Consolidated Municipal Property Tax Relief Aid in an amount not in excess of the amount of Transitional Aid to Localities such municipality received in the previous fiscal year and shall not reduce the amount of Consolidated Municipal Property Tax Relief Aid such municipality shall receive for the current fiscal year. Provided, however, if the Director of the Division of Local Government Services deems an amount of Transitional Aid to Localities for a municipality as constituting Consolidated Municipal Property Tax Relief Aid pursuant to this provision, that municipality is not relieved from compliance with the requirements for transitional aid.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any law or regulation to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

Notwithstanding the provisions of any law or regulation to the contrary, payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be provided only to municipalities whose payments received in fiscal year 2010 exceeded \$5,000 and shall be provided at two-thirds of the payment amount provided in fiscal year 2010.

Notwithstanding the provisions of any law or regulation to the contrary, any qualifying municipality, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year, shall continue to be a qualifying municipality thereunder during the current fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, whenever funds appropriated as State Aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to section 11 of P.L.2003, c.15 (C.40A:2-8.1) and any tax an-

icipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The State Treasurer, in consultation with the Commissioner of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer appropriations from any State department to any other State department as may be necessary, to provide a loan for a term not to exceed 180 days to a local government unit faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes and on such other terms and conditions as may be required by the commissioner.

Notwithstanding the provisions of N.J.S.40A:4-39 or any other law or regulation to the contrary, a county that assumes responsibility for the provision of local police services in one or more municipalities utilizing a new or expanded county police force may display the anticipated revenues and appropriations associated with such county police force in its annual budget by annexing to that budget a statement describing the sources and amounts of anticipated dedicated revenues and appropriating those dedicated amounts for the purposes of the county police force.

76 Management and Administration

DIRECT STATE SERVICES

49-8049 Historic Trust.....	\$652,000
99-8070 Administration and Support Services	<u>2,872,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$3,524,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,156,000)
Materials and Supplies.....	(8,000)
Services Other Than Personal.....	(74,000)
Maintenance and Fixed Charges	(16,000)

Special Purpose:

49 Historic Trust/Open Space	
Administrative Costs	(652,000)
99 Government Records Council	(618,000)

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," sections 1 through 42 of 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 His-

toric Preservation Bond Act of 1992,” P.L.1992, c.88; the “Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204; the “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007,” P.L.2007, c.119; and the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009,” P.L.2009, c.117, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs account is transferred from the Garden State Historic Preservation Trust Fund, the 2007 Historic Preservation Fund, and the 2009 Historic Preservation Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Community Affairs,

Total State Appropriation..... \$841,222,000

All moneys comprising original bond proceeds or the repayment of loans or advances from the Mortgage Assistance Fund established under the “New Jersey Mortgage Assistance Bond Act of 1976,” P.L.1976, c.94, are appropriated in accordance with the purposes set forth in section 5 of that act.

Notwithstanding the provisions of any law or regulation to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

Summary of Department of Community Affairs Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$40,672,000
Grants-in-Aid	54,035,000
State Aid	746,515,000

Appropriations by Fund:

General Fund.....	\$96,307,000
Property Tax Relief Fund.....	744,915,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision.....	\$441,572,000
08-7040 Institutional Care and Treatment.....	248,712,000
99-7040 Administration and Support Services.....	<u>68,023,000</u>
Total Direct State Services Appropriation, Detention and Rehabilitation	<u>\$758,307,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$488,486,000)
Food In Lieu of Cash.....	(2,643,000)
Materials and Supplies.....	(58,920,000)
Services Other Than Personal.....	(158,528,000)
Maintenance and Fixed Charges.....	(15,288,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program.....	(31,169,000)
08 Mid-State Licensed Drug Treatment Program	(2,000,000)
08 Edna Mahan Visitation Program	(123,000)

Additions, Improvements and Equipment (1,150,000)

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated in the Detention and Rehabilitation various institutional accounts, an amount may be transferred to the Purchase of Community Services account or to other programs that reduce the number of inmates housed in State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for payment of inmate health care are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected by the Department of Corrections as commissions in connection with the provision of services for inmates at inmate kiosks, including automated banking, video visitation, electronic mail, and related services, and any unexpended balance at the end of the preceding fiscal year in that account are appropriated to offset departmental costs associated with the provision of such services and other materials and services that directly benefit the inmate population, subject to the approval of the Director of the Division of Budget and Accounting.

7025 System-Wide Program Support**DIRECT STATE SERVICES**

07-7025 Institutional Control and Supervision.....	\$34,472,000
13-7025 Institutional Program Support	<u>38,089,000</u>
Total Direct State Services Appropriation, System-Wide	
Program Support.....	<u>\$72,561,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$45,775,000)
Materials and Supplies.....	(1,169,000)
Services Other Than Personal.....	(12,678,000)
Special Purpose:	
13 Integrated Information Systems.....	(9,013,000)
13 Offender Re-entry Program	(1,092,000)
13 Mutual Agreement Program	(1,162,000)
13 DOC/DOT Work Details	(537,000)
Additions, Improvements and Equipment	(1,135,000)

GRANTS-IN-AID

13-7025 Institutional Program Support	<u>\$73,979,000</u>
Total Grants-in-Aid Appropriation, System-Wide	
Program Support	<u>\$73,979,000</u>

Grants-in-Aid:

13 Purchase of Service for Inmates	
Incarcerated In County Penal Facilities.....	(\$2,020,000)
13 Purchase of Community Services	(65,959,000)
13 Essex County - Recidivism Pilot Program.....	(6,000,000)

Of the amount hereinabove appropriated for Purchase of Service for Inmates Incarcerated in County Penal Facilities, an amount may be transferred for operational costs of State facilities for inmate housing, which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Purchase of Community Services shall be subject to the following condition: in order to permit flexibility and efficiency in the housing of State inmates, the operational capacity of the Residential Community Release Program, as a place of confinement, shall be determined by the Commissioner of Corrections as authorized by section 2 of P.L.1969, c.22 (C.30:4-91.2), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Purchase of Community Services is conditioned upon the following: the Commissioner of Corrections shall report to the Presiding Officers of the Legislature in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1) on the operation of each Community Based Residential Placement. The report shall include, but not be limited to, the following: (a) the total reimbursement provided, (b) the rate of reimbursement received per client, (c) the number of clients for which reimbursement was received, (d) the number of clients imprisoned for violent crimes and the total number of days such clients were imprisoned, (e) the number of clients imprisoned for non-violent crimes and the total number of days such clients were imprisoned, (f) the number of escapes by clients imprisoned for vi-

olent crimes and the number of escapes by clients imprisoned for non-violent crimes, and (g) the number of incidents involving physical violence documented.

STATE AID

13-7025 Institutional Program Support	<u>\$22,500,000</u>
(From Property Tax Relief Fund.....)	<u>\$22,500,000</u>
Total State Aid Appropriation, System-Wide Program	
Support	<u>\$22,500,000</u>
(From Property Tax Relief Fund.....)	<u>\$22,500,000</u>

State Aid:

13 Essex County - County Jail Substance	
Use Disorder Programs (PTRF)	(\$20,000,000)
13 Union County Inmate Rehabilitation	
Services (PTRF)	(2,500,000)

17 Parole

DIRECT STATE SERVICES

03-7010 Parole.....	<u>\$45,937,000</u>
05-7280 State Parole Board	<u>12,038,000</u>
99-7280 Administration and Support Services	<u>3,795,000</u>
Total Direct State Services Appropriation, Parole	<u>\$61,770,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$39,085,000)
Materials and Supplies.....	(535,000)
Services Other Than Personal.....	(2,010,000)
Maintenance and Fixed Charges.....	(1,030,000)

Special Purpose:

03 Parolee Electronic Monitoring Program	(4,073,000)
03 Supervision, Surveillance, and Gang	
Suppression Program.....	(1,481,000)
03 Sex Offender Management Unit	(11,224,000)
03 Satellite-based Monitoring of Sex Offenders	(2,282,000)
Additions, Improvements and Equipment	(50,000)

GRANTS-IN-AID

03-7010 Parole.....	<u>\$35,882,000</u>
Total Grants-in-Aid Appropriation, Parole	<u>\$35,882,000</u>

Grants-in-Aid:

03 Re-Entry Substance Abuse Program	(\$7,889,000)
03 Mutual Agreement Program (MAP)	(4,618,000)
03 Community Resource Center Program (CRC).....	(11,381,000)
03 Stages to Enhance Parolee Success Program	
(STEPS).....	(11,994,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload accounts first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Stages to Enhance Parolee Success Program (STEPS), Mutual Agreement Program (MAP), and Community Resource Center Program (CRC) to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.

To permit flexibility and ensure the appropriate levels of services are provided, appropriated amounts may be transferred between the following accounts: Re-Entry Substance Abuse Program, Mutual Agreement Program (MAP), Community Resource Center Program (CRC), and Stages to Enhance Parolee Success Program (STEPS), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Mutual Agreement Program (MAP), the amount of \$175,000 shall be transferred to the Department of Human Services, Division of Mental Health and Addiction Services for the reimbursement of salaries and to fund other related administrative costs for the Mutual Agreement Program (MAP), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Community Resource Center Program (CRC), an amount not to exceed \$3,000,000 may be transferred to the Department of Labor and Workforce Development, Employment and Training Services Program, for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

99-7000 Administration and Support Services	<u>\$18,868,000</u>
Total Direct State Services Appropriation, Central	
Planning, Direction and Management	<u>\$18,868,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$13,262,000)
Materials and Supplies	(583,000)
Services Other Than Personal	(539,000)
Maintenance and Fixed Charges	(791,000)
Additions, Improvements and Equipment	(3,693,000)

Receipts from the Culinary Arts Vocational Program, and any unexpended balance at the end of the preceding fiscal year in that account, are appropriated for the operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Corrections, Total State Appropriation	<u>\$1,043,867,000</u>
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The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the benefit of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under section 4 of P.L.1969, c.22 (C.30:4-91.4 et seq.).

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$911,506,000
Grants-in-Aid.....	109,861,000
State Aid.....	22,500,000

Appropriations by Fund:

General Fund	\$1,021,367,000
Property Tax Relief Fund	22,500,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

DIRECT STATE SERVICES

36-5120 Student Transportation	\$215,000
38-5120 Facilities Planning and School Building Aid.....	1,458,000
42-5120 School Finance	<u>3,736,000</u>
Total Direct State Services Appropriation, Direct	
Educational Services and Assistance.....	<u>\$5,409,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$5,051,000)
Materials and Supplies.....	(69,000)
Services Other Than Personal.....	(264,000)
Maintenance and Fixed Charges.....	(25,000)

GRANTS-IN-AID

03-5120 Miscellaneous Grants-In-Aid	<u>\$30,000</u>
Total Grants-in-Aid Appropriation, Direct	
Educational Services and Assistance.....	<u>\$30,000</u>

Grants-in-Aid:

Grants:

03 Community Relations Committee of the United Jewish Federation of Metrowest.....	(\$30,000)
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STATE AID

01-5120 General Formula Aid.....	\$7,707,361,000
<i>(From General Fund.....</i>	<i>\$397,357,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>7,310,004,000)</i>
02-5120 Nonpublic School Aid.....	95,503,000
03-5120 Miscellaneous Grants-In-Aid	149,125,000
<i>(From Property Tax Relief Fund.....</i>	<i>149,125,000)</i>
07-5120 Special Education.....	939,628,000
<i>(From General Fund.....</i>	<i>3,978,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>935,650,000)</i>
36-5120 Student Transportation	193,091,000
<i>(From Property Tax Relief Fund.....</i>	<i>193,091,000)</i>
38-5120 Facilities Planning and School Building Aid	<u>1,016,792,000</u>
<i>(From General Fund.....</i>	<i>50,000,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>966,792,000)</i>
Subtotal State Aid Appropriation, Direct Educational	
Services and Assistance	<u>\$10,101,500,000</u>
<i>(From General Fund.....</i>	<i>\$546,838,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>9,554,662,000)</i>
Less:	
Assessment of EDA Debt Service.....	\$26,529,000
Growth Savings - Payment Changes	7,573,000
Total Deductions	<u>\$34,102,000</u>
Total State Aid Appropriation, Direct Educational	
Services and Assistance.....	<u>\$10,067,398,000</u>
<i>(From General Fund.....</i>	<i>\$546,838,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>9,520,560,000)</i>

State Aid:

01 Equalization Aid	(\$397,357,000)
01 Equalization Aid (PTRF)	(5,691,600,000)
01 Supplemental Enrollment Growth Aid (PTRF)	(4,141,000)
01 Per Pupil Growth Aid (PTRF)	(13,460,000)
01 PARCC Readiness (PTRF).....	(13,460,000)
01 Professional Learning Community Aid (PTRF)	(13,427,000)
01 Educational Adequacy Aid (PTRF)	(82,397,000)
01 Security Aid (PTRF).....	(199,525,000)
01 Adjustment Aid (PTRF).....	(566,024,000)
01 Preschool Education Aid (PTRF)	(655,517,000)
01 Under Adequacy Aid (PTRF)	(16,763,000)
01 School Choice (PTRF).....	(53,690,000)
02 Nonpublic Textbook Aid	(8,243,000)
02 Nonpublic Handicapped Aid.....	(28,240,000)
02 Nonpublic Auxiliary Services Aid.....	(31,649,000)

02	Nonpublic Auxiliary/Handicapped	
	Transportation Aid	(2,469,000)
02	Nonpublic Nursing Services Aid	(13,451,000)
02	Nonpublic Technology Initiative	(3,951,000)
02	Nonpublic Security Aid	(7,500,000)
03	Charter School Aid (PTRF)	(42,565,000)
03	Bridge Loan Interest and Approved	
	Borrowing Cost (PTRF)	(200,000)
03	Payments for Institutionalized Children -	
	Unknown District of Residence (PTRF).....	(38,500,000)
03	Host District Support Aid (PTRF)	(25,860,000)
03	Commercial Valuation Stabilization Aid (PTRF)..	(32,000,000)
03	Lead Testing for Schools (PTRF)	(10,000,000)
07	Special Education Categorical Aid (PTRF)	(769,628,000)
07	Extraordinary Special Education Costs Aid	(3,978,000)
07	Extraordinary Special Education Costs Aid	
	(PTRF).....	(166,022,000)
36	Transportation Aid (PTRF)	(192,991,000)
36	Family Crisis Transportation Aid (PTRF)	(100,000)
38	School Building Aid (PTRF)	(45,992,000)
38	School Construction Debt Service Aid (PTRF)	(72,542,000)
38	School Construction & Renovation Fund	(50,000,000)
38	School Construction & Renovation Fund	
	(PTRF).....	(848,258,000)

Less:

Deductions.....\$34,102,000

Of the amount hereinabove appropriated for Equalization Aid, an amount equal to the total earnings of investments of the Fund for the Support of Free Public Schools first shall be charged to such fund.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2016-2017 allocation of the amounts hereinabove appropriated for Equalization Aid shall be as set forth in the February 2016 State Aid notice issued by the Commissioner of Education.

Of the amounts hereinabove appropriated for Nonpublic School Aid, such amounts as determined by the Commissioner of Education may be transferred between such accounts to address changes in enrollments and services, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8), for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts for the 2016-2017 school year shall be:

\$1,326.17 for an initial evaluation or reevaluation for examination and classification; \$380 for an annual review for examination and classification; \$930 for speech correction; and \$826 for supplementary instruction services, provided, however, that the Commissioner of Education may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2016-2017 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal \$995.33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be \$1,015, provided, however, that the Commissioner of Education may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount hereinabove appropriated for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2015.

Items purchased for the use of nonpublic school students with Nonpublic Technology Initiative funds in previous budget cycles shall remain the property of the local education agency; provided, however, that they shall remain on permanent loan for the use of nonpublic school students for the balance of the technologies' useful life.

Notwithstanding the provisions of any law or regulation to the contrary, Nonpublic Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of \$26 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Notwithstanding the provisions of any law or regulation to the contrary, following notification to the Joint Budget Oversight Committee there are appropriated to the Emergency Fund account such additional amounts as may be required to fund approved applications for emergency aid following district needs assessments conducted by the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the amount of \$50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid first shall be charged to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited into the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated. Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid, such amounts as the Director of the Division of Budget and Accounting may deter-

mine first shall be charged to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

From the amount hereinabove appropriated for Nonpublic Security Aid the Commissioner of Education shall provide State aid to each school district in an amount equal to \$50 multiplied by the number of nonpublic school students within the district identified by the district on or before November 5 for security services, equipment, or technology to ensure a safe and secure school environment for nonpublic school students.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that an "SDA district" sells district surplus property, the proceeds from such sale shall be applied as follows, subject to the approval of the Director of the Division of Budget and Accounting: the Commissioner of Education, in his discretion, may direct that the proceeds be used by the SDA district upon a showing of financial need for a capital maintenance project or for a school facilities project if such project is consistent with the district's Long-Range Facilities Plan (LRFP) and the project cost does not exceed \$500,000. If the project cost exceeds \$500,000, the commissioner may direct all or a portion of the proceeds to the New Jersey Schools Development Authority (SDA) for use in projects identified in that district's LRFP. In the case of capital maintenance projects, the SDA may forward the specified aid amount directly to the district for completion of the projects. If the commissioner is not satisfied that there is a sufficient showing of financial need for a capital maintenance project or for a school facilities project or if the commissioner is not satisfied that the proposed project is consistent with the district's LRFP, the proceeds shall be returned to the SDA for use by the SDA for school facilities projects in that SDA district which are consistent with the SDA district's LRFP. For the purposes of this provision, "surplus property" means property which is not being replaced by other property under a grant agreement with the SDA.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2016-2017 allocation of the amounts hereinabove appropriated for Equalization Aid, Educational Adequacy Aid, Adjustment Aid, Preschool Education Aid, School Choice Aid, Security Aid, Special Education Categorical Aid, Supplemental Enrollment Growth Aid, Transportation Aid, Under Adequacy Aid, PARCC Readiness, Per Pupil Growth Aid, Professional Learning Community Aid, and Host District Support Aid shall be as set forth in the February 2016 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of any law or regulation to the contrary, "non-SDA" districts that received their State support for approved project costs through the New Jersey Schools Development Authority shall be assessed an amount equal to the 2013-2014 assessment. District allocations shall be withheld from 2016-2017 formula aid payments and the assessment cannot exceed the total of those payments.

Notwithstanding the provisions of any law or regulation to the contrary, the preschool per pupil aid amounts set forth in subsection d. of section 12 of P.L.2007, c.260 (C.18A:7F-54) shall be adjusted by the geographic cost adjustment developed by the Commissioner of Education pursuant to P.L.2007, c.260.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Preschool Education Aid shall be used for such amounts as are necessary: 1) in the case of a district that received Early Launch to Learning Initiative aid in the 2007-2008 school year, an amount equal to the district's 2007-2008 allocation of Early Launch to Learning Initiative aid; 2) in the case of a school district that received a 2008-2009 allocation of Preschool Education Aid based on its 2007-2008 Early Childhood Program Aid allocation, an aid amount equal to the district's 2015-2016 per pupil allocation of Preschool Education Aid multiplied by the district's projected preschool enrollment, except in the case of a school district participating in the federal Preschool Expansion Grant, in which case the district shall receive the greater of either the district's total 2015-2016 Preschool Education Aid allocation or the district's 2015-2016 per pupil allocation of Preschool Education Aid multiplied by the district's projected preschool enrollment; and 3) in the case of any other district with an allocation of Preschool Education Aid in the 2015-2016 school year calculated using the provisions of section 12 of P.L.2007, c.260 (C.18A:7F-54), an amount calculated in accordance with those provisions based upon 2016-2017 projected enrollments multiplied by the per pupil allocations as set forth in the February 2016 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of any law or regulation to the contrary, a charter school's initial 2016-2017 allocation of the amount hereinabove appropriated for Charter School Aid shall be as set forth in the February 2016 State Aid notice issued by the Commissioner of Education, and shall be adjusted based on the October 15th and the end of the school year actual pupil counts. In addition to the amount hereinabove appropriated for Charter School Aid, such amounts as the Commissioner of Education shall determine to be necessary to support the initial and adjusted payments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.2011, c.176 (C.18A:36C-1 et seq.) or any other law or regulation to the contrary, the per pupil allocation of funding by student characteristic for a renaissance school shall be equal to its 2015-2016 per pupil allocation of funding by student characteristic as prescribed by the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount hereinabove appropriated for Transportation Aid, and notwithstanding the provisions of any law or regulation to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) or any other law or regulation to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal \$884.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Family Crisis Transportation Aid shall be paid to districts based on applications approved from the prior year in accordance with the provisions of section 1 of P.L.2013, c.231 (C.18A:38-1.1), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for School Building Aid and School Construction Debt Service Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2016-2017 school year pursuant to sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-10) and the adjustments required for prior years based on the difference between the amounts calculated using actual principal and interest amounts in a prior year and the amounts allocated and paid in that prior year.

Notwithstanding the provisions of any law or regulation to the contrary, an eligible district's allocation of the amounts hereinabove appropriated for School Construction Debt Service Aid and School Building Aid shall be 85% of the district's approved October 16, 2015 application amount.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for School Building Aid, a district's district aid percentage calculated for purposes of the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10) shall equal the percentage calculated for the 2001-2002 school year.

Notwithstanding the provisions of any law or regulation to the contrary, when calculating a district's allocation of the amount hereinabove appropriated for School Construction Debt Service Aid, the provisions of subsection d. of section 9 of P.L.2000, c.72 (C.18A:7G-9) shall also be applicable for a school facilities project approved by the Commissioner of Education and by the voters in a referendum after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.). Notwithstanding the provisions of section 9 of P.L.2000, c.72 (C.18A:7G-9) or any other law or regulation to the contrary, for the purpose of calculating a district's State Debt Service Aid, "M", the maintenance factor, shall equal 1.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant

to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Lead Testing for Schools is subject to the following condition: amounts shall be paid to school districts, subject to the approval of the Director of the Division of Budget and Accounting, based on approved applications for reimbursement of the costs of testing school drinking water pursuant to program requirements established by the department, which shall be effective upon filing with the Office of Administrative Law.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf	\$14,896,000
(From General Fund.....)	\$6,590,000)
(From All Other Funds	8,306,000)
13-5011 Behavioral Support Program	<u>357,000</u>
(From All Other Funds	357,000)
Total Appropriation, State and All Other Funds	<u>\$15,253,000</u>
(From General Fund.....)	\$6,590,000)
(From All Other Funds	8,663,000)

Less:

All Other Funds.....	\$8,663,000
Total Deductions.....	<u>\$8,663,000</u>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	<u>\$6,590,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$11,598,000)
Materials and Supplies.....	(1,394,000)
Services Other Than Personal.....	(1,165,000)
Maintenance and Fixed Charges.....	(600,000)

Special Purpose:

12 Transportation Expenses for Students.....	(40,000)
Additions, Improvements and Equipment	(456,000)

Less:

All Other Funds.....	\$8,663,000
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Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, in addition to the amount hereinabove appropriated to the Marie H. Katzenbach School for the Deaf for the current academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Behavioral Support Program (BSP) is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 General Vocational Education.....	<u>\$981,000</u>
Total Direct State Services Appropriation, Supplemental Education and Training Programs	<u>\$981,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$931,000)
Materials and Supplies.....	(26,000)
Services Other Than Personal.....	(24,000)

STATE AID

20-5062 General Vocational Education.....	<u>\$6,363,000</u>
Total State Aid Appropriation, Supplemental Education and Training Programs	<u>\$6,363,000</u>

State Aid:

20 Vocational Education.....	(\$4,860,000)
20 Cumberland County Technical Education Center	(503,000)
20 County Vocational School District Partnership Grant Program	(1,000,000)

Of the amount hereinabove appropriated for General Vocational Education, an amount not to exceed \$367,000 is available for transfer to Direct State Services for the administration of vocational education programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the County Vocational School District Partnership Grant Program is appropriated for the same purposes.

The amount hereinabove appropriated for the County Vocational School District Partnership Grant Program shall be allocated for grants to county vocational school districts to partner with urban districts, other school districts, county colleges, and other entities to create high-quality career and technical education programs in existing facilities. The Commissioner of Education shall award grants, within the limit of available State appropriations, to selected county vocational school districts to be

used to support the development and implementation of a career and technical education program. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

34 Educational Support Services

DIRECT STATE SERVICES

30-5063 Standards, Assessments and Curriculum.....	\$28,637,000
31-5060 Grants Management	694,000
32-5061 Teacher and Leader Effectiveness.....	5,694,000
33-5067 Service to Local Districts	5,201,000
34-5068 Innovation	2,510,000
35-5069 Early Childhood Education	1,738,000
37-5069 School Improvement	2,916,000
40-5064 Learning Supports and Specialized Services.....	<u>1,223,000</u>
Total Direct State Services Appropriation, Educational Support Services.....	<u>\$48,613,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$20,424,000)
Materials and Supplies.....	(203,000)
Services Other Than Personal.....	(2,030,000)
Maintenance and Fixed Charges.....	(21,000)

Special Purpose:

30 Statewide Assessment Program	(25,550,000)
30 General Education Development	(226,000)
40 New Jersey Commission on Holocaust Education.....	(159,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated, and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

GRANTS-IN-AID

30-5063 Standards, Assessments and Curriculum.....	\$2,055,000
40-5064 Learning Supports and Specialized Services.....	<u>1,000,000</u>
Total Grants-in-Aid Appropriation, Educational Support Services.....	<u>\$3,055,000</u>

Grants-in-Aid:

30 Liberty Science Center - Educational Services	(\$1,350,000)
30 Governor's Literacy Initiative.....	(270,000)
30 Advanced Placement Exam Fee Waiver	(435,000)
40 Grants for After School and Summer Activities for At-Risk Children	(1,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used for a grant for the Learning Through Listening program at the New Jersey Unit of Learning Ally.

The amount hereinabove appropriated for Advanced Placement Exam Fee Waiver shall supplement that portion of the Advanced Placement Exam Fee that is not currently funded by the Federal Advanced Placement Test Fee Program, The College Board Test Fee Waiver and School Test Processing Fee Waiver for students that qualify for the Free or Reduced Lunch Program.

STATE AID

39-5094 Teachers' Pension and Annuity Assistance \$3,228,976,000
(From Property Tax Relief Fund..... \$3,228,976,000)
 Total State Aid Appropriation, Educational Support
 Services \$3,228,976,000
(From Property Tax Relief Fund \$3,228,976,000)

State Aid:

39 Teachers' Pension and Annuity Fund -
 Post Retirement Medical (PTRF) (\$913,755,000)
 39 Teachers' Pension and Annuity Fund (PTRF) ... (1,083,157,000)
 39 Social Security Tax (PTRF) (768,295,000)
 39 Teachers' Pension and Annuity Fund -
 Non-contributory Insurance (PTRF) (40,051,000)
 39 Post Retirement Medical Other Than TPAF
 (PTRF) (211,306,000)
 39 Affordable Care Act Fees (PTRF) (1,662,000)
 39 Debt Service on Pension Obligation Bonds
 (PTRF) (210,750,000)

Such additional amounts as may be required for Teachers' Pension and Annuity Fund - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Social Security Tax, there is appropriated such amounts, as determined by the Director of the Division of Budget and Accounting, to make payments on behalf of school districts that do not receive sufficient State formula aid payments under this act, for amounts due and owing to the State including out-of-district placements and such amounts shall be recognized by the school district as State revenue.

In addition to the amounts hereinabove appropriated for Social Security Tax, there are appropriated such amounts as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional amounts as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance, Post Retirement Medical Other Than TPAF, and Affordable Care Act Fees are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Debt Service on Pension Obligation Bonds are appropriated, as the Director of the Division of Budget and Accounting shall determine.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

35 Education Administration and Management

DIRECT STATE SERVICES

41-5092 Data, Research Evaluation and Reporting	\$840,000
43-5092 Office of Fiscal Accountability and Compliance	3,291,000
99-5095 Administration and Support Services	<u>13,450,000</u>
Total Direct State Services Appropriation, Education Administration and Management	<u>\$17,581,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$14,442,000)
Materials and Supplies.....	(168,000)
Services Other Than Personal.....	(2,349,000)
Maintenance and Fixed Charges.....	(57,000)

Special Purpose:

43 Internal Auditing.....	(500,000)
99 State Board of Education Expenses	(65,000)

Receipts from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

Such additional amounts as may be required for payments to arbitrators in accordance with section 22 of P.L.2012, c.26 (C.18A:6-17.1) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart, as well as required enhancements to the Statewide longitudinal data system, shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) program and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) program are insufficient to satisfy costs attributable to EdSmart, as well as required enhancements to the Statewide longitudinal data system, there are appropriated to the Student Registration and Record System account such amounts as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation..... \$13,384,996,000

Subject to the availability of federal funds, the Commissioner of Education shall enter into a contract with a nonprofit entity, having the largest library of audio textbooks, for the provision of products and services to public schools to assist students who are unable to use standard text due to a learning disability, visual impairment, or a physical disability. The products and services to be provided may include, but need not be limited to, accessible, human-narrated audiobooks that are available through both mainstream and specialized devices, software capable of recording and reporting data for instructional purposes, and professional development opportunities for instructional and support staff. Upon the certification of the Director of the Division of Budget and Accounting of the availability of federal funds for the performance of the terms of such contract for the 2016-2017 school year, there is appropriated an amount of federal funds not to exceed \$1,500,000 subject to the approval of the director.

Of the amounts hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal resources, there are appropriated funds to establish the Office of School Preparedness and Emergency Planning within the Department of Education, to plan, coordinate, and conduct comprehensive school safety and preparedness assessments for schools and districts Statewide, in collaboration with law enforcement, the Office of Homeland Security and Preparedness, and the Governor's School Security Task Force, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Education, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, provided that unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), the June school aid payments are subject to the approval of the State Treasurer.

From the amounts hereinabove appropriated, such amounts as are required to satisfy delayed June 2016 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2016, as adjusted for any amounts due and owing to the State as of June 30, 2016.

Notwithstanding the provisions of any law or regulation to the contrary, payments from amounts hereinabove appropriated for State Aid may be made directly to the district bank account for the repayment of principal and interest and other costs, when authorized under the terms of a promissory note entered into under the provisions of section 1 of P.L.2003, c.97 (C.18A:22-44.2).

Notwithstanding the provisions of any law or regulation to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State Aid to be allocated to that district.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2016-2017 school year for a district in which an independent audit of the 2015-2016 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual Total Administrative Costs pursuant to N.J.A.C.6A:23A-8.3.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State Aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event that sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with P.L.2006, c.15 (C.18A:7A-54 et seq.), the Director of the Division of Budget and Accounting is authorized to transfer such amounts as required from available balances in State Aid accounts.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.) and section 24 of P.L.1996, c.138 (C.18A:7F-24), or any law or regulation to the contrary, the amount of the Department of Education State Aid appropriations made available to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission pursuant to P.L.1979, c.207 (C.18A:7B-1 et al.) to defray the costs of educating eligible children in approved facilities under contract with the applicable department shall be made at annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, tuition for pupils under contract for services at the Marie H. Katzenbach School for the Deaf, the Commission for the Blind and Visually Impaired, or in a regional day school operated by or under contract with the Department of Human Services or the Department of Children and Families shall be withheld from State Aid and paid to the respective department.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," (SFEA) P.L.1979, c.207 (C.18A:7B-1 et al.) or any law or regulation to the contrary, funding forwarded to the Juvenile Justice Commission pursuant to subsection c. of section 6 of P.L.1979, c.207 (C.18A:7B-2) may be used to support the costs of SFEA students enrolled in a career and technical education program, an adult education assessment program, or a post-secondary dual and concurrent enrollment education program.

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.....	\$79,174,000
Grants-in-Aid.....	3,085,000
State Aid	13,302,737,000

Appropriations by Fund:

General Fund	\$635,460,000
Property Tax Relief Fund	12,749,536,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

DIRECT STATE SERVICES

11-4870 Forest Resource Management	\$8,864,000
12-4875 Parks Management	14,766,000
13-4880 Hunters' and Anglers' License Fund.....	15,315,000
14-4885 Shellfish and Marine Fisheries Management	2,282,000
20-4880 Wildlife Management.....	364,000
21-4895 Natural Resources Engineering	1,281,000
24-4876 Palisades Interstate Park Commission	<u>3,007,000</u>
Total Direct State Services Appropriation, Natural Resource Management	<u>\$45,879,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$22,157,000)
Employee Benefits	(4,025,000)
Materials and Supplies.....	(5,009,000)

Services Other Than Personal.....	(3,524,000)
Maintenance and Fixed Charges.....	(1,782,000)
Special Purpose:	
11 Fire Fighting Costs.....	(2,259,000)
12 Green Acres/Open Space Administration	(5,478,000)
20 Endangered Species Tax Check-Off Donations.....	(364,000)
21 Dam Safety	(1,281,000)

Receipts in excess of the amount anticipated from fees and permit receipts from the use of Parks Management fees and permits and marina rentals, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Green Acres/OpenSpace Administration account is transferred from the Garden State Green Acres Preservation Trust Fund, the Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007, and the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009 to the General Fund, together with an amount not to exceed \$403,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting. Further, there are appropriated from the Garden State Green Acres Preservation Trust Fund such amounts as may be required for the Department's administrative costs related to programs for buyout of flood-prone properties funded by the federal "Disaster Relief Appropriations Act, 2013," provided that reimbursements to the Department of such costs from federal funding agencies shall be reimbursed to the Garden State Green Acres Preservation Trust Fund.

There is appropriated to the Delaware and Raritan Canal Commission such amounts as may be collected from permit review fees pursuant to section 12 of P.L.1974, c.118 (C.13:13A-12), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$19,972,000 from the Clean Energy Fund for Parks Management.

Receipts from police court, stands, concessions, and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the same purpose.

Of the amount hereinabove appropriated for the Hunters' and Anglers' License Fund, the first \$11,983,000 is appropriated from that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts to that

fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such amounts as may be necessary to offset revenue losses associated with the issuance of free waterfowl stamps and hunting and fishing licenses to active members of the New Jersey National Guard and disabled veterans. The amount to be appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Endangered Species Tax Check-Off Donations account is payable from receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with Endangered Species Tax Check-Off receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated to the Department of Environmental Protection \$200,000 from the "Drug Enforcement and Demand Reduction Fund" for the cost of implementing and administering the Hooked on Fishing-Not on Drugs Program established pursuant to P.L.2012, c.46 (C.23:2-13 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$4,442,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from the Shore Protection Fund such additional amounts as are required to fund the Department's administrative costs related to the Department's oversight of flood control, coastal replenishment, and other projects funded by the federal "Disaster Relief Appropriations Act, 2013"; provided, however, that any reimbursements received by the State from the federal "Disaster Relief Appropriations Act, 2013" that reimburse the State for such departmental administrative costs shall be deposited in the Shore Protection Fund.

An amount not to exceed \$440,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et al.) and R.S.58:4-1 et seq., such amounts as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$1,158,000 is appropriated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

In accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, an amount not to exceed \$68,000 is appropriated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account for administrative costs attributable to flood control and an amount not to exceed \$255,000 is appropriated from the 2003 Dam, Lake and Stream Project Revolving Loan Fund-Dam Safety account for administrative costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the New Jersey Motor Vehicle Commission.

From the amounts appropriated hereinabove for Parks Management, the commissioner shall allocate such amounts as may be necessary to develop and implement a program for weed control at Lake Hopatcong.

GRANTS-IN-AID

12-4875 Parks Management	<u>\$2,025,000</u>
Total Grants-in-Aid Appropriation, Natural Resource	
Management	<u>\$2,025,000</u>

Grants-in-Aid:

12 Public Facility Programming(\$2,025,000)

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, and any unexpended balance at the end of the preceding fiscal year are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

21-4895 Natural Resources Engineering	<u>\$31,500,000</u>
Total Capital Construction Appropriation, Natural	
Resource Management	<u>\$31,500,000</u>

Capital Projects:

Bureau of Parks:

Natural Resources Engineering:

21 Shore Protection Fund Projects.....(25,000,000)

21 HR-6 Flood Control(6,500,000)

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed \$500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

43 Science and Technical Programs

DIRECT STATE SERVICES

05-4840 Water Supply	\$8,288,000
07-4850 Water Monitoring and Resource Management.....	10,366,000

15-4890 Land Use Regulation	13,159,000
18-4810 Division of Science, Research and Environmental Health	250,000
29-4850 Environmental Management and Preservation - CBT	
Dedication.....	<u>5,027,000</u>
Total Direct State Services Appropriation, Science and	
Technical Programs	<u>\$37,090,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$8,355,000)
Materials and Supplies.....	(20,000)
Services Other Than Personal.....	(2,592,000)
Maintenance and Fixed Charges.....	(78,000)

Special Purpose:

05 Administrative Costs Water Supply	
Bond Act of 1981 - Management	(2,549,000)
05 Administrative Costs Water Supply	
Bond Act of 1981 - Watershed and	
Aquifer	(1,857,000)
05 Water/Wastewater Operators Licenses	(43,000)
05 Safe Drinking Water Fund	(2,564,000)
07 Water Resources Monitoring and Planning	(10,366,000)
15 Tidelands Peak Demands	(3,389,000)
18 Hazardous Waste Research	(250,000)
29 Water Resources Monitoring and Planning -	
Constitutional Dedication.....	(5,027,000)

Notwithstanding the provisions of any law or regulation to the contrary, an amount, as determined by the Director of the Division of Budget and Accounting, is appropriated from the Clean Energy Fund to support the Office of Sustainability and Green Energy in the Department of Environmental Protection subject to the following condition: The Board of Public Utilities and the Office of Sustainability and Green Energy shall enter into a memorandum of understanding providing for the terms and conditions for the expenditure of the funds, including but not limited to the uses of the funds and program coordination between the two agencies.

The amount hereinabove appropriated for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), together with an amount not to exceed \$336,000, for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Hazardous Waste Research account is appropriated from the available balance in the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on

the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed \$2,657,000 is appropriated from the Hazardous Discharge Site Cleanup Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for Water Allocation fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amounts anticipated for Well Permits, Well Drillers, Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply program and for the Private Well Testing program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing program, and the unexpended balances at the end of the preceding year of such receipts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management and Watershed and Aquifer accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$30,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Water Resources Monitoring and Planning - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,645,000 for New Jersey Geological Survey, \$542,000 for Watershed Management, \$500,000 for Forest Resource Management, and an amount not to exceed \$790,000 for the Department of Agriculture to support nonpoint source pollution control programs, at a level of \$540,000, and the Conservation Assistance Program, at an amount not to exceed \$250,000, on or before September 1, 2016, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of Environmental Protection may utilize from the funds hereinabove appropriated from those sources such amounts as the commissioner may determine as necessary to broaden the department's research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove appropriated for the Water Supply program classification, such additional amounts that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated for the same purpose.

Receipts in excess of the individual amounts anticipated for "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1et seq.), Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated for the same purpose.

Of the amount hereinabove appropriated for the Stormwater Management Grants and Watershed Restoration Projects programs, such amounts as are necessary or required may be transferred to the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Lake Hopatcong Commission such amounts as may be collected from a boat registration surcharge, or other fee as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the commission.

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

19-4815 Publicly-Funded Site Remediation and Response	\$9,606,000
23-4910 Solid and Hazardous Waste Management	4,983,000
27-4815 Remediation Management	<u>33,494,000</u>
Total Direct State Services Appropriation, Site Remediation and Waste Management	<u>\$48,083,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,466,000)
Materials and Supplies	(146,000)
Services Other Than Personal	(3,477,000)
Maintenance and Fixed Charges	(437,000)

Special Purpose:

19 Cleanup Projects Administrative Costs.....(9,606,000)

27 Hazardous Discharge Site Cleanup Fund -

Responsible Party(18,951,000)

In addition to site specific charges, the amounts hereinabove for the Remediation Management program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$10,673,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries and Licensed Site Remediation Professionals fees deposited into the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$15,848,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional amounts, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited into the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," P.L.2009, c.60 (C.58:10C-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated from the Hazardous Discharge Site Cleanup Fund and from the New Jersey Spill Compensation Fund, such amounts as are necessary are appropriated for costs associated with the Administration and Support Services program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste - Utility Regulation Assessments, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification and "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

In addition to the federal funds amount for the Publicly-Funded Site Remediation and Response program classification and the Remediation Management program classification, such additional amounts that may be received from the federal government for the Superfund Grants program are hereby appropriated for the same purpose.

Receipts from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, monies appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the department to the New Jersey Clean Communities Council pursuant to a contract between the de-

partment and the New Jersey Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount not to exceed \$500,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Private Underground Storage Tank Administrative Costs - Constitutional Dedication account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

29-4815 Environmental Management and Preservation -

CBT Dedication \$24,128,000

Total Capital Construction Appropriation, Site

Remediation and Waste Management \$24,128,000

Capital Projects:

Site Remediation:

- 29 Hazardous Substance Discharge
 - Remediation - Constitutional
 - Dedication (\$5,027,000)
- 29 Private Underground Storage Tank
 - Remediation - Constitutional
 - Dedication (9,048,000)
- 29 Hazardous Substance Discharge
 - Remediation Loans & Grants -
 - Constitutional Dedication (10,053,000)

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication and Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication, such amounts as necessary, as determined by the Director of the Division of Budget and Accounting, are appropriated for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and hereinabove appropriated, shall be appropriated to the New Jersey Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the Treasury's Brownfield Site Reim-

bursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Private Underground Storage Tank Remediation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Except as otherwise provided in this act and notwithstanding the provisions of any other law or regulation to the contrary, the first \$50,000,000 in natural resource, cost recoveries and other associated damages recovered by the State, along with such additional amounts as may be determined by the Director of the Division of Budget and Accounting, in consultation with the Attorney General, to be necessary to pay for the costs of legal services related to such recoveries, shall be deposited into the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration. Recoveries in excess of the amounts appropriated pursuant to this paragraph, consistent with the terms and conditions of applicable settlement agreements or court rulings, shall be deposited in the General Fund as general State revenue.

45 Environmental Regulation

DIRECT STATE SERVICES

01-4820 Radiation Protection	\$5,984,000
02-4892 Air Pollution Control	14,851,000
08-4891 Water Pollution Control	7,845,000
09-4860 Public Wastewater Facilities	<u>2,633,000</u>
Total Direct State Services Appropriation, Environmental	
Regulation	<u>\$31,313,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$17,474,000)
Materials and Supplies	(149,000)
Services Other Than Personal	(4,549,000)
Maintenance and Fixed Charges	(177,000)

Special Purpose:

01 Nuclear Emergency Response	(2,621,000)
01 Quality Assurance – Lab Certification	
Programs	(1,553,000)
02 Pollution Prevention	(1,019,000)
02 Toxic Catastrophe Prevention	(980,000)
02 Worker and Community Right to Know	
Act	(764,000)
02 Oil Spill Prevention	(2,027,000)

There is appropriated from the “Commercial Vehicle Enforcement Fund,” established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such amounts as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Nuclear Regulatory Commission - Agreement State account, such amounts as may be necessary to fund the costs of the Radiation Protection program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). Receipts in excess of the amount anticipated, not to exceed \$1,206,000, are appropriated. The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Pollution Prevention account is payable from receipts received pursuant to the “Pollution Prevention Act,” P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$214,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the “Worker and Community Right to Know Act,” P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the “Worker and Community Right to Know Act” account is payable out of the “Worker and Community Right to Know Fund,” and the receipts in excess of the amount anticipated, not to exceed \$518,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed \$1,022,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and section 1 of P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the trust’s annual operating expenses are appropriated for the same purpose.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional amounts that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Notwithstanding the provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the New Jersey Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$2,600,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from Air Pollution Fees - Minor Sources, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the unexpended balances at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund - Constitutional Dedication account are appropriated to be used in a manner consistent with the requirements of the constitutional dedication of the corporation business tax as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution as follows: 5% for water resources monitoring and planning; 9% for private underground storage tank remediation; 10% for hazardous substance discharge remediation loans and grants; 5% for hazardous substance discharge remediation; and 71% for acquisition, development and stewardship.

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs	\$1,790,000
99-4800 Administration and Support Services	<u>19,629,000</u>
Total Direct State Services Appropriation, Environmental	
Planning and Administration	<u>\$21,419,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$15,380,000)
Materials and Supplies	(113,000)
Services Other Than Personal	(667,000)
Maintenance and Fixed Charges	(159,000)

Special Purpose:

99 New Jersey Environmental Management

System	(5,100,000)
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The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian - Open Public Records Act account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

99-4800 Administration and Support Services	<u>\$6,310,000</u>
Total State Aid Appropriation, Environmental	
Planning and Administration	<u>\$6,310,000</u>

State Aid:

99 Mosquito Control, Research,

Administration and Operations	(\$1,346,000)
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99 Administration and Operations of the

Highlands Council	(2,315,000)
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99 Administration, Planning and Development

Activities of the Pinelands Commission..... (2,649,000)

Receipts from permit fees imposed by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

47 Compliance and Enforcement**DIRECT STATE SERVICES**

02-4855 Air Pollution Control..... \$4,550,000

04-4835 Pesticide Control 2,199,000

08-4855 Water Pollution Control 6,185,000

15-4855 Land Use Regulation 2,792,000

23-4855 Solid and Hazardous Waste Management 5,850,000

Total Direct State Services Appropriation, Compliance

and Enforcement..... \$21,576,000**Direct State Services:**

Personal Services:

Salaries and Wages (\$16,395,000)

Materials and Supplies..... (196,000)

Services Other Than Personal..... (3,164,000)

Maintenance and Fixed Charges..... (704,000)

Special Purpose:

15 Tidelands Peak Demands (1,117,000)

Receipts in excess of the amount anticipated for Pesticide Control fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts deposited into the "Coastal Protection Trust Fund" pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) shall be allocated in the following priority order and are appropriated in the amount of \$485,000 for the cleanup or maintenance of beaches or shores, the amount of \$90,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.), the amount of \$65,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, and the amount of \$10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$650,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47

et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection, pursuant to R.S.12:5-6, all penalties, fines, recoveries of costs, and interest deposited to the "Co-operative Coastal Monitoring, Restoration and Enforcement Fund," established pursuant to subsection h. of section 18 of P.L.1973, c.185 (C.13:19-18), for the costs of coastal restoration projects, providing aircraft overflights for coastal monitoring and surveillance, and enforcement activities conducted by the department, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-4855 Water Pollution Control	\$2,700,000
(From Property Tax Relief Fund.....)	\$2,700,000)
Total State Aid Appropriation, Compliance and	
Enforcement	\$2,700,000
(From Property Tax Relief Fund.....)	\$2,700,000)

State Aid:

08 County Environmental Health Act (PTRF).....	(\$2,700,000)
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Department of Environmental Protection,

Total State Appropriation.....	\$272,023,0001
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In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation Assessments, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands Fees, Stream Encroachment, Waterfront Development Fees, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water/Wastewater Operators Licenses, Air Pollution Fees - Minor Sources, and Pesticide Control Fees, if the amounts of such unanticipated revenues exceed \$8,224,000, the amounts of such unanticipated revenues in excess of \$8,224,000 and any reappropriated balances are appropriated for information technology enhancements in the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication account, an amount not to exceed \$1,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective July 1, 2015, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced pro-

portionately. In addition, there is appropriated an amount not to exceed \$4,257,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the General Fund without regard to their specific dedication.

Notwithstanding the provisions of any law or regulation to the contrary, of the federal fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the grant agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund contract.

Receipts in excess of \$4,600,000 anticipated for Air Pollution Fines, Clean Water Enforcement Act, Stream Encroachment Fines, Waterfront Development Fines, Freshwater Wetlands Fines, Solid Waste Fines, and Hazardous Waste Fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

There is reappropriated to the Department of Environmental Protection an amount not to exceed \$5,000,000 from the "Shore Protection Fund" established pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356, for the cost, as defined by that act, of State Projects, including State Projects to restore coastal protection sys-

tems and removal of sand from State waterways resulting from Superstorm Sandy, subject to the approval of the Director of the Division of Budget and Accounting.

There is hereby appropriated for the same purpose the unexpended balance of funds that were appropriated to the Department of Environmental Protection from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, to provide funding to the Department of Transportation for financing the cost of dredging navigation channels not located in the port region, as provided for in section 7 of P.L.1996, c.70, pursuant to a memorandum of understanding between the Department of Environmental Protection and the Department of Transportation, setting forth, among other things, a list of the channels to be dredged.

There are reappropriated to the Department of Environmental Protection unexpended balances in the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, appropriated pursuant to P.L.2000, c.171, for the cost of Projects, as defined in P.L.1996, c.70, including the removal of wet debris, resulting from Superstorm Sandy, in various State navigation channels not located in the port region, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$205,360,000
Grants-in-Aid	2,025,000
State Aid	9,010,000
Capital Construction	55,628,000

Appropriations by Fund:

General Fund.....	\$269,323,000
Property Tax Relief Fund.....	2,700,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

DIRECT STATE SERVICES

01-4215 Vital Statistics	\$1,323,000
02-4220 Family Health Services	6,023,000

03-4230 Public Health Protection Services	13,291,000
08-4280 Laboratory Services.....	9,892,000
12-4245 AIDS Services	<u>1,338,000</u>
Total Direct State Services Appropriation, Health Services	<u>\$31,867,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$15,342,000)
Materials and Supplies.....	(2,229,000)
Services Other Than Personal.....	(1,163,000)
Maintenance and Fixed Charges.....	(1,330,000)

Special Purpose:

02 WIC Farmers Market Program.....	(87,000)
02 Breast Cancer Public Awareness Campaign	(90,000)
02 Identification System for Children's Health and Disabilities	(300,000)
02 Governor's Council for Medical Research and Treatment of Autism	(500,000)
02 Public Awareness Campaign for Black Infant Mortality	(500,000)
02 Cancer Screening - Early Detection and Education Program	(3,500,000)
03 Cancer Registry.....	(400,000)
03 Cancer Investigation and Education.....	(500,000)
03 Emergency Medical Services for Children	(50,000)
03 Animal Welfare.....	(150,000)
03 Worker and Community Right to Know	(1,717,000)
03 New Jersey State Commission on Cancer Research	(1,000,000)
03 Statewide Trauma Registry	(750,000)
03 New Jersey Compassionate Use Medical Marijuana Act.....	(1,607,000)
08 West Nile Virus - Laboratory.....	(640,000)
Additions, Improvements and Equipment	(12,000)

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism.

Receipts deposited into the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. of section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all three entities, with the services of such person allocated to the three entities as shall be determined by the three entities.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Autism Medical Research and Treatment Fund such amounts as are necessary to support the award of grants for a Special Health Needs Medical Homes pilot program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$250,000 from the Autism Medical Research and Treatment Fund for the Autism New Jersey Helpline.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Brain Injury Research Fund such amounts as are necessary to support the award of grants for research on the treatment of brain injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Spinal Cord Research Fund such amounts as are necessary to support the award of grants for research on the treatment of spinal cord injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$154,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.

Amounts deposited into the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts appropriated hereinabove for Statewide Trauma Registry shall be used to maintain the Statewide registry of hospitalizations for traumatic injury.

The unexpended balances at the end of the preceding fiscal year in the Statewide Trauma Registry account are appropriated to implement a statewide registry of hospitalization for traumatic injury, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the

Worker and Community Right to Know account is payable from the “Worker and Community Right to Know Fund.”

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the “Pilot Clinic Fund” such amounts as are necessary to pay the reasonable and necessary expenses of the “Animal Population Control Fund,” subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the “Emergency Medical Technician Training Fund” \$125,000 for Emergency Medical Services and \$180,000 for the First Response EMT Cardiac Training Program.

In the event that amounts available in the “Emergency Medical Technician Training Fund” are insufficient to support reimbursement levels of \$750 for initial EMT training, while at the same time continuing to ensure funding for continuing EMT education at current levels, there are appropriated such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary to maintain these increased levels for initial and continuing EMT training and education.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the “Emergency Medical Technician Training Fund” \$150,000 to support the web-based certification platform for all certified NJ Emergency Medical Services Personnel.

In addition to the purposes set forth in section 2 of P.L.1993, c.277 (C.26:4-100.13), funds in the Hepatitis Inoculation Fund are appropriated and may be used for hepatitis prevention activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, \$1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

02-4220 Family Health Services	\$130,547,000
<i>(From General Fund.....</i>	<i>\$130,018,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>
03-4230 Public Health Protection Services	45,881,000
12-4245 AIDS Services	<u>21,651,000</u>
Total Grants-in-Aid Appropriation,	
Health Services.....	<u>\$198,079,000</u>
<i>(From General Fund.....</i>	<i>\$197,550,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>

Grants-in-Aid:

02 Maternal, Child and Chronic Health	
Services	(\$26,948,000)
02 Statewide Birth Defects Registry (CRF).....	(529,000)
02 Poison Control Center.....	(587,000)
02 Early Childhood Intervention Program	(97,283,000)
02 Surveillance, Epidemiology, and End	
Results Expansion Program - CINJ.....	(2,000,000)
02 REED Academy - Autism Services Pilot	
Program	(500,000)
02 Adler Aphasia Center.....	(200,000)
02 Improving Veterans Access to Health Care	(2,500,000)
03 Implementation of Comprehensive	
Cancer Control Program.....	(1,200,000)
03 Cancer Institute of New Jersey	(28,000,000)
03 South Jersey Cancer Program - Camden.....	(15,400,000)
03 Cancer Institute of New Jersey -	
University Hospital Cancer	
Center Services.....	(1,000,000)
03 Worker and Community Right to Know	(281,000)
12 AIDS Grants	(21,651,000)

Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the most re-

cent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional amounts as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, there is appropriated \$4,000,000 from the Autism Medical Research and Treatment Fund for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on adherence to the requirements of the "Individuals with Disabilities Education Improvement Act of 2004," Pub.L. 108-446 (20 U.S.C. s.1400 et seq.), as amended, and part 303 of Title 34, Code of Federal Regulations, as set forth in the State Plan filed by the Early Childhood Intervention Program with the U.S. Department of Education, Office of Special Education Programs.

Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Improving Veterans Access to Health Care shall be used to support the costs of continued operations by the Vets4Warriors Program and any remaining amounts may be allocated by the Commissioner of Health on a competitive basis to fund initiatives to improve veterans access to health care.

Upon a determination by the Commissioner of Health, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers for services to uninsured clients, the Director of the Division of Budget and Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

Notwithstanding the provisions of section 9 of P.L.2003, c.200 (C.52:9EE-9), there is appropriated from the New Jersey Brain Injury Research Fund the amount of \$140,000 which shall be transferred to the Department of Human Services and allocated to the Brain Injury Alliance of New Jersey for specialized community based services.

There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention, and treatment.

The unexpended balance at the end of the preceding fiscal year in the South Jersey Cancer Program - Camden account are appropriated to the program for cancer-related capital equipment, design, engineering, and construction expenses.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such amounts as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

No funds hereinabove appropriated to the Department of Health shall be used for the Medical Waste Management Program. The Department of Health and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the ADDP is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended for drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to drugs used for baldness and weight loss.

The amount hereinabove appropriated for Cancer Institute of New Jersey- University Hospital Cancer Center Services is allocated to the Cancer Institute of New Jersey for the expansion of National Cancer Institute-designated Cancer Center services at University Hospital in Newark to attract clinical trials and advanced cancer care and prevention strategies to the Greater Newark Area with the goal of ensuring parity among cancer patients, including the underserved and underinsured populations.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health are appropriated to public health priority programs under P.L.1966, c.36 (C.26:2F-1 et seq.) as amended.

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Health Care Facility Regulation and Oversight.....	\$4,598,000
07-4270 Health Care Systems Analysis.....	<u>1,456,000</u>
Total Direct State Services Appropriation, Health Planning and Evaluation.....	<u>\$6,054,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$3,948,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(441,000)
Maintenance and Fixed Charges.....	(176,000)

Special Purpose:

06 Nursing Home Background Checks/Nursing Aide CertificationProgram	(979,000)
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06 Implement Patient Safety Act(400,000)
 Additions, Improvements and Equipment(37,000)
 There are appropriated such sums as are required to the “Health Care Facilities Improvement Fund” to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.
 Receipts from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis \$270,295,000
 Total Grants-in-Aid Appropriation, Health Planning and
 Evaluation \$270,295,000

Grants-in-Aid:

07 Health Care Subsidy Fund Payments(\$1,000)
 07 Hospital Asset Transformation Program.....(19,649,000)
 07 Hospital Delivery System Reform
 Incentive Payments - DSRIP(62,645,000)
 07 Graduate Medical Education.....(188,000,000)
 Notwithstanding the provisions of any law or regulation to the contrary, any revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) for the support of payments to federally qualified health centers.
 Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/NJ FamilyCare or payments from the “Health Care Facilities Improvement Fund” or any payments over and above this act, the hospital shall comply with a request by the Commissioner of Health for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purposes. The cost of such review shall be borne by the acute care hospital and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review.
 Notwithstanding the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i) or any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments is subject to the following conditions: the distribution of Charity Care funding shall be calculated in the following manner: (a) source data for the most recent census data shall be from the 2013 5-Year American Community Survey; (b) source data used shall be from calendar years (CY) 2014 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to CY 2014 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department

of Health (DOH); (c) source data used for CY 2014 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2014 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 5, 2015, as submitted by each acute care hospital by March 13, 2015, and source data used for Medicare Cost Report data shall be from CY 2013; (d) in the event that an eligible hospital failed to submit by March 13, 2015, its total gross revenue for all patients from the CY 2014 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 5, 2015, source data from CY 2013 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (e) the hospital-specific reimbursed documented charity care shall be permitted to decline to 2%, rather than be limited to no less than 43%; (f) for each eligible hospital, except those designated 96% by their hospital-specific reimbursed documented charity care, a proportionate decrease shall be applied to its calculated subsidy based on its percentage of total subsidy such that the total calculated subsidy for all hospitals shall equal \$302,000,000; and (g) the resulting value will constitute each eligible hospital's SFY 2017 charity care subsidy allocation.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of a closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of Health. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

The amounts hereinabove appropriated for charity care or other funding to a health care facility are conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health for the planning of the provision of hospital, medical, or health programs and services, and shall, to the extent permitted by State and federal law, share patient-level data as needed to facilitate such purposes.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: In a manner determined by the Commissioner of Health and subject to the approval of the Director of the Division of Budget and Accounting, eligible hospitals shall receive (1) their charity care subsidy payments beginning in July 2016, and (2) their January 2017 payments in December 2016.

Notwithstanding the provisions of any law or regulation to the contrary, and except as otherwise provided and subject to such modifications as may be required by the Cen-

ters for Medicare and Medicaid Services in order to achieve any required federal approval and full Federal Financial Participation, the amounts hereinabove appropriated for Graduate Medical Education (GME) are conditioned upon the following: The subsidy payment shall be split into a Direct Medical Education (DME) allocation, which is calculated by multiplying the total subsidy amount by the ratio of 2014 total median Medicaid managed care DME costs-to-2014 total median Medicaid managed care GME costs; and an Indirect Medical Education (IME) allocation, which is calculated by multiplying the total subsidy amount by the ratio of 2014 total Medicaid managed care IME costs-to-total 2014 Medicaid managed care GME costs. Each hospital's percentage of total 2014 Medicaid managed care DME costs shall be multiplied by the DME allocation to calculate its DME payment. Each hospital's percentage of total 2014 Medicaid managed care IME costs shall be multiplied by the IME allocation to calculate its IME payment. The sum of a hospital's DME and IME payments equal its subsidy payment. The total amount of these payments shall not exceed \$188,000,000 and shall be paid in 12 monthly payments. In the event that a hospital reported less than 12 months of 2014 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be annualized. In the event the hospital completed a merger, acquisition, or business combination resulting in two cost reports filed during the calendar year, the two cost reports will be combined into one cost report for the calendar year. In the event that a hospital did not report its Medicaid managed care days on the cost report utilized in this calculation, the Department of Health (DOH) shall ascertain Medicaid Managed Care encounter days for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2014 and December 31, 2014; payment dates between January 1, 2014 and December 31, 2015; and a run-date not later than January 31, 2016. Medicaid managed care DME cost is defined as the approved intern and residency program costs using the 2014 Medicaid cost report total residency costs, reported on Worksheet B Pt I Column 21 line 21 plus Worksheet B Pt I Column 22 Line 22 divided by 2014 resident full time equivalent employees (FTE), reported on Worksheet S-3 Pt 1 Column 9 line 14 to develop an average cost per FTE for each hospital used to calculate the overall median cost per FTE. The median cost per FTE is multiplied by the 2014 resident FTEs reported on Worksheet S-3 Pt 1 Column 9 line 14 to develop approved total residency program costs. The approved residency costs are multiplied by the quotient of Medicaid managed care days, reported on Worksheet S-3 Column 7 line 2, divided by the quantity of total days, on Worksheet S-3 Column 8 line 14, less nursery days, on Worksheet S-3 Column 8 line 13. Medicaid managed care IME cost is defined as the Medicare IME factor multiplied by Medicaid Managed Care encounter payments for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2014 and December 31, 2014; payment dates between January 1, 2014 and December 31, 2015; and a run-date of not later than January 31, 2016. The IME factor is calculated using the Medicare IME formula as follows: $1.35 * [(1 + x) 0.405 - 1]$, in which "x" is the quotient of submitted IME resident full-time equivalencies reported on Worksheet S-3 Pt 1 Column 9 line 14 divided by the quantity of total available beds less nursery beds reported Worksheet S-3 Column 2 line 14. In the event that a hospital believes that

there are mathematical errors in the calculations, or data not matching the actual source documents used to calculate the subsidy as defined above, hospitals shall be permitted to file calculation appeals within 15 working days of receipt of the subsidy allocation letter. If upon review it is determined by the DOH that the error has occurred and would constitute at least a five percent change in the hospital's allocation amount, a revised industry-wide allocation shall be issued. Each hospital receiving a GME allocation shall, on or before May 1st, provide a report to the Commissioner of Health indicating the total number of physicians who completed their training during the preceding calendar year, and the number of those physicians who plan to practice medicine within the State of New Jersey.

There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to section 6 of P.L.2000, c.98 (C.26:21-7.1) in connection with the Hospital Asset Transformation Program.

In addition to the amount hereinabove appropriated for Health Care Systems Analysis, an amount not to exceed \$1,000,000 is appropriated from amounts assessed and collected by the Department of Banking and Insurance pursuant to section 9 of P.L.2007, c.330 (C.17:1D-2), for the purpose of funding costs associated with the development and maintenance of the New Jersey Health Information Network, subject to a plan prepared by the Department of Health and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments Program of \$166.6 million are conditioned upon the following: a hospital's payment shall be calculated and distributed as set forth in the final approved version of New Jersey's Delivery System Reform Incentive Payments (DSRIP) funding and mechanics protocol approved on March 27, 2014, by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), in connection with the New Jersey Comprehensive Medicaid 1115 Waiver, consistent with the Special Terms and Conditions of the approved Waiver, including but not limited to Section XIII, paragraphs 91 through 97 thereof as may be amended by Centers for Medicare and Medicaid Services (CMS).

The amount hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments (DSRIP) program is subject to the following condition: the Department of Health shall promptly file with the Presiding Officers of the Legislature copies of any reports or other determinations regarding DSRIP eligibility or plan performance, including but not limited to whether or not a hospital has satisfied any eligibility benchmarks required for receipt of DSRIP funding, which are made by the State or received from CMS.

25 Health Administration

DIRECT STATE SERVICES

99-4210 Administration and Support Services	<u>\$4,460,000</u>
Total Direct State Services Appropriation, Health Administration.....	<u>\$4,460,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages(\$2,685,000)

Materials and Supplies.....(49,000)

Services Other Than Personal.....(226,000)

Special Purpose:

99 Office of Minority and Multicultural Health(1,500,000)

Department of Health, Total State Appropriation..... \$510,755,000

Notwithstanding the provisions of P.L.2005, c.237 or any other law or regulation to the contrary, \$28,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health, in excess of those anticipated, are appropriated, subject to a plan prepared by the department and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) or any law or regulation to the contrary, the first \$1,200,000 in per adjusted admission charge assessment revenues, attributable to \$10 per adjusted admission charge assessments made by the Department of Health, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding NJ FamilyCare, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health, not mandated by federal law, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees, fines, penalties and assessments owed to the Department of Health shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove appropriated, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the Department of Health are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Health Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$42,381,000
Grants-in-Aid.....468,374,000

Appropriations by Fund:

General Fund.....\$510,226,000
Casino Revenue Fund.....529,000

54 DEPARTMENT OF HUMAN SERVICES**20 Physical and Mental Health****23 Mental Health and Addiction Services****DIRECT STATE SERVICES**

10-7710 Patient Care and Health Services.....\$242,179,000
99-7710 Administration and Support Services.....60,334,000
Total Direct State Services Appropriation, Mental Health
and Addiction Services.....\$302,513,000

Direct State Services:**Personal Services:**

Salaries and Wages(\$270,051,000)
Materials and Supplies.....(15,430,000)
Services Other Than Personal.....(10,284,000)
Maintenance and Fixed Charges.....(4,677,000)

Special Purpose:

10 Interim Assistance.....(809,000)
Additions, Improvements and Equipment(1,262,000)

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal disproportionate share hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. As such, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation, shall be considered as the first source supporting the State Aid appropriation.

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

7700 Division of Mental Health and Addiction Services**DIRECT STATE SERVICES**

99-7700 Administration and Support Services.....\$14,756,000

Total Direct State Services Appropriation, Division of

Mental Health and Addiction Services..... \$14,756,000**Direct State Services:**

Personal Services:

Salaries and Wages(\$12,288,000)
 Materials and Supplies.....(91,000)
 Services Other Than Personal.....(1,875,000)
 Maintenance and Fixed Charges.....(186,000)
 Additions, Improvements and Equipment(316,000)

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such amounts as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.).

There is appropriated from the "Drug Enforcement and Demand Reduction Fund" \$350,000 to carry out the provisions of P.L.1995, c.318 (C.26:2B-36 et seq.) to establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

08-7700 Community Services \$513,419,000

09-7700 Addiction Services 36,826,000

Subtotal Grants-in-Aid Appropriation, Division of Mental

Health and Addiction Services \$550,245,000**Less:****Enhanced Federal Match and Third-Party****Recoveries..... \$107,785,000**

Total Grants-in-Aid Appropriation, Division of Mental

Health and Addiction Services \$442,460,000**Grants-in-Aid:**

08 Olmstead Support Services(\$111,762,000)
 08 Community Care.....(255,943,000)
 08 Univ. Behavioral Healthcare Centers -
 Newark (Rutgers, the State University).....(6,165,000)
 08 Univ. Behavioral Healthcare Centers -
 Piscataway (Rutgers, the State
 University).....(11,780,000)
 08 Behavioral Health Rate Increase.....(127,769,000)
 09 Substance Use Disorder Treatment
 for DCP&P/Work-First Mothers(1,421,000)
 09 Community Based Substance Use
 Disorder Treatment and Prevention -
 State Share.....(26,695,000)
 09 Medication Assisted Treatment Initiative(7,167,000)
 09 Compulsive Gambling(650,000)

09 Mutual Agreement Parolee Rehabilitation

Project for Substance Use Disorders (893,000)

Less:**Enhanced Federal Match and Third-Party****Recoveries.....\$107,785,000**

An amount not to exceed \$2,490,000 may be transferred from the Olmstead Support Services account to the Health Care Subsidy Fund Payments account in the Department of Health, to increase the Mental Health Subsidy Fund portion of this account in order to maintain an amount not to exceed the fiscal 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened after January 1, 2008, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Mental Health and Addiction Services, in a cumulative amount not to exceed \$4,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Substance Use Disorder Treatment for DCP&P/Work-First Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders are subject to the following condition: all providers of addiction services under these programs shall be required, not later than January 1, 2015, to enroll as NJ FamilyCare providers and to bill the State NJ FamilyCare program for all appropriate services provided to eligible beneficiaries who are covered under the Medicaid State Plan.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, the amounts hereinabove appropriated may be transferred from the Substance Use Disorder Treatment for DCP&P/Work-First Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders accounts in the Division of Mental Health and Addiction Services to the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug use disorder prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug use disorder services.

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, there is appropriated \$1,500,000 from the "Drug Enforcement and Demand Reduction Fund" for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$2,300,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Opioid Overdose Recovery Program.

Notwithstanding the provisions of any other law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), and the amounts hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of engaging the Division of Property Management and Construction (DPMC) to retain architects and consultants as deemed necessary by DPMC to review the proposed plans for capital construction projects for facilities providing addiction treatment services submitted by providers of addiction treatment services to the Division of Mental Health and Addiction Services to enable DPMC to determine the best facility layout at the lowest possible cost, to monitor the capital projects during design and construction, to provide assistance to the grantee with respect to the undertaking of the capital projects, and to advise the Assistant Commissioner or designee of the Department of Human Services as may be required.

Of the amounts hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, an amount not to exceed \$7,902,000 may be transferred to the Division of Children's System of Care in the Department of Children and Families to support substance use disorder treatment programs as specified in the Memorandum of Agreement between the Department of Human Services and the Department of Children and Families, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount not to exceed \$200,000 is appropriated from the annual assessment against permit holders to the Department of Human Services for prevention, education, and treatment programs for compulsive gambling pursuant to the provisions of section 34 of P.L.2001, c.199 (C.5:5-159), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount equal to one-half of forfeited winnings collected by the Division of Gaming

Enforcement, not to exceed \$50,000 annually, shall be deposited into the State General Fund for appropriation to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs, pursuant to section 2 of P.L.2001, c.39 (C.5:12-71.3), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1998, c.149 or any law or regulation to the contrary, \$400,000 is appropriated from the Body Armor Replacement Fund to the Division of Mental Health and Addiction Services for the purposes of the "Law Enforcement Officer Crisis Intervention Services" Hotline and the reporting and operations of the Cop 2 Cop program.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), not to exceed \$12,500,000, are appropriated, as determined by the Assistant Commissioner or designee of the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, for grants to providers of addiction services for capital construction projects selected and approved by the Assistant Commissioner of the Division of Mental Health and Addiction Services provided that: (1) such grants are made only after the Division of Property Management and Construction (DPMC) has reviewed and approved the proposed capital projects for validity of estimated costs and scope of the project; (2) the capital projects selected by the Assistant Commissioner of the Division of Mental Health and Addiction Services shall be based upon the need to retain existing capacity, complete the construction of previously funded projects which are currently under contract and necessary for the delivery of addiction services, or to relocate existing facilities to new sites; (3) the capital projects may consist of new construction and/or renovation to maintain and increase capacity at existing sites or at new sites; (4) the grant agreement entered into between the Assistant Commissioner of the Division of Mental Health and Addiction Services and the Grantee, or the governmental entity, as the case may be, described below, shall follow all applicable grant procedures which shall include, in addition to all other provisions, requirements for oversight by DPMC; (5) receipt of grant monies pursuant to this appropriation shall not obligate or require the Division of Mental Health and Addiction Services to provide any additional funding to the provider of addiction services to operate their existing facilities or the facility being funded through the construction grant; and (6) instead of the grant being made to the eligible provider for the approved capital project, the grant may be made to a governmental entity to undertake the approved capital project on behalf of the provider of addiction services.

There is appropriated \$1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

There is appropriated \$420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities-Expansion program.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.) or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be distributed to counties for the treatment of alcohol and drug use disorder.

ders and for education purposes, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-7700 Community Services	<u>\$105,214,000</u>
<i>(From Property Tax Relief Fund)</i>	<i>\$105,214,000)</i>
Total State Aid Appropriation, Division of Mental Health and Addiction Services.....	<u>\$105,214,000</u>
<i>(From Property Tax Relief Fund).....</i>	<i>\$105,214,000)</i>

State Aid:

08 Support of Patients in County Psychiatric

Hospitals (PTRF).....(\$105,214,000)

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated for the same purpose.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, the State share of payments from the Support of Patients in County Psychiatric Hospitals account to the several county psychiatric facilities on behalf of the reasonable cost of maintenance of patients deemed to be county indigents shall be at the rate of 125% of the rate established by the Commissioner of Human Services for the period July 1 to December 31 and at the rate of 45% of the rate established by the Commissioner of Human Services for the period January 1 to June 30 such that the total amount to be paid by the State on behalf of county indigent patients for the calendar year shall not exceed 85% of the total reasonable per capita cost; and further provided that the rate at which the State will reimburse the county psychiatric hospitals shall not exceed 100% of the per capita rate at which each county pays to the State for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility, excluding the depreciation, interest and carry-forward adjustment components of this rate, and including the depreciation, interest, and carry-forward adjustment components of each individual county psychiatric hospital's rate established for the period January 1 to December 31 by the Commissioner of Human Services. The initial determination of whether a county hospital rate exceeds the per capita rate that counties pay to the State on behalf of applicable patients residing in a State psychiatric facility will be based on a comparison of estimated cost used to set reimbursement rates for the upcoming calendar year. A second comparison of the actual per diem costs of the county psychiatric hospital and State psychiatric hospitals will be completed after actual cost reports for the period are available including an inflationary adjustment for the six-month difference in fiscal reporting periods between State and county hospitals. The county hospital carry-forward adjustment to be included in rates paid by the State will exclude costs found to exceed 100% of the actual cost rate of the State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provision: payments to county psychiatric hospitals will only be made after receipt of their claims by the Division of Mental Health and Addiction Services. County psychiatric hospitals shall submit such claims no less frequently than quarterly and within 15 days of the close of each quarter.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the State Aid appropriation for the costs of maintaining patients in State and county psychiatric hospitals shall be based on the same percent as costs are shared between the State and counties.

The amount hereinabove appropriated for State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997. In addition, any revision or expansion to the number of inpatient beds or inpatient services provided at such hospitals which will have a material impact on the amount of State Aid payments made for such services, must first be approved by the Department of Human Services before such change is implemented.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal Disproportionate Share Hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. Accordingly, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation shall be considered as the first source supporting the State Aid appropriation.

In addition to the amounts hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals, in the event that the Assistant Commissioner of the Division of Mental Health and Addiction Services determines that, in order to provide the least restrictive setting appropriate, a patient should be admitted to a county psychiatric hospital in a county other than the one in which the patient is domiciled rather than to a State psychiatric hospital, there are hereby appropriated such additional amounts as may be required, as determined by the Assistant Commissioner to reimburse a county for the extra costs, if any, which were incurred in connection with the care of such patient in a county psychiatric hospital which exceeded the cost of care which would have been incurred had the patient been placed in a State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: County psychiatric hospitals shall: (1) enroll and continue to maintain enrollment as providers in the State's NJ FamilyCare program; (2) complete or pursue in good faith the completion of eligibility applications for patients who could be NJ FamilyCare eligible; (3) bill the NJ FamilyCare program for all applicable services; and (4) neither admit nor discharge patients based upon NJ FamilyCare eligibility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the county psychiatric hospitals providing and certifying all information

that is required by the State, in the form specified by the Division of Mental Health and Addiction Services, to prepare a complete, accurate, and timely claim to federal authorities for Medicaid Disproportionate Share Hospital (DSH) claim revenues.

Notwithstanding the provisions of R.S.30:4-78, or any other law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: for rates effective January 1, 2013, and any prior year rate adjustments that may be required beginning January 1, 2013, the approval of the State House Commission shall not be required for the setting of such rates and the Commissioner of Human Services shall set the per capita cost rates to be paid by the State to the several counties on behalf of the reasonable cost of maintenance of State and county patients in any county psychiatric facility, including outpatient psychiatric services, the per capita rates which each county shall pay to the Treasurer for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility having a legal settlement in such county ("County Patients"), the rates to be paid for the reasonable cost of maintenance and clothing of the convict and criminal mentally ill in any State psychiatric facility and the cost of maintenance of County Patients residing in State developmental centers or receiving other residential functional services for the developmentally disabled. Such rates will be fixed no later than October 1 of each calendar year. Notice of such rates shall be provided by the Commissioner of Human Services to the clerk of the respective boards of chosen freeholders.

In the event that the Division of Mental Health and Addiction Services is notified that a county psychiatric hospital will cease operations for the current fiscal year, or any portion thereof, in order to assure continuity of care for patients who otherwise would have been served by the county hospital, as well as to preserve patient and public safety, the Division shall have the authority to transfer funds from the Support of Patients in County Psychiatric Hospitals account to Direct State Services and Grants-In-Aid accounts in the Division of Mental Health and Addiction Services, for the fiscal year, subject to a plan approved by the Director of the Division of Budget and Accounting.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

DIRECT STATE SERVICES

21-7540 Health Services Administration and Management	<u>\$154,361,000</u>
(From General Fund.....	\$32,354,000)
(From Federal Funds.....	120,251,000)
(From All Other Funds	1,756,000)

Subtotal Direct State Services Appropriation, Division of Medical Assistance and Health Services	<u>\$154,361,000</u>
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Less:

Federal Funds.....	\$120,251,000
All Other Funds.....	1,756,000

Total Direct State Services Appropriation, Division of Medical Assistance and Health Services	<u>\$32,354,000</u>
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Direct State Services:**Personal Services:**

Salaries and Wages	(\$37,398,000)
Materials and Supplies.....	(207,000)
Services Other Than Personal.....	(12,907,000)
Maintenance and Fixed Charges.....	(1,994,000)

Special Purpose:

21 Administration of U.S. Dept of Health and Human Services Programs.....	(219,000)
21 Payments to Fiscal Agents	(85,632,000)
21 Professional Standards Review Organization - Utilization Review.....	(1,171,000)
21 Drug Utilization Review Board - Administrative Costs	(33,000)
21 NJ KidCare – Administration.....	(14,631,000)
Additions, Improvements and Equipment	(169,000)

Less:

Federal Funds\$120,251,000

All Other Funds.....1,756,000

The amounts hereinabove appropriated for Personal Services are conditioned upon the Department of Human Services working collaboratively with the various county corrections agencies to promote the proper enrollment in the NJ FamilyCare program of all eligible inmates requiring medical services. The department shall provide guidance to the county corrections agencies on this subject and, upon request, shall provide such additional assistance as may be necessary to support the counties in ensuring that all eligible Medicaid reimbursements are properly claimed consistent with federal law.

Such funds as are necessary from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1991, c.187 (C.26:2H-18.24 et seq.), and for subsidized children's health insurance in the NJ FamilyCare Program established in P.L.2005, c.156 (C.30:4J-8 et al.) to maximize federal Title XXI funding, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all past, present, and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited into the General Fund and may be expended only upon appropriation by law.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited into the General Fund as anticipated revenue.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues received from health maintenance organizations shall be deposited into the General Fund.

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agents account are appropriated for the same purpose.

Of the amounts hereinabove appropriated for Services Other Than Personal, an amount not to exceed \$1,500,000, subject to the approval of the Director of the Division of Budget and Accounting, is allocated for support of efforts by the New Jersey approved Accountable Care Organizations (ACOs) to provide intensive management of high utilization Medicaid recipients with the goal of improving health outcomes and patient satisfaction while lowering costs; provided, however, that payments to an individual ACO shall not exceed \$1,000,000 in State and matching federal funds per ACO and shall be made available to reimburse each approved ACO for administrative expenses.

GRANTS-IN-AID

22-7540 General Medical Services.....	\$12,503,328,000
<i>(From General Fund.....</i>	<i>\$3,934,252,000)</i>
<i>(From Federal Funds.....</i>	<i>7,282,545,000)</i>
<i>(From All Other Funds</i>	<i>1,286,531,000)</i>
Subtotal Grants-in-Aid Appropriation,	
Division of Medical Assistance	
and Health Services	<u>\$12,503,328,000</u>
Less:	
Federal Funds.....	\$7,282,545,000
All Other Funds.....	1,286,531,000
Total Grants-in-Aid Appropriation,	
Division of Medical Assistance	
and Health Services	<u>\$3,934,252,000</u>

Grants-in-Aid:

22 Medical Coverage - Aged, Blind and Disabled.....	(\$2,536,176,000)
22 Medical Coverage - Community-Based Long Term Care Recipients	(862,615,000)
22 Medical Coverage - Nursing Home Residents....	(1,821,405,000)
22 Medical Coverage - Title XIX Parents and Children	(2,138,753,000)
22 Medical Coverage - Title XXI Children	(377,361,000)
22 Medical Coverage - ACA Expansion Population	(2,831,293,000)
22 Medicare Parts A and B	(384,726,000)
22 Medicare Part D	(432,673,000)
22 Eligibility and Enrollment Services	(80,600,000)
22 Provider Settlements and Adjustments	(793,813,000)
22 ACA Health Insurance Providers Fee	(161,798,000)
22 Hospital Mental Health Offset Payments.....	(24,654,000)
22 Federal Incentive Payments	(57,461,000)

Less:**Federal Funds.....\$7,282,545,000****All Other Funds.....1,286,531,000**

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s. 1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager, writing health, casualty, 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 NJ FamilyCare, Charity Care, and Work First New Jersey General Public 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" (Pub.L.108-173), 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 subparagraphs (8) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3) and subparagraphs (3), (4), and (5) of subsection g of section 6 of P.L.1968, c.413 (C.30:4D-6), or any other law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions: in order to encourage home and community services as an alternative to nursing home placement, consistent with the federally approved Section 1115 Medicaid demonstration waiver and any approved amendments thereto, the Commissioner of Human Services is authorized to adjust financial eligibility and other requirements and services for medically needy eligibility groups and the Managed Long Term Services and Supports population, subject to the approval of the Director of the Division of Budget and Accounting and subject to any other required federal approval.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following condition: effective January 1, 2015, the Commissioner of Human Services is authorized to provide any or all types and levels of services that are provided through the Medicaid State Plan's Alternative Benefit Plan to any or all of the types of qualified applicants described in subparagraphs (1), (2), (4), (6), (7), (9), (10), (11), (12), (13), (16(a)), (17), (18), and (19) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3), subject to the approval of the Director of the Division of Budget and Accounting and subject to any required federal approval.

Of the amount hereinabove appropriated within the General Medical Services program classification, the Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who

have the financial ability to provide for their own long-term care needs to manipulate current NJ FamilyCare rules to avoid payment for that care. The Division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources that is not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Notwithstanding the provisions of any law or regulation to the contrary, 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.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional amounts as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children, pregnant women, single adults and childless couples, and parents and caretaker relatives in the NJ FamilyCare program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, of the amounts appropriated in the General Medical Services program classification, the Commissioner of Human Services is authorized to develop and introduce optional service plan innovations to enhance client choice for users of NJ FamilyCare optional services, while containing expenditures.

The appropriations within the General Medical Services program classification shall be conditioned upon the following: the Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

For the purposes of account balance maintenance, all object accounts appropriated in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

The amounts hereinabove appropriated for the General Medical Services program classification are conditioned upon the Commissioner of Human Services making chang-

es to such programs to make them consistent with the federal “Deficit Reduction Act of 2005.”

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first shall be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.) or any law or regulation to the contrary, no funds are appropriated to the Medical Assistance for the Aged program, which has been eliminated.

The amounts hereinabove appropriated for the General Medical Services program classification are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, of the amount hereinabove appropriated for the General Medical Services program classification, personal care assistant services shall be limited to no more than 25 hours per week, per recipient.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, of the amount hereinabove appropriated for General Medical Services program classification, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for fee-for-service personal care services shall be \$18.00.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following conditions: as of January 1, 2014 or on such date established by the federal government for the Health Insurance Marketplace pursuant to the Patient Protection and Affordable Care Act, the following groups of current enrollees shall be transitioned to the federal Health Insurance Exchange for continued health care coverage: a) adults or couples without dependent children who were enrolled in the New Jersey Health ACCESS program on October 31, 2001; b) all parents or caretakers who: (i) have gross family income that does not exceed 200% of the poverty level; (ii) have no health insurance, as determined by the Commissioner of Human Services; (iii) are ineligible for NJ FamilyCare, or (iv) are adult aliens lawfully admitted for permanent residence, but who have lived in the United States for less than five full years after such lawful admittance, and are enrolled in NJ FamilyCare; and c) Essential Persons (Spouses) whose coverage is funded solely by the State.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: only the following individuals shall be excluded from mandatory enrollment in the Medicaid/NJ FamilyCare managed care program: (1) individuals who are institutionalized in an inpatient psychiatric institution, or an inpatient psychiatric program for children under the age of 21 or in a residential facility including facilities characterized by the federal government as ICFs/MR, except that individuals who are eligible through the Division of Child Protection and Permanency (DCP&P) and are placed in a DCP&P non-Joint Committee on Accredita-

tion of Healthcare Organizations (JCAHO) accredited children's residential care facility and individuals in a mental health or substance abuse residential treatment facility shall not be excluded from enrollment pursuant to this paragraph; (2) individuals in out-of-State placements; (3) special low-income Medicare beneficiaries (SLMBs); and (4) individuals in the Program of All-Inclusive Care for the Elderly (PACE) program and (5) Medically Needy segment of the NJ FamilyCare.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: Effective July 1, 2011, the following services, which were previously covered by NJ FamilyCare fee-for-service, shall be covered and provided instead through a managed care delivery system for all clients served by and/or enrolled in that system: 1) home health agency services; 2) medical day care, including both adult day health services and pediatric medical day care; 3) prescription drugs; and 4) rehabilitation services, including occupational, physical, and speech therapies. The above condition shall be effective for personal care assistant services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: Non-contracted hospitals providing emergency services to NJ FamilyCare members enrolled in the managed care program shall accept as payment in full 90% of the amounts that the non-contracted hospital would receive from NJ FamilyCare for the emergency services and/or any related hospitalization if the beneficiary were enrolled in NJ FamilyCare fee-for-service.

Of the revenues received as a result of sanctions to health maintenance organizations participating in NJ FamilyCare managed care, an amount not to exceed \$500,000 is appropriated to the General Medical Services program classification or NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: the Director of the Division of Medical Assistance and Health Services may restrict the number of provider agreements with managed care entities, if such restriction does not substantially impair access to services.

In addition to the amounts hereinabove appropriated for the General Medical Services program classification there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated for the General Medical Services program classification, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of Human Services.

Of the amount hereinabove appropriated for the General Medical Services program classification, the Division of Medical Assistance and Health Services is authorized to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital services are made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of NJ FamilyCare fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205 where applicable, the amount hereinabove appropriated for fee-for-service prescription drugs in the General Medical Services program classification are subject to the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to the General Medical Services program classification, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be adjusted to reflect the reduced prescription volume disbursed by NJ FamilyCare as a primary payer since the implementation of the Medicare Part D program; provided that subject to the execution of a signed agreement by all affected long-term care pharmacies and the Division of Medical Assistance and Health Services and the payment by all affected long-term care pharmacies pursuant to such agreement, the capitated dispensing fee payments to providers of

pharmaceutical services for residents of nursing facilities shall be modified and paid at the per diem equivalent of the retail pharmacy rate for the average number of prescriptions filled when NJ FamilyCare is the primary payer.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the General Medical Services program classification shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for the General Medical Services program classification are available to any pharmacy that does not agree to allow NJ FamilyCare to bill on its behalf any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), by participating in a billing agreement executed between the State and the pharmacy.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated to the General Medical Services program classification, no payment shall be expended for drugs used for the treatment of erectile dysfunction, select cough/cold medications as defined by the Commissioner of Human Services, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and purely cosmetic skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, approved nutritional supplements which are hereinabove appropriated in the General Medical Services program classification shall be consistent with reimbursement for legend and non-legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for the General Medical Services program classification shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Of the amount hereinabove appropriated for the General Medical Services program classification, the Commissioners of Human Services and Health shall establish a system to utilize unopened and unexpired prescription drugs previously dispensed but not administered to individuals residing in nursing facilities.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of NJ FamilyCare clients are appropriated for the General Medical Services program classification.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the General Medical Services program classification shall be conditioned upon the following provision: certifications shall not be granted for new or relocating offsite hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Of the amount hereinabove appropriated for the General Medical Services program classification, 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.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205 where applicable, the appropriation in the General Medical Services program classification shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts expended from the General Medical Services program classification shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the General Medical Services program classification shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a NJ FamilyCare approved provider of partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for the General Medical Services program classification is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by \$10 per hour above the fiscal year 2008 rate.

Of the amount hereinabove appropriated for the General Medical Services program classification, 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.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in the General Medical Services program classification shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

The amount hereinabove appropriated for the General Medical Services program classification may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by the Division of Medical Assistance and Health Services (DMAHS), the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General

- Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or \$15,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.
- Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: the Commissioner of Human Services is authorized to implement a pilot program, effective on or after January 1, 2015, to remove the NJ FamilyCare eligibility determination and redetermination process from one or more county welfare agencies, as determined by the Commissioner of Human Services, subject to any required federal approval.
- Of the amount hereinabove appropriated in the General Medical Services program classification, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed \$6,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.
- Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the General Medical Services program classification are subject to the following conditions: (a) as of July 1, 2011, all parents or caretakers whose applications to enroll in the NJ FamilyCare program were received on or after March 1, 2010: (i) whose family gross income does not exceed 200% of the federal poverty level; (ii) who have no health insurance, as determined by the Commissioner of Human Services; and (iii) who are ineligible for Medicaid shall not be eligible for enrollment in the NJ FamilyCare program and there shall be no future enrollments of such persons in the NJ FamilyCare program; and (b) as of July 1, 2011, any adult alien lawfully admitted for permanent residence, but who has lived in the United States for less than five full years after such lawful admittance and whose enrollment in the NJ FamilyCare program was terminated on or before July 1, 2010 shall not be eligible to be enrolled in the NJ FamilyCare program; provided, however, that this termination of enrollment and benefits shall not apply to such persons who are either (i) pregnant or (ii) under the age of 19.
- Notwithstanding the provisions of subsection d. of section 5 of P.L.2005, c.156 (C.30:4J-12) or any law or regulation to the contrary, the amounts hereinabove appropriated for NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the NJ FamilyCare program by verifying income through any means authorized by the Children's Health Insurance Program Reauthorization Act of 2009, Pub.L.111-3, including through electronic matching of data files provided that any consents, if required, under State or federal law for such matching are obtained.

The unexpended balance at the end of the preceding fiscal year in the Medical Coverage - Aged, Blind and Disabled account is appropriated for the same purpose.

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.

Subject to federal approval, the appropriations for those programs within the General Medical Services program classification are conditioned upon the Department of Human Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current NJ FamilyCare rules to avoid payment for that care. The Division of Medical Assistance and Health Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such amounts as may be necessary are hereinabove appropriated from enhanced audit recoveries obtained by the Department of Human Services to fund the costs of enhanced audit recovery efforts of the department within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the General Medical Services program classification are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of chapter 85 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary and subject to any required federal approval, the amounts hereinabove appropriated within the General Medical Services program classification are subject to the following conditions: (1) Class I (private), Class II (county), and Class III (special care) nursing facilities being paid on a fee-for-service basis, shall be reimbursed at the rate received on June 30, 2016. Further, no Class I, II, and III nursing facilities being paid on a fee-for-service basis shall receive any additional per diem rate adjustment, with the exception of the provider tax add-on payments; (2) nursing facilities that are being paid by a Managed Care Organization (MCO) for custodial care through a provider contract that includes a negotiated rate shall receive that negotiated rate; (3) any Class I and Class III that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate as it received as of June 30, 2016 and any Class II nursing facility that is being paid by an MCO but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate received on June 30, 2016, had it been a Class I nursing facility; (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing facilities, less the portion of those funds to be paid as pass-through payments in accordance with paragraph (1) of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97), shall be combined with amounts hereinabove appropriated for the General Medical Services program classification for the purpose of calculating NJ FamilyCare reimbursements for nursing facilities; and (5) for the purposes of this paragraph, a nursing facility's per diem reimbursement rate or negotiated rate shall not include, if the nursing facility is eligible for reimbursement, the difference between the full calculated provider tax add-on and

the quality-of-care portion of the provider tax add-on, which difference shall be payable as an allowable cost pursuant to subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97). Provided, further, that on or before September 15, 2016, the Department shall calculate and disseminate to the MCOs the amount of the add-on payable during the year starting October 1, 2016 as an allowable cost, as well as the list of nursing facilities that will receive this add-on, and the MCOs shall adjust the rates paid to nursing facilities accordingly; the add-ons calculated for FY 2016 shall be applied from July 1, 2016, through September 30, 2016 and the first add-on shall be applied to fee-for-service per diem reimbursement rates effective October 1, 2016.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for NJ FamilyCare beneficiaries; provided that nursing facilities shall continue to reserve beds for NJ FamilyCare beneficiaries who are hospitalized or on therapeutic leave as required by N.J.A.C.8:85-1.14.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for NJ FamilyCare Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the General Medical Services program classification, shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for Medical Day Care Services shall be conditioned upon the following provision: the fee-for-service per diem reimbursement rate for adult Medical Day Care providers shall be set at \$78.50.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for NJ FamilyCare adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration.

Notwithstanding the provisions of chapter 87 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for Medical Day Care Services shall be subject to the following condition: the daily reimbursement for fee-for-service pediatric medical day care shall remain at the rate established in the preceding fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of receipt of any NJ FamilyCare payments a nursing home shall provide to the Commissioner of Human Services information on the facility's finances comparable to the information provided by hospitals to the Department of Health pursuant to

N.J.A.C.8:31B-3.1 et seq. and N.J.A.C.8:31B-4.1 et seq., as requested by the commissioner, and the commissioner shall periodically assess the financial status of the industry.

Such amounts as may be necessary are hereinabove appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), 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 amounts hereinabove appropriated to the General Medical Services program classification are subject to the following condition: assisted living facilities, comprehensive personal care homes and assisted living programs shall receive a per diem rate, respectively, of no less than \$73.13, \$63.13, and \$53.13 as reimbursement for each NJ FamilyCare beneficiary under their care.

Notwithstanding the provisions of any law or regulation to the contrary, payments from appropriations hereinabove in the General Medical Services program classification for special hospital prospective per diem reimbursements for Medicaid fee-for-service recipients are subject to the following condition: subject to the approval of any required State plan amendment by the federal Centers for Medicare and Medicaid Services special hospitals licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) with more than 60 but less than 102 special beds shall be reimbursed at a prospective per diem rate for Medicaid fee-for-service recipients established by the Division of Medical Assistance and Health Services. The base year prospective per diem rate shall be equal to the per diem rate in effect and paid on June 30, 2015 and may be updated by the economic factor specified in N.J.A.C.10:52-5.13, subject to the approval of the Director of the Division of Budget and Accounting. Provided, however, in the event that the number of licensed beds decreases by 20% or more, the prospective per diem rate may be renegotiated. Any Medicaid cost reports not final settled for Medicaid fee-for-service reimbursement prior to July 1, 2016 shall be prospectively settled based on the per diem rate in effect and paid on June 30, 2015, adjusted to deflate to the applicable cost report year.

26 Division of Aging Services

DIRECT STATE SERVICES

20-7530 Medical Services for the Aged	\$2,663,000
24-7530 Pharmaceutical Assistance to the Aged and Disabled	5,593,000
55-7530 Programs for the Aged.....	1,434,000
<i>(From General Fund.....</i>	<i>\$563,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>
57-7530 Office of the Public Guardian.....	<u>634,000</u>
Total Direct State Services Appropriation, Division of	
Aging Services	<u>\$10,324,000</u>
<i>(From General Fund.....</i>	<i>\$9,453,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>

Direct State Services:

Personal Services:

Salaries and Wages	(\$6,858,000)
Salaries and Wages (CRF)	(796,000)
Materials and Supplies.....	(137,000)
Materials and Supplies (CRF)	(14,000)
Services Other Than Personal.....	(1,743,000)
Services Other Than Personal (CRF).....	(47,000)
Maintenance and Fixed Charges.....	(372,000)
Maintenance and Fixed Charges (CRF).....	(2,000)

Special Purpose:

55 NJ Elder Index	(200,000)
55 Federal Programs for the Aged	(143,000)
Additions, Improvements and Equipment (CRF)	(12,000)

When any action by a county welfare agency, whether alone or in combination with the Department of Human Services, results in a recovery of improperly granted medical assistance, the Department of Human Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Human Services to permit and assist the matching of the Department of Human Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian.

GRANTS-IN-AID

20-7530 Medical Services for the Aged	\$120,000
(From Casino Revenue Fund	\$120,000)
24-7530 Pharmaceutical Assistance to the Aged and Disabled	69,439,000
(From General Fund.....	61,263,000)
(From Casino Revenue Fund	8,176,000)
55-7530 Programs for the Aged	<u>48,272,000</u>
(From General Fund.....	33,524,000)
(From Casino Revenue Fund	14,748,000)
Total Grants-in-Aid Appropriation, Division of Aging	
Services	<u>\$117,831,000</u>
(From General Fund.....	\$94,787,000)
(From Casino Revenue Fund	23,044,000)

Grants-in-Aid:

20	Hearing Aid Assistance for the Aged and Disabled (CRF).....	(\$120,000)
24	Pharmaceutical Assistance to the Aged-Claims	(1,500,000)
24	Pharmaceutical Assistance to the Aged and Disabled-Claims	(53,547,000)
24	Pharmaceutical Assistance to the Aged and Disabled-Claims (CRF)	(8,176,000)
24	Senior Gold Prescription Discount Program	(6,216,000)
55	Holocaust Survivor Assistance Program, Samost Jewish Family and Children's Services Southern NJ.....	(400,000)
55	Community Based Senior Programs	(33,124,000)
55	Community Based Senior Programs (CRF)	(14,748,000)

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in implementing ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharma-

ceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program (Senior Gold), pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for

prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Programs. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional amounts as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Human Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and

Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug when paid by PAAD or the Senior Gold Prescription Discount Program as the primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the "Medicare Prescription Drug Improvement, and Modernization Act of 2003" (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and skin conditions.

From the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged - Claims and Senior Gold Prescription Discount Program, an amount not to exceed \$2,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include, but not be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives, hereinabove appropriated as part of Community Based Senior Programs within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue 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.

In addition to the amounts hereinabove appropriated for Pharmaceutical Assistance to the Aged and Disabled and Hearing Aid Assistance for the Aged and Disabled programs, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional amounts as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail-order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Human Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual

in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug paid by PAAD as a primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including but not limited to: drugs used for baldness, weight loss, and skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$175,000 shall be charged to the Casino Simulcasting Fund.

STATE AID

55-7530 Programs for the Aged	<u>\$7,152,000</u>
(From General Fund.....)	\$4,654,000)
(From Property Tax Relief Fund.....)	2,498,000)
Total State Aid Appropriation, Division of Aging Services	<u>\$7,152,000</u>
(From General Fund.....)	\$4,654,000)
(From Property Tax Relief Fund	2,498,000)

State Aid:

55 County Offices on Aging (PTRF).....	(\$2,498,000)
55 Older Americans Act - State Share	(4,654,000)

27 Disability Services

7545 Division of Disability Services

DIRECT STATE SERVICES

27-7545 Disability Services.....	<u>\$1,315,000</u>
Total Direct State Services Appropriation, Division of	
Disability Services.....	<u>\$1,315,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$1,029,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(273,000)
Maintenance and Fixed Charges.....	(9,000)

GRANTS-IN-AID

27-7545 Disability Services.....	<u>\$12,855,000</u>
(From General Fund.....)	\$9,121,000)
(From Casino Revenue Fund.....)	3,734,000)
Total Grants-in-Aid Appropriation, Division of	
Disability Services.....	<u>\$12,855,000</u>
(From General Fund.....)	\$9,121,000)
(From Casino Revenue Fund.....)	3,734,000)

Grants-in-Aid:

27 Personal Assistance Services Program.....	(\$7,383,000)
27 Personal Assistance Services Program (CRF)	(3,734,000)
27 Community Supports to Allow	
Discharge from Nursing Homes.....	(79,000)
27 Transportation/Vocational Services for the	
Disabled.....	(1,659,000)

Notwithstanding the provisions of section 1 of P.L.2009, c.181 (C.30:4D-7j), or any other law or regulation to the contrary, providers of Medicaid funded Personal Care Assistance services shall no longer be required to file cost reports with the Division of Disability Services.

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services	\$251,774,000
(From General Fund.....)	\$81,407,000)
(From Federal Funds.....)	170,367,000)
99-7610 Administration and Support Services	55,446,000
(From General Fund.....)	20,169,000)
(From Federal Funds.....)	35,277,000)
Total Appropriation, State and Federal Funds	<u>\$307,220,000</u>
(From General Fund.....)	\$101,576,000)
(From Federal Funds.....)	205,644,000)

Less:

Federal Funds.....	<u>\$205,644,000</u>
Total Direct State Services Appropriation, Operation and	
Support of Educational Institutions	<u>\$101,576,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$263,066,000)
Materials and Supplies.....	(26,019,000)
Services Other Than Personal.....	(9,074,000)
Maintenance and Fixed Charges.....	(8,101,000)
Additions, Improvements and Equipment	(960,000)

Less:

Federal Funds.....	<u>\$205,644,000</u>
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The State appropriation for the State's developmental centers is based on ICF/MR revenues of \$229,177,000, provided that if the ICF/MR revenues exceed \$229,177,000, an amount equal to the excess ICF/MR revenues may be deducted from the State appropriation for the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other amounts provided in Inter-Departmental accounts for Employee Benefits, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the developmental centers and are available for matching federal funds.

7601 Community Programs

DIRECT STATE SERVICES

08-7601 Community Services	\$42,411,000
(From General Fund.....)	\$23,967,000)

(From Federal Funds..... 18,444,000)
 99-7601 Administration and Support Services..... 25,197,000
 (From General Fund..... 11,658,000)
 (From Federal Funds..... 13,539,000)
 Total Appropriation, State and Federal Funds \$67,608,000
 (From General Fund..... \$35,625,000)
 (From Federal Funds..... 31,983,000)

Less:

Federal Funds..... **\$31,983,000**
 Total Direct State Services Appropriation, Community
 Programs \$35,625,000

Direct State Services:

Personal Services:

Salaries and Wages (\$58,967,000)
 Materials and Supplies..... (1,703,000)
 Services Other Than Personal..... (3,840,000)
 Maintenance and Fixed Charges..... (1,511,000)

Special Purpose:

99 Developmental Disabilities Council (306,000)
 Additions, Improvements and Equipment (1,281,000)

Less:

Federal Funds..... **\$31,983,000**

GRANTS-IN-AID

01-7601 Purchased Residential Care \$935,750,000
 (From General Fund..... \$345,204,000)
 (From Casino Revenue Fund..... 151,938,000)
 (From Federal Funds..... 376,803,000)
 (From All Other Funds 61,805,000)
 02-7601 Social Supervision and Consultation..... 157,720,000
 (From General Fund..... 101,167,000)
 (From Federal Funds..... 56,553,000)
 03-7601 Adult Activities 282,402,000
 (From General Fund..... 180,320,000)
 (From Federal Funds..... 102,082,000)
 Total Appropriation, State and Federal Funds \$1,375,872,000
 (From General Fund..... \$626,691,000)
 (From Casino Revenue Fund..... 151,938,000)
 (From Federal Funds..... 535,438,000)
 (From All Other Funds 61,805,000)

Less:

Federal Funds..... **\$535,438,000**
 All Other Funds..... 61,805,000

Total Grants-in-Aid Appropriation, Community Programs.....	<u>\$778,629,000</u>
(From General Fund.....)	<u>\$626,691,000</u>
(From Casino Revenue Fund.....)	<u>151,938,000</u>

Grants-in-Aid:

01 CCW - Individual Supports.....	(\$585,926,000)
01 CCW - Individual Supports (CRF)	(151,938,000)
01 Skill Development Homes	(18,000,000)
01 Client Housing	(95,261,000)
01 Contracted Services.....	(84,625,000)
02 Office for Prevention of Developmental Disabilities	(573,000)
02 CCW - Individual and Family Support Services	(102,320,000)
02 Supports Program - Individual and Family Support Services.....	(53,644,000)
02 Developmental Disabilities Council	(1,183,000)
03 Supports Program - Employment and Day Services.....	(99,116,000)
03 CCW - Employment and Day Services.....	(183,286,000)

Less:

Federal Funds.....	\$535,438,000
All Other Funds.....	61,805,000

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Assistant Commissioner of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds hereinabove appropriated for the operation of the self-determination program including participants from the Community Services Waiting List Reduction Initiatives - FY1997 through FY2002, subject to the approval of a plan by the Assistant Commissioner of the Division of Developmental Disabilities, which allowed an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative - FY2001 and FY2002, and the Community Nursing Care Initiative - FY2002, who chose self-determination.

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed \$61,805,000, are appropriated for the continued operation of the Division of Developmental Disabilities community-based residential programs, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State ICF/MR facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding the provisions of any law or regulation to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, \$488,178,000 of federal Community Care Waiver funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Waiver funds above this amount is conditional upon the approval of a plan submitted by the Department of Human Services that must be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with developmental disabilities presently residing in out-of-State institutions to community residences within the State may be transferred from the Private Institutional Care account to other Casino Revenue Fund Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired
DIRECT STATE SERVICES

11-7560 Services for the Blind and Visually Impaired	\$7,793,000
99-7560 Administration and Support Services	<u>2,763,000</u>
Total Direct State Services Appropriation, Commission	
for the Blind and Visually Impaired	<u>\$10,556,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,246,000)
Materials and Supplies.....	(126,000)
Services Other Than Personal.....	(785,000)
Maintenance and Fixed Charges.....	(456,000)

Special Purpose:

11 Technology for the Visually Impaired	(765,000)
Additions, Improvements and Equipment	(178,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped"; provided, however, each local board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the Blind and Vis-

ually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors' fees to compensate the recoveries and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired..... \$3,552,000
 Total Grants-in-Aid Appropriation, Commission
 for the Blind and Visually Impaired..... \$3,552,000

Grants-in-Aid:

11 State Match for Federal Grants (\$617,000)
 11 Educational Services for Children (1,670,000)
 11 Services to Rehabilitation Clients (1,265,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

7550 Division of Family Development

DIRECT STATE SERVICES

15-7550 Income Maintenance Management..... \$181,039,000
 (From General Fund..... \$30,810,000)
 (From Federal Funds..... 134,773,000)
 (From All Other Funds..... 15,456,000)
 Total Appropriation, State and Federal Funds \$181,039,000
 (From General Fund..... \$30,810,000)
 (From Federal Funds..... 134,773,000)
 (From All Other Funds..... 15,456,000)

Less:

Federal Funds..... \$134,773,000
 All Other Funds..... \$15,456,000
 Total Direct State Services Appropriation, Division of
 Family Development \$30,810,000

Direct State Services:

Personal Services:

Salaries and Wages (\$30,340,000)
 Materials and Supplies..... (330,000)
 Services Other Than Personal..... (26,620,000)
 Maintenance and Fixed Charges..... (343,000)

Special Purpose:

15 Electronic Benefit Transfer/ Distribution System.....	(6,484,000)
15 Work First New Jersey - Technology Investment	(116,714,000)
Additions, Improvements and Equipment	(208,000)

Less:

Federal Funds..... \$134,773,000

All Other Funds..... \$15,456,000

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.

GRANTS-IN-AID

15-7550 Income Maintenance Management.....	<u>\$486,402,000</u>
(From General Fund.....	\$175,863,000)
(From Federal Funds.....	275,539,000)
(From All Other Funds	35,000,000)
Total Appropriation, State and Federal Funds	<u>\$486,402,000</u>
(From General Fund.....	\$175,863,000)
(From Federal Funds.....	275,539,000)
(From All Other Funds	35,000,000)

Less:

Federal Funds..... \$275,539,000

All Other Funds..... 35,000,000

Total Grants-in-Aid Appropriation, Division of

Family Development

Grants-in-Aid:

15 Restricted Grants.....	(\$797,000)
15 Work First New Jersey - Training Related Expenses.....	(17,177,000)
15 Work First New Jersey Support Services.....	(72,676,000)
15 Work First New Jersey - Breaking the Cycle	(1,055,000)
15 Work First New Jersey Child Care	(334,623,000)
15 Kinship Care Initiatives	(5,555,000)
15 Wage Supplement Program	(2,300,000)
15 Kinship Care Guardianship and Subsidy	(1,600,000)

15 Supplemental Nutrition Assistance	
Program - Education.....	(7,000,000)
15 Social Services for the Homeless.....	(17,216,000)
15 SSI Attorney Fees	(2,914,000)
15 Substance Use Disorder Initiatives	(23,489,000)

Less:

Federal Funds.....	\$275,539,000
All Other Funds.....	35,000,000

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, an amount not to exceed \$35,000,000 is appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for before-school, after-school, and summer "wrap around" child care shall be expended except in accordance with the following condition: Effective September 1, 2010, families with incomes between 101% and 250% of the federal poverty level who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year shall be subject to a copayment for "wrap around" child care, based upon a schedule approved by the Department of Human Services and published in the New Jersey Register, and effective September 1, 2010, families who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year must meet the eligibility requirements under the New Jersey Cares for Kids child care program (N.J.A.C.10:15-5.1 et seq.) in order to receive free or subsidized "wrap around" child care.

STATE AID

15-7550 Income Maintenance Management.....	<u>\$790,217,000</u>
(From General Fund.....)	<u>\$227,016,000</u>

(From Property Tax Relief Fund..... 51,903,000)
(From Federal Funds..... 506,540,000)
(From All Other Funds 4,758,000)
 Total Appropriation, State
 and Federal Funds \$790,217,000
(From General Fund..... \$227,016,000)
(From Property Tax Relief Fund..... 51,903,000)
(From Federal Funds..... 506,540,000)
(From All Other Funds 4,758,000)

Less:

Federal Funds..... \$506,540,000
All Other Funds..... 4,758,000
 Total State Aid Appropriation, Division of
 Family Development \$278,919,000
(From General Fund..... \$227,016,000)
(From Property Tax Relief Fund 51,903,000)

State Aid:

15 County Administration Funding(\$346,284,000)
 15 Work First New Jersey -
 Client Benefits.....(60,348,000)
 15 Earned Income Tax Credit Program(98,393,000)
 15 General Assistance Emergency
 Assistance Program(40,094,000)
 15 Payments for Cost of
 General Assistance(31,492,000)
 15 Work First New Jersey - Emergency
 Assistance.....(63,890,000)
 15 Payments for Supplemental Security
 Income.....(75,275,000)
 15 State Supplemental Security Income
 Administrative Fee(20,438,000)
 15 General Assistance County
 Administration (PTRF).....(27,678,000)
 15 Supplemental Nutrition Assistance
 Program Administration - State (PTRF).....(24,225,000)
 15 Fair Labor Standards Act - Minimum
 Wage Requirements (TANF)(2,100,000)

Less:

Federal Funds..... \$506,540,000
All Other Funds..... 4,758,000

The net State share of reimbursements and the net balances remaining after full payment of amounts due the federal government of all funds recovered under P.L.1997, c.38 (C.44:10-55 et seq.) and P.L.1950, c.166 (C.30:4B-1 et seq.), at the end of the preceding fiscal year are appropriated for the Work First New Jersey Program.

Receipts from State administered municipalities during the preceding fiscal year are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are available for payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision: any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and in the Payments for Cost of General Assistance and General Assistance Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.46:30B-74 or any other law or regulation to the contrary, balances in the Unclaimed Child Support Trust fund are appropriated to the Department of Human Services, Division of Family Development to offset unpaid receivables for the child support program.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional amounts are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a \$25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey - Client Benefits and

General Assistance Emergency Assistance Payments, an amount not to exceed \$6,900,000 is appropriated from the Universal Service Fund for utility payments for Work First New Jersey recipients, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C.9A:1-1.2.

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.

Notwithstanding the provisions of section 3 of P.L.1973, c.256 (C.44:7-87) or any other law or regulation to the contrary, the amount hereinabove appropriated for State Supplemental Security Income Administrative Fee is subject to the following condition: in order to expedite and improve efficiency in the administration of the State Supplemental Security Income Program ("Program"), the Division of Family Development may enter into contracts with one or more other states to issue, on behalf of the State of New Jersey, State Supplemental Social Security checks to clients approved by the State of New Jersey to receive payments under the Program and to pay the state or states for any costs incurred under such contract, subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing

DIRECT STATE SERVICES

23-7580 Services for the Deaf	<u>\$1,042,000</u>
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing	<u>\$1,042,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$662,000)
Services Other Than Personal.....	(40,000)
Maintenance and Fixed Charges.....	(1,000)

Special Purpose:

23 Services to Deaf Clients.....	(284,000)
23 Communication Access Services.....	(55,000)

70 Government Direction, Management, and Control

76 Management and Administration

7500 Division of Management and Budget

DIRECT STATE SERVICES

96-7500 Institutional Security Services.....	\$7,073,000
99-7500 Administration and Support Services.....	<u>29,866,000</u>

Total Direct State Services Appropriation, Division of
Management and Budget..... \$36,939,000

Direct State Services:

Personal Services:

Salaries and Wages (\$24,162,000)
Materials and Supplies..... (349,000)
Services Other Than Personal..... (6,446,000)
Maintenance and Fixed Charges..... (719,000)

Special Purpose:

99 Health Care Billing System..... (62,000)
99 Transfer to State Police for
Fingerprinting/Background
Checks of Job Applicants (4,257,000)

Additions, Improvements and Equipment (944,000)

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$750,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Revenues received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Management and Budget to offset the costs of performing the required reviews.

GRANTS-IN-AID

99-7500 Administration and Support Services \$8,809,000

Total Grants-in-Aid Appropriation, Division of
Management and Budget..... \$8,809,000

Grants-in-Aid:

99 Unit Dose Contracting Services (\$4,824,000)
99 Consulting Pharmacy Services..... (3,985,000)

Department of Human Services, Total State Appropriation .. \$6,443,346,000

Of the amount hereinabove appropriated for the Department of Human Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services shall be conditioned upon the following provision: any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey - Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, with respect to the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals, commencing January 1, 2010, the State shall pay to each county an amount equal to 35% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, in accordance with a plan prepared by the department, and approved by the Director of the Division of Budget and Accounting.

To effectuate the orderly consolidation or closure of a developmental center or psychiatric hospital, amounts hereinabove appropriated for the State developmental centers and State psychiatric hospitals may be transferred to accounts throughout the Department of Human Services in accordance with the plan adopted pursuant to section

2 of P.L.1996, c.150 (C.30:1-7.4) to consolidate or close a developmental center or State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Medical Assistance and Health Services to support the Managed Care Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the object accounts in the General Medical Services, Community Services and Addictions Services program classifications are subject to the following condition: notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, the Commissioner of Human Services shall implement a new rate methodology as part of the ongoing fee-for-service conversion, which implementation may include, but need not be limited to, modifications to reimbursement levels, as well as contract and service modifications, with respect to mental health and substance use disorder services.

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$577,810,000
Grants-in-Aid.....	5,474,251,000
State Aid.....	391,285,000

Appropriations by Fund:

General Fund	\$6,104,144,000
Property Tax Relief Fund	159,615,000
Casino Revenue Fund.....	179,587,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

99-4565 Administration and Support Services	<u>\$693,000</u>
Total Direct State Services Appropriation, Economic Planning and Development.....	
	<u>\$693,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$507,000)
Materials and Supplies.....	(11,000)
Services Other Than Personal.....	(150,000)
Maintenance and Fixed Charges.....	(25,000)

Of the amount hereinabove appropriated for the Administration and Support Services program classification, \$538,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for the Administration and Support Services program, an amount not to exceed \$550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Administration and Support Services program, \$31,000 is payable out of the State Disability Benefits Fund and, in addition to the amount hereinabove appropriated for the Administration and Support Services program, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

Fines and penalties collected pursuant to violations of P.L.1945, c.169 (C.10:5-1 et seq.) are hereby appropriated for program costs.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Administration and Support Services, there is appropriated \$470,000 from the New Jersey Builders Utilization Initiative for Labor

Diversity, pursuant to P.L.2009, c.313 (C.52:38-7), for enforcing the provisions of P.L.2009, c.335 (C.52:40-1 et seq.).

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), there is appropriated to the Department of Labor and Workforce Development from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary to pay for employer rebate awards as approved by the Commissioner of Community Affairs.

53 Economic Assistance and Security

DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan.....	\$32,546,000
04-4520 Private Disability Insurance Plan	4,996,000
05-4525 Workers' Compensation.....	13,617,000
06-4530 Special Compensation	<u>1,933,000</u>
Total Direct State Services Appropriation, Economic Assistance and Security.....	<u>\$53,092,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$32,498,000)
Materials and Supplies.....	(269,000)
Services Other Than Personal.....	(5,895,000)

Maintenance and Fixed Charges..... (3,137,000)

Special Purpose:

03 State Disability Insurance Plan (300,000)

03 State Disability Benefits Fund -

Joint Tax Functions (5,500,000)

03 Family Leave Insurance (5,040,000)

04 Private Disability Insurance Plan..... (50,000)

05 Workers' Compensation (363,000)

06 Special Compensation..... (40,000)

An amount not to exceed \$150,000 for the cost of notifying unemployment compensation recipients of the availability of New Jersey Earned Income Tax Credit information, pursuant to section 1 of P.L.2005, c.210 (C.43:21-4.2), is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to pay interest due on any advances made from the federal unemployment account under Title XII of the Social Security Act (42 U.S.C. s.1321 et seq.) is hereby appropriated from the Unemployment Compensation Interest Repayment Fund established in the Department of Labor and Workforce Development, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, there is appropriated from the Unemployment Compensation Auxiliary Fund, an amount not to exceed \$16,000,000 to support collection activities in the program as well as costs associated with certain State required notifications to Unemployment Insurance claimants and for the support of the workforce development system, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan, there is appropriated from the State Disability Benefits Fund an amount not to exceed \$10,000,000, such amount to include \$1,000,000 for a reengineering study of the business process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan, there are appropriated from the Family Temporary Disability Leave Account within the State Disability Benefits Fund such amounts as may be required to pay benefits during periods of family temporary disability leave and the associated administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated from the State

Disability Benefits Fund such additional amounts as may be required to administer the State Disability Insurance Plan and the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Special Compensation program shall be payable from the Second Injury Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated from the Second Injury Fund such additional amounts as may be required for costs of administration and beneficiary payments.

There is appropriated from the balance in the Second Injury Fund an amount not to exceed \$1,000,000 to be deposited to the credit of the Uninsured Employer's Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employer's Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury Fund without interest and shall be included in net assets of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

Notwithstanding the provisions of any law or regulation to the contrary, the funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Amounts to administer the Uninsured Employer's Fund are appropriated from the Uninsured Employer's Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.43:21-16 or any other law or regulation to the contrary, any recoveries from fines and penalties assessed on or before October 21, 2013 in connection with fraudulently obtained unemployment insurance benefits are appropriated and shall be deposited into the Unemployment Compensation Auxiliary Fund.

From the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the amount of \$22,000,000 or so much thereof as may be necessary, is appropriated for the continued maintenance and improvement of services to unemployment insurance claimants through the improvement and modernization of the benefit payment system and other technology improvements and to employment service clients through the continued development and maintenance of one-stop offices throughout the State and other investments in technology, processes, and services that will enhance job opportunities for clients.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535 Vocational Rehabilitation Services \$2,704,000

09-4545 Employment Services	10,015,000
12-4550 Workplace Standards	4,391,000
16-4555 Public Sector Labor Relations	3,680,000
17-4560 Private Sector Labor Relations	<u>491,000</u>
Total Direct State Services Appropriation, Manpower and Employment Services	<u>\$21,281,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$16,186,000)
Materials and Supplies	(32,000)
Services Other Than Personal	(502,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

09 Workforce Development Partnership Program	(1,909,000)
09 Workforce Development Partnership - Counselors	(81,000)
09 Workforce Literacy and Basic Skills Program	(2,000,000)
12 Worker and Community Right to Know Act	(30,000)
12 Public Works Contractor Registration	(450,000)
12 Safety Commission	(3,000)
12 Additions, Improvements and Equipment	(60,000)

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove appropriated for Salaries and Wages for the Vocational Rehabilitation Services program classification shall be conditioned on the following: a) prior to determination of funding levels for the various services funded by any State or federal funds for vocational rehabilitation services, including but not limited to slot values and transportation, the Commissioner of Labor and Workforce Development shall consult with the sheltered workshop provider community to ensure a fair and adequate allocation of funding; and b) the Commissioner shall notify the Joint Budget Oversight Committee not less than 10 days prior to implementation of any change in rates for vocational rehabilitation services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated for the Council on Gender Parity an amount not to exceed \$72,000 from the Unemployment Compensation Auxiliary Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts from the Workforce Development Partnership Fund, pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional amounts as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, up to 15% of the amount available from the Workforce Development Partnership Fund for the Supplemental Workforce Development Benefits Program shall be appropriated as necessary to fund additional administrative costs relating to the processing and payment of benefits, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Literacy and Basic Skills Program shall be appropriated from receipts received pursuant to P.L.2001, c.152 (C.34:15D-21 et seq.), together with such additional amounts as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills," P.L.2001, c.152 (C.34:15D-21 et seq.), or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated for the same program, subject to the approval of the Director of the Division of Budget and Accounting.

Any excess receipts that are appropriated to the Workplace Standards program and that are available may be used by the Department of Labor and Workforce Development as match for any federal programs requiring a State match.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right To Know Act account is payable from the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Public Works Contractor Registration program and the unexpended balance at the end of the preceding fiscal year are appropriated for the Public Works Contractor Registration program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund. From the appropriation provided hereinabove in support of office leases, and notwithstanding the provisions of P.L.1992, c.130 (C.52:18A-191.1 et seq.), the State Treasurer, in consultation with the Commissioner of Labor and Workforce Development, is hereby authorized to enter into cost-sharing agreements with any authorized non-State partner that offers programs and activities supported primarily by federal funds from the United States Departments of Labor and Education in the State's one-stop centers for the purpose of co-locating such partner in an office with the Department of Labor and Workforce Development providing rent costs shall be equitably shared in accordance with a cost allocation plan approved by the Commissioner of Labor and Workforce Development.

There are appropriated from the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such amounts as may be necessary for payments.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services	\$42,794,000
<i>(From General Fund.....</i>	<i>\$40,598,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>
10-4545 Employment and Training Services	<u>30,076,000</u>
Total Grants-in-Aid Appropriation, Manpower and	
Employment Services.....	<u>\$72,870,000</u>
<i>(From General Fund.....</i>	<i>\$70,674,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>

Grants-in-Aid:

07 Vocational Rehabilitation Services	(\$36,166,000)
07 Vocational Rehabilitation Services (CRF).....	(2,196,000)
07 Services to Clients (State Share).....	(4,432,000)
10 New Jersey Youth Corps.....	(2,325,000)
10 Work First New Jersey Work Activities	(27,751,000)

Notwithstanding the provision of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated \$14,000,000 from the Workforce Development Partnership Fund.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed \$9,114,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated an additional \$5,000,000 from the Workforce Development Partnership Fund for Extended Employment (Center based jobs), Extended Employment Transportation, and Long-Term Follow Along Services, which shall be allocated in the same amounts as in Fiscal Year 2016. Further, there is appropriated an additional \$5,000,000 from the Workforce Development Partnership Fund, of which \$3,600,000 shall be allocated for the Extended Employment client slots transferred to the Department of Labor and Workforce Development from the Department

of Human Services, and \$1,400,000 shall be allocated for Extended Employment Transportation.

Of the amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than \$9,768,000 shall be allocated for the Extended Employment client slots transferred to the Department of Labor and Workforce Development from the Department of Human Services and shall be paid in twelve equal monthly payments of \$814,000, commencing July 2016. These funds shall be contracted in July and the first payment shall be paid to providers in July 2016.

Of the amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than \$24,012,000 shall be allocated for the Division of Vocational Rehabilitation Extended Employment client slots and shall be paid in twelve equal monthly payments of \$2,001,000, commencing July 2016. These funds shall be contracted in July and the first payment shall be paid to providers in July 2016.

In addition to the amounts hereinabove appropriated for the Employment and Training Services program classification, an amount not to exceed \$50,000 is appropriated from the Unemployment Compensation Auxiliary Fund for costs incurred by the Disadvantaged Youth Employment Opportunities Council, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for New Jersey Youth Corps, \$1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, \$475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for New Jersey Youth Corps, there is appropriated an amount not to exceed \$2,200,000 from the Supplemental Workforce Fund for Basic Skills, P.L.2001, c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses, \$8,190,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed \$21,500,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, such sums as may be necessary to allow for the matching of federal funds made available pursuant to 29 U.S.C. s.730 are hereby appropriated from the Workforce Development Partnership fund, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

22-4575 General Administration, Agency Services, Test Development and Analytics	17,356,000
24-4580 Appeals and Regulatory Affairs	<u>2,046,000</u>
Total Direct State Services Appropriation, General Government Services.....	<u>\$19,402,000</u>

Direct State Services:

Personal Services:

Civil Service Commission.....	(\$5,000)
Salaries and Wages	(15,882,000)
Materials and Supplies.....	(192,000)
Services Other Than Personal.....	(2,657,000)
Maintenance and Fixed Charges.....	(143,000)

Special Purpose:

22 Microfilm Service Charges	(29,000)
22 Test Validation/Police Testing.....	(434,000)
22 Americans with Disabilities Act	(60,000)

Receipts from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, collected from firefighter and law enforcement examination receipts, are appropriated for the costs of administering these exams, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for appeals to the Civil Service Commission are appropriated for the costs of administering the appeals process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Training and Development (CLIP) and any unexpended balance at the end of the preceding fiscal year are appropriated for costs related to that program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Labor and Workforce Development,

Total State Appropriation..... \$167,338,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$94,468,000
 Grants-in-Aid 72,870,000

Appropriations by Fund:

General Fund \$165,142,000
 Casino Revenue Fund 2,196,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice****12 Law Enforcement****DIRECT STATE SERVICES**

06-1200 State Police Operations \$265,132,000
 09-1020 Criminal Justice 31,717,000
 11-1050 State Medical Examiner 438,000
 30-1460 Gaming Enforcement 42,530,000
 (From Casino Control Fund \$42,530,000)
 99-1200 Administration and Support Services 31,780,000
 Total Direct State Services Appropriation, Law Enforcement.. \$371,597,000
 (From General Fund \$329,067,000)
 (From Casino Control Fund 42,530,000)

Direct State Services:

Personal Services:

Salaries and Wages (\$199,812,000)
 Salaries and Wages (CCF) (32,886,000)
 Cash In Lieu of Maintenance (27,728,000)
 Cash In Lieu of Maintenance (CCF) (694,000)
 (From General Fund \$227,540,000)
 (From Casino Control Fund 33,580,000)
 Materials and Supplies (14,481,000)
 Materials and Supplies (CCF) (526,000)
 Services Other Than Personal (14,447,000)
 Services Other Than Personal (CCF) (3,456,000)
 Maintenance and Fixed Charges (4,338,000)
 Maintenance and Fixed Charges (CCF) (2,693,000)

Special Purpose:

06 Nuclear Emergency Response Program (1,091,000)
 06 Drunk Driver Fund Program (350,000)
 06 Camden Initiative (1,500,000)
 06 Enhanced DNA Testing (450,000)

06	State Police DNA Laboratory Enhancement	(1,150,000)
06	Urban Search and Rescue	(1,000,000)
06	Rural Section Policing	(53,398,000)
09	Division of Criminal Justice - State Match	(750,000)
09	Expenses of State Grand Jury	(356,000)
09	Medicaid Fraud Investigation - State Match.....	(500,000)
30	Gaming Enforcement (CCF).....	(1,500,000)
99	Emergency Operations Center and Hamilton TechPlex Maintenance	(3,773,000)
99	N.C.I.C. 2000 Project.....	(1,575,000)
	Additions, Improvements and Equipment	(2,368,000)
	Additions, Improvements and Equipment (CCF)	(775,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, and the unexpended balance at the end of the preceding fiscal year in the Criminal Justice Cost Recovery account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Victim and Witness Advocacy Fund account, together with receipts pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

Such additional amounts as may be required to carry out the provisions of the "New Jersey Antitrust Act" P.L.1970, c.73 (C.56:9-1 et seq.) are appropriated from the General Fund, provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with "The Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding the provisions of any other law or regulation to the contrary, none of the monies appropriated to the Division of State Police shall be used to provide police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in a municipality in which such services were not provided in the previous fiscal year or to expand such services in a municipality beyond the level at which such services were provided in the previous fiscal year.

Of the amounts hereinabove appropriated in the Rural Section Policing account, amounts may be transferred to salary and other operating accounts within the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to paragraph (7) of subsection 1. of N.J.S.2C:39-6, the Retired Officer Handgun Permits program, and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of

administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Drunk Driver Fund Program account, together with any receipts in excess of the amount anticipated in the Drunk Driving Fines account in the Department of Transportation, are appropriated to the Drunk Driver Fund Program account in the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated \$612,000 from the New Jersey Motor Vehicle Commission for the Drunk Driver Fund Program.

The amount hereinabove appropriated for the Drunk Driver Fund Program is payable out of the Drunk Driving Enforcement Fund established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated for use of the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for State Police Operations, such amounts as may be required for the purpose of offsetting costs of the provision of State Police services are appropriated from indirect cost recoveries received from the New Jersey Highway Authorities and other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the New Jersey Emergency Medical Service Helicopter Response Program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.) and the general aviation program. The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of medevac and general aviation helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting. Receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection c. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police to fund the costs of new State Police recruit training classes. The unexpended balance at the end of the preceding fiscal year is appropriated for this purpose subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances collected pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2),

not to exceed \$904,000, are appropriated for State Police salaries, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$7,391,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and the New Jersey Motor Vehicle Commission in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties and receipts collected, pursuant to the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.) and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering this process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$12,105,000 for State Police salaries related to statewide security services, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such amounts as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall be deposited into the General Fund.

There is appropriated, an amount up to \$25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated to the Division of State Police, there shall be credited against such amounts such monies as are received by the Division of State Police pursuant to a Memorandum of Understanding between the Division of State

Police and the New Jersey Schools Development Authority for services rendered by the Division of State Police in connection with the school construction program. In addition to the amount hereinabove appropriated for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional amounts as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations \$765,000
 Total Grants-in-Aid Appropriation, Law Enforcement..... \$765,000

Grants-in-Aid:

06 Nuclear Emergency Response Program.....(\$765,000)

The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response Program account is appropriated for the same purpose.

STATE AID

06-1200 State Police Operations \$2,000,000
(From Property Tax Relief Fund..... \$2,000,000)
 Total State Aid Appropriation, Law Enforcement..... \$2,000,000
(From Property Tax Relief Fund..... \$2,000,000)

State Aid:

06 Essex Crime Prevention (PTRF).....(\$2,000,000)

13 Special Law Enforcement Activities

DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety..... \$598,000
 17-1420 Election Law Enforcement..... 4,510,000
 20-1450 Review and Enforcement of Ethical Standards 1,047,000
 Total Direct State Services Appropriation, Special Law
 Enforcement Activities..... \$6,155,000

Direct State Services:

Personal Services:

Salaries and Wages(\$4,932,000)
 Materials and Supplies.....(66,000)
 Services Other Than Personal.....(549,000)
 Maintenance and Fixed Charges.....(10,000)

Special Purpose:

03 Federal Highway Safety.....(598,000)

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1) or any other law or regulation to the contrary, an amount not to exceed \$4,199,000 from receipts from fees and penalties collected by the Division of Alcoholic Beverage Control shall be deposited in the General Fund as State revenue.

From the receipts from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such amounts as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from breakage monies and uncashed pari-mutuel winning tickets resulting from off-track and account wagering and any reimbursement assessment against permit holders or successors in interest to permit holders shall be distributed to the New Jersey Racing Commission in accordance with the provisions of the "Off Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

17-1420 Election Law Enforcement \$6,200,000
(From Gubernatorial Elections Fund \$6,200,000)

Total Grants-In-Aid Appropriation, Special Law

Enforcement Activities \$6,200,000
(From Gubernatorial Elections Fund \$6,200,000)

Grants-in-Aid:

17 Election Law Enforcement (GEF) (\$6,200,000)

There are appropriated from the Gubernatorial Elections Fund such amounts as may be required for payments to persons qualifying for additional public funds pursuant to section 5 of P.L.1974, c.26 (C.19:44A-30); provided, however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such amounts as may be required.

Of the amount hereinabove appropriated for the Election Law Enforcement Gubernatorial Elections Fund, an amount not to exceed \$480,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

18 Juvenile Services**DIRECT STATE SERVICES**

34-1500 Juvenile Community Programs	\$26,184,000
35-1505 Institutional Control and Supervision.....	37,471,000
36-1505 Institutional Care and Treatment	18,013,000
40-1500 Juvenile Parole and Transitional Services	5,776,000
99-1500 Administration and Support Services	<u>15,855,000</u>
Total Direct State Services Appropriation, Juvenile	
Services	<u>\$103,299,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$80,962,000)
Food In Lieu of Cash	(203,000)
Materials and Supplies.....	(6,999,000)
Services Other Than Personal.....	(9,871,000)
Maintenance and Fixed Charges.....	(3,274,000)

Special Purpose:

34 Juvenile Aftercare Programs	(89,000)
34 Juvenile Justice Initiatives	(700,000)
99 Johnstone Facility Maintenance.....	(457,000)
99 Juvenile Justice - State Matching Funds	(160,000)
99 Custody and Civilian Staff Equipment	
and Supplies	(35,000)

Additions, Improvements and Equipment(549,000)

Receipts from the eyeglass program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

GRANTS-IN-AID

34-1500 Juvenile Community Programs	<u>\$16,599,000</u>
Total Grants-in-Aid Appropriation, Juvenile Services	<u>\$16,599,000</u>

Grants-in-Aid:

34 Juvenile Detention Alternative	
Initiative	(\$1,900,000)
34 Alternatives to Juvenile Incarceration	
Programs	(1,624,000)
34 Crisis Intervention Program	(4,292,000)
34 State/Community Partnership Grants.....	(8,470,000)
34 Purchase of Services for Juvenile	
Offenders.....	(313,000)

Of the amounts hereinabove appropriated for the Juvenile Detention Alternative Initiative, such amounts as may be required shall be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated in the various Grants-In-Aid accounts, the Juvenile Justice Commission shall assure that Grants-In-Aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness	\$9,978,000
99-1000 Administration and Support Services	<u>10,302,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$20,280,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,005,000)
Materials and Supplies.....	(74,000)
Services Other Than Personal.....	(454,000)
Maintenance and Fixed Charges.....	(22,000)

Special Purpose:

13 Office of Homeland Security and Preparedness.....	(3,978,000)
13 Cybersecurity and Data Protection.....	(6,000,000)
99 Atlantic City Tourism District	(290,000)
99 Office of Law Enforcement Professional Standards	(1,436,000)

Additions, Improvements and Equipment (21,000)

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1 and February 1, of the use and disposition by State law enforcement agencies, including the offices of the county prosecutors, of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited into the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated and may be transferred to the Division of State Police to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Office of Homeland Security and Preparedness is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Homeland Security and Preparedness, such additional amounts as may be required are appropriated for the purposes of providing State matching funds for federal grants related to homeland security and such amounts may be transferred to other departments and State agencies for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$7,200,000, are appropriated for the Office of Homeland Security and Preparedness and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated and such amounts may be transferred to other departments and State agencies for any State and/or local homeland security purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall: (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant, shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of

the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

12-1010 Legal Services	<u>\$72,696,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services.....	<u>\$72,696,000</u>
Less:	
Legal Services.....	<u>\$56,162,000</u>
Total Income Deductions	<u>\$56,162,000</u>
Total Direct State Services Appropriation, General	
Government Services.....	<u>\$16,534,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$14,407,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal.....	(462,000)
Maintenance and Fixed Charges.....	(134,000)

Special Purpose:

12 Legal Services.....	(56,162,000)
12 Child Welfare Unit.....	(1,442,000)

Less:

Income Deductions	<u>56,162,000</u>
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In addition to the \$56,162,341 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services, incurred by the Division of Law related

to litigation and acting on behalf of the State and State agencies and the costs of settlements and judgments as determined by the Division of Law. Such amounts first shall be charged to any revenues derived from recoveries collected by the State and are also appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

14-1310 Consumer Affairs	\$7,357,000
15-1318 Operation of State Professional Boards.....	17,633,000
<i>(From General Fund.....</i>	<i>\$17,541,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>
16-1350 Protection of Civil Rights.....	4,327,000
19-1440 Victims of Crime Compensation Office.....	<u>3,372,000</u>
Total Direct State Services Appropriation, Protection of	
Citizens' Rights	<u>\$32,689,000</u>
<i>(From General Fund.....</i>	<i>\$32,597,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>

Direct State Services:

Personal Services:

Salaries and Wages	(\$5,996,000)
Salaries and Wages (CRF)	(65,000)
Employee Benefits (CRF)	(27,000)
<i>(From General Fund.....</i>	<i>\$5,996,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>
Materials and Supplies.....	(78,000)
Services Other Than Personal.....	(16,004,000)
Maintenance and Fixed Charges.....	(1,382,000)

Special Purpose:

14 Consumer Affairs Legalized Games of	
Chance.....	(1,200,000)
14 Securities Enforcement Fund.....	(893,000)
14 Consumer Affairs Weights and	
Measures Program.....	(2,612,000)
14 Consumer Affairs Charitable	
Registrations Program	(556,000)
15 Operation of State Professional Boards	(4,000)
15 Personal Care Attendants - Background	
Checks.....	(500,000)
19 Claims - Victims of Crime	(3,372,000)

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee in-

creases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from penalties and the unexpended balance at the end of the preceding fiscal year in the Consumer Fraud Education Fund program account pursuant to P.L.1999, c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program and for use by the Department of Law and Public Safety to support departmental efforts related to critical training, equipment, facility needs, background checks and investigations required by law, and unanticipated costs related to enforcement needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the assessment and recovery of costs, fines, and penalties as well as other receipts received pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated and may be transferred for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year are appropriated to the Controlled Dangerous Substance Registration Program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). Notwithstanding the provisions of any law or regulation to the contrary, an amount not less than that anticipated as General Fund revenue from receipts from fees and penalties collected by the Securities Enforcement Fund shall be transferred to the General Fund as State revenue by April 1. The unexpended balance at the end of the preceding fiscal year is appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety to support departmental efforts related to suicide and violence prevention, fire safety, anti-gang activities, background checks and investigations required by law, critical equipment or facility needs, and unanticipated public safety or citizen protection needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs, Office of Weights and Measures program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigation program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for each of the several State professional boards, advisory boards, and committees shall be payable from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities, and the unexpended balances at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), or any law or regulation to the contrary, any receipts from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim Witness Assistance pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose.

The amount hereinabove appropriated for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and for additional Victims of Crime Compensation Office operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance at the end of the preceding fiscal year in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection Fund program, payment of claims of victims of crime and for Victims of Crime Compensation Office operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the New Jersey Board of Nursing.

Department of Law and Public Safety,
 Total State Appropriation \$576,118,000

Receipts from the provision of copies, the processing of credit cards and other materials related to compliance with section 6 of P.L.2001, c.404 (C.47:1A-5), are appropriated for the purpose of offsetting costs related to the public access of government records.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by any division in the Department of Law and Public Safety are appropriated for the purposes of offsetting the operating expenses of the courses, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1974, c.46 (C.45:1-3.2) or any law or regulation to the contrary, an amount not to exceed \$7,000,000, subject to the approval of the Attorney General, is hereby appropriated from the unexpended balances of the several State professional boards, advisory boards, and committees located in the Department of Law and Public Safety which are not otherwise required to be expended for the purposes of such professional boards, advisory boards and committees to pay for the costs and expenses of the various divisions within the Department of Law and Public Safety as determined by the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

Summary of Department of Law and Public Safety Appropriations
 (For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$550,554,000
Grants-in-Aid.....	23,564,000
State Aid.....	2,000,000

Appropriations by Fund:

General Fund	\$525,296,000
Casino Control Fund.....	42,530,000
Casino Revenue Fund.....	92,000
Gubernatorial Elections Fund.....	6,200,000
Property Tax Relief Fund	2,000,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services*****DIRECT STATE SERVICES**

40-3620 New Jersey National Guard Support Services.....	\$3,807,000
60-3600 Joint Training Center Management and Operations.....	164,000
99-3600 Administration and Support Services.....	<u>4,076,000</u>
Total Direct State Services Appropriation, Military Services	<u>\$8,047,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$3,765,000)
Materials and Supplies.....	(532,000)
Services Other Than Personal.....	(1,151,000)
Maintenance and Fixed Charges.....	(1,077,000)

Special Purpose:

40 National Guard - State Active Duty	(50,000)
40 New Jersey National Guard Challenge Youth Program	(265,000)
40 Joint Federal - State Operations and Maintenance Contracts (State Share)	(1,152,000)

Additions, Improvements and Equipment(55,000)

Receipts from the rental and use of armories and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for New Jersey National Guard Support Services, funds received for Distance Learning Program use are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the National Guard - State Active Duty account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Joint Federal - State Operations and Maintenance Contracts (State Share) account is appropriated for the same purpose.

Receipts from the sale of solar energy credits and the receipt of energy rebates and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance of other energy program projects.

80 Special Government Services***83 Services to Veterans******3610 Veterans' Program Support*****DIRECT STATE SERVICES**

50-3610 Veterans' Outreach and Assistance	\$3,843,000
51-3610 Veterans' Haven	2,024,000

70-3610 Burial Services	<u>1,892,000</u>
Total Direct State Services Appropriation, Veterans' Program Support.....	<u>\$7,759,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$5,388,000)
Materials and Supplies.....	(763,000)
Services Other Than Personal.....	(419,000)
Maintenance and Fixed Charges.....	(150,000)

Special Purpose:

50 Payment of Military Leave Benefits	(150,000)
50 Veterans' State Benefits Bureau	(130,000)
50 Maintenance for Memorials	(386,000)
70 Honor Guard Support Services	(373,000)

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Notwithstanding the provisions of section 4 of P.L.2001, c.351 (C.52:13H-2.1) or any other law or regulation to the contrary, the amount hereinabove appropriated for Payment of Military Leave Benefits is subject to the following conditions: it shall be the responsibility of the Department of Military and Veterans' Affairs to accept, review, and approve applications by a county, municipal governing body, or board of education for reimbursement of eligible costs incurred as a result of the provisions of P.L.2001, c.351, and to reimburse such costs from the Payment of Military Leave Benefits account.

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance	<u>\$2,499,000</u>
Total Grants-in-Aid Appropriation, Veterans' Program Support	<u>\$2,499,000</u>

Grants-in-Aid:

50 Support Services for Returning Veterans.....	(\$450,000)
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50 Vietnam Veterans Memorial Foundation.....	(250,000)
50 Veterans' Tuition Grants.....	(4,000)
50 Veterans' Transportation	(335,000)
50 Blind Veterans' Allowances	(25,000)
50 Paraplegic and Hemiplegic Veterans' Allowance	(135,000)
50 Post Traumatic Stress Disorder.....	(1,300,000)
From the amount hereinabove appropriated for the Support Services for Returning Veterans, such amounts as may be required may be transferred to Veterans Outreach and Assistance-Direct State Services, Veterans' Haven North and South - Direct State Services and Veterans' Transportation Grants-In-Aid, subject to the approval of the Director of the Division of Budget and Accounting.	

3630 Menlo Park Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3630 Domiciliary and Treatment Services	\$20,424,000
99-3630 Administration and Support Services	<u>5,568,000</u>
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home	<u>\$25,992,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$21,875,000)
Materials and Supplies.....	(2,207,000)
Services Other Than Personal.....	(1,536,000)
Maintenance and Fixed Charges.....	(260,000)
Additions, Improvements and Equipment	(114,000)

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home	<u>\$55,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$55,000)
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3640 Paramus Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3640 Domiciliary and Treatment Services	\$20,076,000
99-3640 Administration and Support Services	<u>4,573,000</u>
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home	<u>\$24,649,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$21,569,000)
Materials and Supplies.....	(1,520,000)

Services Other Than Personal	(1,335,000)
Maintenance and Fixed Charges	(184,000)
Additions, Improvements and Equipment	(41,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home	<u>\$55,000</u>
Grants-in-Aid:	
20 Prescription Drug Program	(\$55,000)

3650 Vineland Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3650 Domiciliary and Treatment Services	\$22,078,000
99-3650 Administration and Support Services	<u>5,515,000</u>
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home	<u>\$27,593,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$23,019,000)
Materials and Supplies.....	(1,669,000)
Services Other Than Personal.....	(2,467,000)
Maintenance and Fixed Charges.....	(314,000)
Additions, Improvements and Equipment	(124,000)

Balances on hand at the end of the preceding fiscal year for the benefit of residents in the several veterans' homes and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed \$50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and the U.S. Department of Veterans Affairs at the end of the preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Vineland Veterans' Memorial Home	<u>\$55,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$55,000)
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Department of Military and Veterans' Affairs, Total State

Appropriation	<u>\$96,704,000</u>
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Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, lease or licensing payments received by the Department of Military and Veterans Affairs in connection with the property known as the "Colgate Clock" located on Block 2, Lot C on the Official Tax Map of Jersey City, New Jersey, shall be deposited in the General Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$94,040,000
Grants-in-Aid	2,664,000

Appropriations by Fund:

General Fund	\$96,704,000
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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.....	\$1,441,000
81-2400 Educational Opportunity Fund Programs	<u>338,000</u>
Total Direct State Services Appropriation, Higher Educational Services	<u>\$1,779,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$1,591,000)
Materials and Supplies.....	(9,000)
Services Other Than Personal.....	(117,000)
Maintenance and Fixed Charges.....	(12,000)
Additions, Improvements and Equipment	(50,000)

In addition to the amounts hereinabove appropriated for Statewide Planning and Coordination for Higher Education there is appropriated an amount not to exceed \$1,500,000, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of supporting the creation and maintenance by the Economic Development Authority, in collaboration with the Secretary of Higher Education, of a searchable database of research being conducted across the State by higher education institutions, for use as an economic tool in attracting and retaining businesses in New Jersey.

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education.....	\$2,800,000
81-2401 Educational Opportunity Fund Programs	<u>42,387,000</u>
Total Grants-in-Aid Appropriation, Higher Educational	
Services	<u>\$45,187,000</u>

Grants-in-Aid:

80 College Bound	(\$1,700,000)
80 College Readiness Now	(1,000,000)
80 Governor's School	(100,000)
81 Opportunity Program Grants.....	(28,159,000)
81 Supplementary Education Program Grants.....	(14,228,000)

An amount not to exceed 5% of the total hereinabove appropriated for College Bound is available for transfer to Direct State Services for the administrative expenses of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Refunds from prior years to the College Bound Program are appropriated to that account.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

2405 Higher Education Student Assistance Authority DIRECT STATE SERVICES

At any time prior to the issuance and sale of bonds or other obligations by the Higher Education Student Assistance Authority, the State Treasurer is authorized to transfer from any available monies in any fund of the Treasury of the State to the credit of any fund of the authority such amounts as the State Treasurer deems necessary. Any amounts so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority bonds or other authority obligations.

In furtherance of the "Higher Education Student Assistance Authority Law," N.J.S.18A:71A-1 et seq., in the event of a draw upon a debt service reserve surety bond or any other debt service reserve cash equivalent instrument or any insufficiency of such instruments to pay debt service on the bonds issued by the Higher Education Student Assistance Authority, there are appropriated to the Higher Education Student Assistance Authority such amounts as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy

such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

45-2405 Student Assistance Programs	<u>\$422,496,000</u>
Total Grants-in-Aid Appropriation, Higher Education	
Student Assistance Authority	<u>\$422,496,000</u>

Grants-in-Aid:

45 Tuition Aid Grants	(\$403,647,000)
45 Part-Time Tuition Aid Grants for County Colleges.....	(8,737,000)
45 Part-Time Tuition Aid Grants - EOF Students	(558,000)
45 Governor's Urban Scholarship Program.....	(945,000)
45 New Jersey World Trade Center Scholarship Program	(202,000)
45 New Jersey Student Tuition Assistance Reward Scholarship (NJSTARS I & II)	(6,907,000)
45 Primary Care Practitioner Loan Redemption Program.....	(1,500,000)

The unexpended balances at the end of the preceding fiscal year in Student Assistance Programs are appropriated to such programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove in Student Assistance Programs shall be available for payment of liabilities applicable to prior fiscal years.

In order to permit and ensure the timely award of student financial aid grants, amounts may be transferred among accounts in Student Assistance Programs including Survivor Tuition Benefits, subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove for Tuition Aid Grants shall provide awards to all qualified applicants at levels not to exceed 2% above those levels provided by the Higher Education Student Assistance Authority in the prior fiscal year. The unexpended balances reappropriated to the Tuition Aid Grant account shall be available to fund increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such amounts as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grant awards or to fund shifts in the distribution of awards that result in an increase in total program costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, participation in the Tuition Aid Grant program hereinabove appropriated shall be limited to those institutions that had previously participated in the Tuition Aid Grant program, or had applied in writing to the Higher Education Student Assistance Authority to participate in the Tuition Aid Grant program prior to September 1, 2009 and met all eligibility requirements prior to September 1, 2009.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be pro-rated against the full-time grant award for the applicable institutional sector established pursuant to N.J.S.18A:71B-21 as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award and an eligible student enrolled with nine to eleven credits shall receive three-quarters of a full-time award. Students shall apply first for all other forms of federal student assistance grants and scholarships; student eligibility for the Tuition Aid Grant program for part-time enrollment at a county college shall in other respects be determined by the authority in accordance with the criteria established pursuant to N.J.S.18A:71B-20, other than the criterion for full-time enrollment.

The unexpended balances reappropriated to the Part-Time Tuition Aid Grants for County Colleges account shall be available to fund increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

Receipts from voluntary contributions by taxpayers on New Jersey gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible recipients as defined in P.L.2001, c.442 (C.18A:71B-23.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program is subject to the following condition: all NJ STARS II awards must be used at institutions of higher education that offer degrees through the baccalaureate level and which participate in the Tuition Aid Grant program pursuant to N.J.A.C.9A:9-2.1.

Notwithstanding the provisions of any law or regulation to the contrary, the maximum tuition to be used in determining the amount of a NJ STARS award to a student at a county college shall be limited to the in-county tuition charged for students pursuing a full-time course of study at that county college.

Notwithstanding the provisions of subsection b. of section 5 of P.L.2004, c.59 (C.18A:71B-85), none of the funds hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program shall be used to fund summer semester NJ STARS scholarship awards.

Notwithstanding the provisions of P.L.2012, c.8 (C.18A:71B-85.6 et al.) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program are subject to the following condition: the maximum New Jersey Student Tuition Assistance Reward Scholarship awards for students first enrolling in the program for academic year 2015-2016 and thereafter who attend a county college that has eliminated general education fees and increased its tuition correspondingly will be reduced by an amount to be calculated and approved by the Director of the Division of Budget and Accounting. The amount of the reduction shall be the three-year average percentage that fees comprised of total tuition and fees as reported to the Higher Education Student Assistance Authority (HESAA) on the institutional budget survey in the three immediate years prior to the elimination of the general education fees.

2410 Rutgers, The State University - New Brunswick
GRANTS-IN-AID

82-2410 Institutional Support	\$2,506,077,000
Subtotal General Operations	\$2,506,077,000

Less:

General Services Income	\$955,028,000
Auxiliary Funds Income	313,684,000
Special Funds Income	615,590,000
Employee Fringe Benefits.....	295,853,000
Total Income Deductions.....	\$2,180,155,000
Total Grants-in-Aid Appropriation, Rutgers,	
The State University - New Brunswick.....	\$325,922,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$2,359,594,000)
82 Cancer Institute of New Jersey	(5,000,000)
82 Child Health Institute	(1,700,000)
82 School of Biomedical and Health Sciences.....	(139,783,000)

Less:

Income Deductions.....	\$2,180,155,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - New Brunswick shall be 8,013.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,383 positions, funded by medical services contracts between Rutgers and various State departments, are funded by the State.

Notwithstanding the provisions of any law or regulation to the contrary, the amount appropriated hereinabove for Rutgers, The State University Institutional Support is subject to the following conditions: (a) if State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee

Fringe Benefits for Rutgers - Camden are anticipated during the fiscal year to total less than \$157,677,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$157,677,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Camden, for additional State funded Institutional Support for Rutgers - Camden for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; (b) if State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Newark are anticipated during the fiscal year to total less than \$360,034,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$360,034,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Newark, for additional State funded Institutional Support for Rutgers - Newark for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; and (c) the Director of the Division of Budget and Accounting shall be provided access by Rutgers to all financial reports and information necessary to enable the director to calculate the transfer amounts, if any, and provided further, however, that in no circumstance shall a transfer of appropriations by the director occur which interferes with or violates any bond covenants or disclosure responsibilities.

2415 Agricultural Experiment Station

GRANTS-IN-AID

82-2415 Institutional Support	<u>\$93,222,000</u>
Subtotal General Operations	<u>\$93,222,000</u>

Less:

General Services Income	\$15,516,000
Auxiliary Funds Income	3,814,000
Special Funds Income	35,350,000
Federal Research and Extension Funds Income.....	6,500,000
Employee Fringe Benefits.....	11,111,000
Total Income Deductions	<u>\$72,291,000</u>
Total Grants-in-Aid Appropriation, Agricultural Experiment Station	<u>\$20,931,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$93,222,000)
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Less:

Income Deductions	\$72,291,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the Agricultural Experiment Station shall be 404.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 120 positions, funded by the federal Hatch and Smith/Lever programs, are funded by the State.

Rutgers, The State University of New Jersey is authorized to reallocate appropriations from the General University to the Agricultural Experiment Station, as needed, to assure that there are sufficient funds in the Agricultural Experiment Station to meet federal requirements for the Hatch and Smith/Lever programs.

2416 Rutgers, The State University - Camden

GRANTS-IN-AID

82-2416 Institutional Support	<u>\$175,178,000</u>
Subtotal General Operations	<u>\$175,178,000</u>

Less:

General Services Income	\$91,394,000
Auxiliary Funds Income	13,762,000
Special Funds Income	30,686,000
Employee Fringe Benefits.....	21,835,000
Total Income Deductions	<u>\$157,677,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State	
University - Camden	<u>\$17,501,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$173,978,000)
82 New Facility, School of Business	(1,000,000)
82 Clinical Legal Programs for the Poor -	
Rutgers Law School	(200,000)

Less:

Income Deductions.....	<u>\$157,677,000</u>
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - Camden shall be 559.

2417 Rutgers, The State University - Newark

GRANTS-IN-AID

82-2417 Institutional Support	<u>\$390,664,000</u>
Subtotal General Operations	<u>\$390,664,000</u>

Less:

General Services Income	\$222,257,000
Auxiliary Funds Income	24,325,000
Special Funds Income	69,915,000
Employee Fringe Benefits.....	43,537,000
Total Income Deductions.....	<u>\$360,034,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State	
University - Newark.....	<u>\$30,630,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations(\$390,464,000)

82 Clinical Legal Programs for the Poor -

Rutgers Law School..... (200,000)

Less:**Income Deductions.....\$360,034,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - Newark shall be 1,086.

2430 New Jersey Institute of Technology**GRANTS-IN-AID**82-2430 Institutional Support \$430,006,000Subtotal General Operations \$430,006,000**Less:****General Services Income\$183,758,000****Auxiliary Funds Income 19,176,000****Special Funds Income 149,600,000****Employee Fringe Benefits.....42,032,000****Total Income Deductions \$394,566,000**

Total Grants-in-Aid Appropriation, New Jersey

Institute of Technology..... \$35,440,000**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations(\$430,006,000)

Less:**Income Deductions.....\$394,566,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the New Jersey Institute of Technology shall be 1,187.

2440 Thomas A. Edison State University**GRANTS-IN-AID**82-2440 Institutional Support \$79,977,000Subtotal General Operations \$79,977,000**Less:****Self Sustaining Income.....\$23,935,000****General Services Income 39,640,000****Special Funds Income 3,347,000****Employee Fringe Benefits.....8,093,000****State-Supported Facilities Cost.....1,670,000****Total Income Deductions \$76,685,000**

Total Grants-in-Aid Appropriation, Thomas A. Edison

State University \$3,292,000**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations(\$79,977,000)

Less:**Income Deductions.....\$76,685,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State University shall be 228.

2445 Rowan University**GRANTS-IN-AID**82-2445 Institutional Support..... \$532,172,000Subtotal General Operations \$532,172,000**Less:****General Services Income\$218,267,000****Auxiliary Funds Income 49,272,000****Special Funds Income 122,853,000****Employee Fringe Benefits..... 53,897,000****Total Income Deductions \$444,289,000**

Total Grants-in-Aid Appropriation,

Rowan University..... \$87,883,000**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations(\$471,596,000)

82 Cooper Medical School of Rowan
University(11,550,000)82 Cooper Medical School - Cooper
University Hospital Support(16,297,000)

82 School of Osteopathic Medicine(30,229,000)

82 Center for Research and Education in
Advanced Transportation
Engineering(2,000,000)82 Operating Costs for New Academic
Buildings, Rowan University - Rutgers
Camden Board of Governors.....(500,000)**Less:****Income Deductions.....\$444,289,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,649.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 105 positions at Cooper Medical School of Rowan University are funded by the State.

2450 New Jersey City University**GRANTS-IN-AID**82-2450 Institutional Support..... \$159,802,000

Subtotal General Operations	<u>\$159,802,000</u>
Less:	
General Services Income	\$52,092,000
A.H. Moore Program Receipts.....	8,135,000
Auxiliary Funds Income	8,329,000
Special Funds Income	37,031,000
Employee Fringe Benefits.....	30,061,000
Total Income Deductions	<u>\$135,648,00</u>
Total Grants-in-Aid Appropriation, New Jersey City	
University	<u>\$24,154,00</u>
Grants-in-Aid:	
Special Purpose:	
82 General Institutional Operations	(\$159,802,000)
Less:	
Income Deductions	\$135,648,000
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at New Jersey City University shall be 1,129.	

2455 Kean University
GRANTS-IN-AID

82-2455 Institutional Support	\$229,593,000
Subtotal General Operations	<u>\$229,593,000</u>
Less:	
General Services Income	\$138,848,000
Auxiliary Funds Income	21,344,000
Special Funds Income	6,893,000
Employee Fringe Benefits.....	32,039,000
Total Income Deductions	<u>\$199,124,000</u>
Total Grants-in-Aid Appropriation, Kean University	<u>\$30,469,000</u>
Grants-in-Aid:	
Special Purpose:	
82 General Institutional Operations	(\$229,593,000)
Less:	
Income Deductions	\$199,124,000
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Kean University shall be 1,074.	

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support	\$218,651,000
Subtotal General Operations.....	<u>\$218,651,000</u>
Less:	
General Services Income	\$88,084,000
Auxiliary Funds Income	23,136,000

Special Funds Income	38,450,000
Employee Fringe Benefits.....	38,624,000
Total Income Deductions	<u>\$188,294,000</u>
Total Grants-in-Aid Appropriation, William Paterson University of New Jersey.....	<u>\$30,357,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations(\$218,651,000)

Less:**Income Deductions..... \$188,294,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at William Paterson University of New Jersey shall be 1,111.

2465 Montclair State University**GRANTS-IN-AID**

82-2465 Institutional Support	<u>\$410,306,000</u>
Subtotal General Operations.....	<u>\$410,306,000</u>

Less:**General Services Income \$160,860,000****Conservation School Receipts 508,000****Auxiliary Funds Income 77,851,000****Special Funds Income 87,036,000****Employee Fringe Benefits..... 48,192,000****Total Income Deductions** **\$374,447,000**

Total Grants-in-Aid Appropriation, Montclair State University \$35,859,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations(\$410,306,000)

Less:**Income Deductions..... \$374,447,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Montclair State University shall be 1,316.

2470 The College of New Jersey**GRANTS-IN-AID**

82-2470 Institutional Support	<u>\$244,082,000</u>
Subtotal General Operations.....	<u>\$244,082,000</u>

Less:**General Services Income \$103,987,000****Auxiliary Funds Income 52,426,000****Special Funds Income 27,875,000****Employee Fringe Benefits..... 32,617,000**

Total Income Deductions \$216,905,000

Total Grants-in-Aid Appropriation, The College
of New Jersey \$27,177,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$244,082,000)

Less:

Income Deductions \$216,905,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The College of New Jersey shall be 859.

2475 Ramapo College of New Jersey**GRANTS-IN-AID**

82-2475 Institutional Support \$145,046,000

Subtotal General Operations \$145,046,000

Less:

General Services Income \$59,302,000

Auxiliary Funds Income 36,400,000

Special Funds Income 13,850,000

Employee Fringe Benefits 20,541,000

Total Income Deductions \$130,093,000

Total Grants-in-Aid Appropriation, Ramapo College of
New Jersey \$14,953,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations (\$145,046,000)

Less:

Income Deductions \$130,093,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Ramapo College of New Jersey shall be 573.

2480 Stockton University**GRANTS-IN-AID**

82-2480 Institutional Support \$204,910,000

Subtotal General Operations \$204,910,000

Less:

General Services Income \$96,106,000

Auxiliary Funds Income 41,139,000

Special Funds Income 21,700,000

Employee Fringe Benefits 27,574,000

Total Income Deductions \$186,519,000

Total Grants-in-Aid Appropriation,
Stockton University \$18,391,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....(\$204,910,000)

Less:**Income Deductions.....\$186,519,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Stockton University shall be 764.

2485 University Hospital**GRANTS-IN-AID**82-2485 Institutional Support..... \$43,841,000Total Grants-in-Aid Appropriation, University Hospital..... \$43,841,000***Grants-in-Aid:***

Special Purpose:

82 University Hospital.....(\$43,841,000)

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at University Hospital shall be 2,923.

Higher Educational Services

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such amounts as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such amounts as may be required to fund lease or rental costs which may be charged by such senior public institutions for any State department, agency, authority or commission facilities located on the campus of any senior public institution of higher education.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the

- bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.
- Of the amount hereinabove appropriated for Higher Educational Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.
- Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month.
- Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting.
- Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated for Institutional Support of the various State institutions of higher education are conditioned upon the following: no sum shall be expended for payment as a settlement, buyout, separation payment, severance pay or any other form of monetary payment of any kind whatsoever in connection with the termination of, or separation from, the employment prior to the end of the term of an existing contract of any officer or employee of such institution who receives annual compensation in excess of \$250,000.
- Of the amounts hereinabove appropriated for University Hospital and Cooper Medical School - Cooper University Hospital Support, the Director of the Division of Budget and Accounting may transfer such amounts as are determined to be necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.
- Funds appropriated to Rutgers University for purposes of medical education are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.
- Funds appropriated to Rowan University for purposes of medical education at Cooper Medical School of Rowan University and the Rowan School of Osteopathic Medicine are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

37 Cultural and Intellectual Development Services

2541 Division of State Library

DIRECT STATE SERVICES

51-2541 Library Services \$5,286,000

Total Direct State Services Appropriation, Division of

State Library \$5,286,000***Direct State Services:***

Personal Services:

Salaries and Wages(\$4,148,000)

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)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Direct State Services for the New Jersey State Library, excluding amounts appropriated to Special Purpose accounts, shall be paid in twelve equal installments, on the last business day of each month.

STATE AID51-2541 Library Services \$7,975,000Total State Aid Appropriation, Division of State Library \$7,975,000***State Aid:***

51 Per Capita Library Aid.....(\$3,676,000)

51 Library Network(4,299,000)

37 Cultural and Intellectual Development Services**DIRECT STATE SERVICES**

05-2530 Support of the Arts \$405,000

06-2535 Museum Services 2,242,000

07-2540 Development of Historical Resources 289,000

Total Direct State Services Appropriation, Cultural and

Intellectual Development Services \$2,936,000***Direct State Services:***

Personal Services:

Salaries and Wages(\$2,450,000)

Materials and Supplies.....(92,000)

Services Other Than Personal.....(300,000)

Maintenance and Fixed Charges.....(94,000)

GRANTS-IN-AID

05-2530 Support of the Arts \$16,000,000

07-2540 Development of Historical Resources 2,700,000

Total Grants-in-Aid Appropriation, Cultural and

Intellectual Development Services \$18,700,000***Grants-in-Aid:***

05 Cultural Projects(\$16,000,000)

07 New Jersey Historical Commission -

Agency Grants..... (2,700,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed \$100,000 may be used for administrative purposes, and an amount not to exceed \$150,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L.98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, the value of project grants awarded within each county shall total not less than \$50,000.

Of the amount hereinabove appropriated for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Cultural Projects, 25% shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington); provided, however, that the calculation of such 25% allocation shall not include the first \$1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers-Camden Center for the Arts.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), of the amount hereinabove appropriated for New Jersey Historical Commission - Agency Grants, an amount not to exceed \$200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control**74 General Government Services****DIRECT STATE SERVICES**

01-2505 Office of the Secretary of State \$3,392,000

02-2510 Business Action Center 13,553,000

08-2545 State Archives..... 967,000

25-2525 Election Management and Coordination 3,814,000

Total Direct State Services Appropriation, General

Government Services..... \$21,726,000

Direct State Services:

Personal Services:

Salaries and Wages (\$6,656,000)

Materials and Supplies..... (134,000)

Services Other Than Personal..... (630,000)

Maintenance and Fixed Charges..... (26,000)

Special Purpose:

01 Office of Volunteerism (79,000)

01 Office of Programs..... (424,000)

02 Office of Economic Growth..... (1,104,000)

02 New Jersey Motion Picture Commission..... (450,000)

- 02 Travel and Tourism Advertising and Promotion.....(9,000,000)
 25 Help America Vote Act(3,223,000)

Of the amount hereinabove appropriated to the Business Action Center, an amount up to \$500,000 is appropriated for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the Secretary of State.

The Secretary of State shall report semi-annually on the expenditure during the preceding six months of State funds hereinabove appropriated for Travel and Tourism Advertising and Promotion and private contributions to this program. The first semi-annual report shall be completed not later than 30 days following the end of the second quarter of the fiscal year, the second semi-annual report shall be completed not later than 30 days following the end of the fiscal year, and both reports shall be submitted to the State Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

Receipts from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balance at the end of the preceding fiscal year in the Help America Vote Act - State Match account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

- 01-2505 Office of the Secretary of State \$3,025,000
 Total Grants-in-Aid Appropriation, General Government
 Services \$3,025,000

Grants-in-Aid:

- 01 Office of Programs.....(\$1,350,000)
 01 Center for Hispanic Policy, Research and Development(1,175,000)
 01 Cultural Trust.....(500,000)

Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed \$50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L.98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

- 25-2525 Election Management and Coordination \$7,030,000
 Total State Aid Appropriation, General Government
 Services \$7,030,000

State Aid:

- 25 Extended Polling Place Hours.....(\$7,030,000)

In addition to the amount hereinabove appropriated for Extended Polling Place Hours, there are appropriated such amounts as are required to provide required reimburse-

ments to county Boards of Election, subject to the approval of the Director of the Division of Budget and Accounting.

Department of State, Total State Appropriation..... \$1,282,940,000

Pursuant to the provisions of P.L.2003, c.114 (C.54:32D-1 et al.), the amounts hereinabove appropriated for the purpose of promoting cultural and tourism activities in this State first shall be charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$31,727,000
 Grants-in-Aid..... 1,236,208,000
 State Aid..... 15,005,000

Appropriations by Fund:

General Fund.....\$1,282,940,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

Notwithstanding the provisions of any law or regulation to the contrary, monies received in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the New Jersey Motor Vehicle Commission, the Department of Transportation, and the Department of Environmental Protection in the performance of commercial vehicle safety and emission inspections and other clean air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36). Of that amount, \$2,500,000 is appropriated for transfer to the Interdepartmental Property Rentals and Household and Security accounts, \$5,150,000 is appropriated for transfer to the Department of Transportation, \$5,800,000 is appropriated for transfer to the Division of Revenue and Enterprise Services within the Department of the Treasury, \$612,000 is appropriated for transfer to the Division of State Police, \$800,000 is appropriated for transfer to the Department of Environmental Protection and \$519,000 is appropriated for transfer to the Department of the Treasury for Property Management and Construction - Property Management Services. In addition, the New Jersey Motor Vehicle Commission shall pay the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount no less than \$500,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental Property Rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey emergency medical service helicopter response act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for other clean air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, pursuant to P.L.2006, c.39 (C.39:3-8.3 et seq.), receipts that are derived from the surcharge on luxury and fuel-inefficient vehicles shall be deposited into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, an amount not to exceed \$10,000,000 from receipts from the increase in motor vehicle fees imposed in 2009 shall be deposited into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$101,553,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund to reflect continuing savings initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs

61 State and Local Highway Facilities

DIRECT STATE SERVICES

06-6100 Maintenance and Operations	\$38,056,000
08-6120 Physical Plant and Support Services	<u>5,486,000</u>
Total Direct State Services Appropriation, State and Local	
Highway Facilities.....	<u>\$43,542,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$22,502,000)
Materials and Supplies.....	(11,855,000)
Services Other Than Personal.....	(1,891,000)
Maintenance and Fixed Charges.....	(7,294,000)

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for Maintenance and Operations, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Maintenance and Operations, such additional amounts as may be required are appropriated for winter operations, including snow removal costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Transportation from the General Fund, \$12,500,000 thereof shall be paid from funds received from the various transportation-oriented authorities pursuant to contracts between the authorities and the State as are determined to be eligible for such funding pursuant to such contracts, as shall be determined by the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign Program fees and the Tourist Oriented Directional Signs Program fees are appropriated for the purpose of administering the programs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Maintenance and Operations, \$9,000,000 for winter operations, including snow removal costs, is appropriated from the receipts of the New Tire Surcharge pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

In addition to the amount hereinabove appropriated for Maintenance and Operations, there is appropriated \$5,150,000 from the New Jersey Motor Vehicle Commission for Maintenance and Fixed Charges, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 12 of P.L.1962, c.73 (C.12:7-34.47) or any law or regulation to the contrary, of the amount hereinabove appropriated for Maintenance and Operations, \$2,000,000 is payable from the revenue from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 (C.12:7-34.47) deposited into the "Maritime Industry Fund."

Revenue from fees or other payments made for the placement of sponsorship acknowledgment and advertising on signs, equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program pursuant to section 5 of P.L.1966, c.301 (C.27:1A-5), are appropriated to the Department of Transportation for transportation purposes, including contract incentives for heavy duty towing contracts that support the clearance of traffic incidents. Use of the funds is subject to any federal requirements. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected from fees for sponsorship programs pursuant to P.L.2013, c.130 (C.27:7-44.18 et seq.) are appropriated to the Department of Transportation for highway purposes, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that sponsorship acknowledgement and the use of such funds

shall be subject to applicable requirements promulgated by the Federal Highway Administration. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of section 3 of P.L.2013, c.86 (C.39:4-88.2) or any other law or regulation to the contrary, amounts collected from the surcharge imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88 in excess of the amount determined by the Commissioner of Transportation to be necessary to acquire, install, and maintain highway signs that notify motorists entering New Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-88 are appropriated for graffiti removal 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 is appropriated for the same purpose.

CAPITAL CONSTRUCTION

60-6200 Transportation Trust Fund Authority	\$1,296,831,000
<i>(From General Fund</i>	<i>\$1,296,831,000)</i>
Total Capital Construction Appropriation, State and	
Local Highway Facilities.....	\$1,296,831,000
<i>(From General Fund.....</i>	<i>\$1,296,831,000)</i>

Capital Projects:

60 Transportation Trust Fund -	
Subaccount for Debt Service for	
Prior Bonds.....	(\$1,075,343,000)
60 Transportation Trust Fund -	
Subaccount for Debt Service for	
Transportation Program Bonds	(221,488,000)

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and for the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from revenues appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution.

In addition, the amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds may also be provided from (i) \$12,000,000 of funds from the various transportation-oriented authorities pursuant to contracts between such transportation-oriented authorities and the State; and (ii) such additional amounts pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) as may be necessary and are hereby appropriated to satisfy all current fiscal year debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority relating to the Prior Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds as the result of the receipt of federal subsidies for debt service on the Prior Bonds, or other obligations issued by the New Jersey Transportation Trust Fund Authority in connection with the Prior Bonds

the amount hereinabove appropriated shall be reduced by such corresponding amount.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds or the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Transportation Program Bonds as the result of refundings, restructurings, lowered interest rates, or any other action which reduces the amounts required to make the payments under such State contracts, the amount hereinabove appropriated for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts.

Notwithstanding the provisions of any law or regulation to the contrary, from amounts hereinabove appropriated the Department of Transportation may expend necessary amounts for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Receipts representing the State share from the rental or lease of property, and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for maintenance or improvement of transportation property, equipment, and facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to contracted federal projects until such time as federal funds become available for those projects, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund may be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Transportation (DOT) for its capital projects from the revenues and other funds of the New Jersey Transportation Trust Fund Authority are hereby subject to the following condition: if the Department of Environmental Protection (DEP) determines that the issuance of any permit to the DOT regarding any capital project is conditioned upon the providing of new or enhanced public access with respect to coastal zone management (public access project), the DOT may fund the cost of such public access project from the monies hereinabove appropriated. In the alternative, if the DEP and DOT determine that it is in the best interest of the public access project for it to be undertaken by the DEP or another governmental entity, the DOT may provide funding for such public access project from the monies hereinabove appropriated to the DEP or such other governmental entity pursuant to an agreement between DOT and the DEP or other governmental entity, as applicable.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$1,017,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

<u>Description</u>	<u>County</u>	<u>Amount</u>
Acquisition of Right of Way	Various	(\$500,000)
ADA Curb Ramp Implementation	Various	(1,000,000)
Airport Improvement Program	Various	(4,000,000)
Asbestos Surveys and Abatements	Various	(500,000)
Betterments, Dams	Various	(100,000)
Betterments, Roadway Preservation	Various	(10,195,000)
Betterments, Safety	Various	(7,000,000)
Bicycle & Pedestrian		
Facilities/Accommodations	Various	(1,000,000)
Bridge, Emergency Repair	Various	(20,000,000)
Bridge Maintenance and Repair,		
Movable Bridges	Various	(22,000,000)
Bridge Preventive Maintenance	Various	(25,000,000)
Bridge Replacement, Future Projects	Various	(75,500,000)
Capital Contract Payment Audits	Various	(1,300,000)
Congestion Relief, Intelligent		
Transportation System Improvements		
(Smart Move Program)	Various	(2,000,000)
Congestion Relief, Operational		
Improvements (Fast Move Program)	Various	(1,000,000)
Construction Inspection	Various	(11,500,000)
Construction Program IT System		
(TRNS.PORT)	Various	(700,000)
Culvert Inspection Program,		
Locally-owned Structures	Various	(4,800,000)
Culvert Inspection Program, State-owned		
Structures	Various	(1,400,000)
Culvert Replacement Program	Various	(2,000,000)
Delaware & Raritan Canal Bridges	Mercer,	(750,000)
	Hunterdon,	
	Middlesex,	
	Somerset	
Design, Emerging Projects	Various	(11,000,000)
Design, Geotechnical Engineering Tasks	Various	(500,000)
Drainage Rehabilitation and Maintenance,		
State	Various	(16,000,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)
DVRPC, Future Projects	Various	(11,500,000)
Electrical Facilities	Various	(5,446,000)
Electrical Load Center Replacement,		
Statewide	Various	(4,000,000)
Environmental Investigations	Various	(4,500,000)
Environmental Project Support	Various	(500,000)

Equipment (Vehicles, Construction, Safety)	Various	(19,000,000)
Equipment, Snow and Ice Removal	Various	(8,000,000)
Freight Program	Various	(8,000,000)
Hamilton Road, Bridge over Conrail RR	Somerset	(360,000)
Intersection Improvement Program (Project Implementation)	Various	(250,000)
Interstate Service Facilities	Various	(600,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid Grant Management System	Various	(165,000)
Local Aid, Infrastructure Fund	Various	(7,500,000)
Local Bridges, Future Needs	Various	(25,000,000)
Local County Aid, DVRPC	Various	(15,955,000)
Local County Aid, NJTPA	Various	(51,524,000)
Local County Aid, SJTPO	Various	(11,271,000)
Local Municipal Aid, DVRPC	Various	(14,234,000)
Local Municipal Aid, NJTPA	Various	(53,082,000)
Local Municipal Aid, SJTPO	Various	(6,434,000)
Local Municipal Aid, Urban Aid	Various	(5,000,000)
Maintenance & Fleet Management System	Various	(2,000,000)
Maritime Transportation System	Various	(1,000,000)
Minority and Women Workforce Training Set Aside	Various	(1,000,000)
Mobility and Systems Engineering Program	Various	(1,700,000)
NJTPA Future Projects	Various	(70,500,000)
Orphan Bridge Reconstruction	Various	(3,000,000)
Park and Ride/Transportation Demand Management Program	Various	(1,000,000)
Pedestrian Safety Improvement Design and Construction	Various	(1,500,000)
Physical Plant	Various	(14,000,000)
Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(98,000,000)
Project Development: Concept Development and Preliminary Engineering	Various	(5,000,000)
Project Reporting System (PRS) Replacement	Various	(350,000)
Rail-Highway Grade Crossing Program, State	Various	(5,000,000)
Regional Action Program	Various	(1,000,000)
Resurfacing Program	Various	(90,000,000)
Right of Way Database/Document Management System	Various	(95,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)
Safe Streets to Transit Program	Various	(1,000,000)

Salt Storage Facilities - Statewide	Various	(3,500,000)
Sign Structure Inspection Program	Various	(1,800,000)
Sign Structure Replacement Contract 2013-1	Various	(7,200,000)
Sign Structure Replacement Contract 2013-2	Various	(6,950,000)
Sign Structure Replacement Contract 2015-1	Various	(7,250,000)
Sign Structure Replacement Contract 2015-2A	Monmouth, Mercer, Ocean	(7,600,000)
Sign Structure Replacement Contract 2015-2B	Monmouth, Middlesex	(3,315,000)
Sign Structure Replacement Contract 2016-1	Various	(7,150,000)
Sign Structure Replacement Contract 2016-2	Various	(15,000,000)
Sign Structure Replacement Contract 2016-4	Various	(10,000,000)
Sign Structure Replacement Contract 2016-5	Various	(7,800,000)
Signs Program, Statewide	Various	(2,000,000)
SJTPO, Future Projects	Various	(7,500,000)
Solid and Hazardous Waste Cleanup, Reduction and Disposal	Various	(1,330,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
State Police Enforcement and Safety Services	Various	(4,000,000)
Title VI and Nondiscrimination Supporting Activities	Various	(150,000)
Traffic Monitoring Systems	Various	(1,000,000)
Traffic Signal Replacement	Various	(9,000,000)
Transit Village Program	Various	(1,000,000)
Transportation Research Technology	Various	(750,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(29,631,000)
Utility Reconnaissance and Relocation	Various	(22,000,000)
Route 1&9, Haynes Avenue Operational Improvements	Essex	(4,555,000)
Route 15, Route 46 to Blue Heron Road	Morris	(5,500,000)
Route 17 NB, Linwood Avenue to Lake Street	Bergen	(10,000,000)
Route 45, Bridge over Woodbury Creek	Gloucester	(800,000)
Route 46, Teaneck Road (CR 39) to Route 1&9	Bergen	(4,000,000)
Route 47, CR 552 (West Sherman Avenue) to Route 56 (Landis Avenue)	Cumberland	(3,522,000)
Route 57, Route 22 to Route 31	Warren	(4,800,000)
Route 82, Route 124 to Route 439	Union	(4,800,000)
Route 94, Road to Hospital to Route 206	Sussex	(1,500,000)
Route 152, Bay Avenue to Seaview Drive	Atlantic	(5,600,000)
Route 159, Route 46 to Plymouth Street (CR 627)	Essex, Morris	(2,500,000)

Route 173, Musconetcong River, Culvert Replacement	Hunterdon	(1,250,000)
Route 206, Bridges over Stony Brook	Mercer	(25,000,000)
Route 206, Hi Glen Drive to High Street	Sussex	(6,382,000)
Route 322, Corridor Congestion Relief Project	Gloucester	(1,500,000)
Route 440, Mina Drive to Route 1&9/CR 612	Hudson	(4,000,000)
Route 49, Estell Manor Drive to Dam Road	Atlantic, Cumberland	(3,400,000)

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$582,500,000 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

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA-Platforms/Stations	Various	(\$910,000)
Bridge and Tunnel Rehabilitation	Various	(17,060,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(117,268,000)
Bus Maintenance Facilities	Various	(2,000,000)
Bus Passenger Facilities/Park and Ride	Various	(1,300,000)
Bus Support Facilities and Equipment	Various	(16,505,000)
Bus Vehicle and Facility Maintenance/Capital Maintenance	Various	(2,769,000)
Capital Program Implementation	Various	(21,470,000)
Claims Support	Various	(750,000)
Delco Lead-Safe Haven Storage and Re-Inspection Facility Project	Various	(3,498,000)
Environmental Compliance	Various	(3,500,000)
Hoboken Long Slip Flood Protection Project	Various	(4,907,000)
Hudson-Bergen and Newark LRT System	Hudson	(7,005,000)
Immediate Action Program	Various	(10,100,000)
Light Rail Infrastructure Improvements	Various	(7,104,000)
Locomotive Overhaul	Various	(29,085,000)
Miscellaneous	Various	(9,313,000)
NEC Improvements	Various	(67,181,000)
NJ TRANSIT Grid Project	Various	(6,382,000)
NJ TRANSIT Raritan River Drawbridge Replacement Project	Various	(5,000,000)
Other Rail Station/Terminal Improvements	Various	(8,818,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(91,000)
Physical Plant	Various	(1,670,000)
Private Carrier Equipment Program	Various	(3,000,000)

Rail Capital Maintenance	Various	(3,000,000)
Rail Fleet Overhaul	Various	(1,000,000)
Rail Rolling Stock Procurement	Various	(10,911,000)
Rail Support Facilities and Equipment	Various	(30,902,000)
River LINE LRT	Camden, Burlington, Mercer	(50,616,000)
Section 5310 Program	Various	(3,750,000)
Section 5311 Program	Various	(100,000)
Security Improvements	Various	(160,000)
Signals and Communications/Electric Traction Systems	Various	(73,523,000)
Small/Special Services Program	Various	(8,373,000)
Study and Development	Various	(5,661,000)
Technology Improvements	Various	(8,600,000)
Track Program	Various	(18,000,000)
Train Controls-Wayside Signals, Power & Communication Resiliency	Various	(942,000)
Transit Rail Initiatives	Various	(14,576,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the revenues and other monies of the New Jersey Transportation Trust Fund Authority for the Department of Transportation and the New Jersey Transit Corporation, respectively, for salary and overhead costs of employees of the Department of Transportation and the New Jersey Transit Corporation, respectively, associated with the construction of capital projects by the Department of Transportation and the New Jersey Transit Corporation, respectively, shall not be subject to any percentage limitation.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21) or any law or regulation to the contrary, approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the New Jersey Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation, such amounts as shall be approved by the Director of the Division of Budget and Accounting, from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the authority's Grant Anticipation Revenue Vehicles (GARVEE) Bonds for the capital projects listed. Federal funds received in conjunction with the

capital projects funded through the issuance of these GARVEE Bonds are appropriated to the authority to pay debt service and other costs related to the GARVEE Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the sale or conveyance of any lands held by the Department of Transportation are appropriated for the acquisition of land for highway projects or to refund the Federal Highway Administration where required by federal law. Receipts from the sale of all fill material held by the Department of Transportation are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities, and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the Port Authority of New York and New Jersey pursuant to a contract with the State for transportation system improvements are appropriated to the Department of Transportation for such improvements.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer New Jersey Transportation Trust Fund Authority monies to the Pulaski Skyway, Route 7/Wittpenn Bridge, and New Road projects which are to be funded by the Port Authority of New York and New Jersey pursuant to an agreement between the Port Authority of New York and New Jersey and the Commissioner of Transportation dated July 29, 2011, until such time as funding from the Port Authority of New York and New Jersey is paid to the State pursuant to such agreement. Subject to the receipt of those funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all monies transferred to advance these projects. In the event that all of such transfers are not reimbursed by the Port Authority of New York and New Jersey pursuant to the agreement, an amount equivalent to such unreimbursed monies are hereby appropriated from the New Jersey Transportation Trust Fund Authority to such projects and such amounts shall constitute line item appropriations approved by the Legislature.

Notwithstanding the provisions of section 6 of P.L.2006, c.3 (C.27:1B-22.2) or any law or regulation to the contrary, in recognition of the extensive destruction and damage to the State's roads, highways, bridges, and other critical transportation infrastructure during recent years inflicted by a series of federally declared disaster events, including but not limited to Hurricane Irene and Super Storm Sandy, of the amount hereinabove appropriated from the New Jersey Transportation Trust Fund Authority, an amount not to exceed \$135,000,000 may be used for permitted maintenance, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the New Jersey Freight Rail Assistance Program in FY 2017 shall fund eligible project applications where the sponsor received funding for a related phase or portion of rail construction in any prior fiscal year before funding new projects that have not received prior funding under the program.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Department of Transportation for transportation capital projects such amounts as shall be approved by the Director of the Division of Budget and Ac-

counting from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the authority's Indirect Grant Anticipation Revenue Vehicles (Indirect GARVEE) Bonds. Federal funds received in conjunction with transportation capital projects are appropriated to the authority to pay debt service and other costs related to the Indirect GARVEE Bonds.

62 Public Transportation
GRANTS-IN-AID

04-6050 Railroad and Bus Operations..... \$2,110,956,000
Subtotal Grants-in-Aid Appropriation, Public
Transportation \$2,110,956,000

Less:

Farebox Revenue..... \$1,023,100,000
Other Commercial Revenue..... 115,200,000
Other Reimbursements..... 831,800,000
Total Income Deductions \$1,970,100,000
Total Grants-in-Aid Appropriation, Public Transportation..... \$140,856,000

Grants-in-Aid:

Personal Services:

Salaries and Wages(\$1,275,400,000)
Materials and Supplies.....(297,600,000)
Services Other Than Personal.....(140,100,000)

Special Purpose:

04 Purchased Transportation.....(237,800,000)
04 Insurance and Claims.....(33,200,000)
04 Tolls, Taxes, and Other Operating
Expenses.....(126,856,000)

Less:

Income Deductions..... \$1,970,100,000

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there are appropriated such amounts as are received from the New Jersey Turnpike Authority, pursuant to a contract between the New Jersey Turnpike Authority and the State for such transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there is appropriated \$82,089,000 from the Clean Energy Fund for utility costs associated with New Jersey Transit Corporation operations.

STATE AID

04-6050 Railroad and Bus Operations..... \$17,523,000
(From Casino Revenue Fund..... \$17,523,000)
Total State Aid Appropriation, Public Transportation \$17,523,000
(From Casino Revenue Fund..... \$17,523,000)

State Aid:

- 04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF) (\$17,523,000)
- Counties which provide paratransit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer funds made available from the New Jersey Transportation Trust Fund Authority for public transportation projects under the program headings “New Jersey Transit Corporation” to the line-item under that same program heading entitled “Federal Transit Administration Projects” for any federally funded public transportation project shown in this act or any previous appropriation acts until such time as federal funds become available for the projects. Subject to the receipt of federal funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item “Federal Transit Administration Projects” to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the current fiscal year transportation capital program, the Commissioner of Transportation may allocate \$4,000,000 of the amount listed for the Private Carrier Equipment Program to New Jersey Transit Corporation’s Private Carrier Capital Improvement Program (PCCIP). The amount provided herein shall be allocated to the private motorbus carriers consistent with the formula used to administer the PCCIP and shall be restricted to those carriers that currently qualify for participation in the PCCIP. These funds may be used for the procurement of any goods or services currently approved under New Jersey Transit Corporation’s PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3). Such maintenance and equipment procurements shall apply to vehicles owned by the private motorbus carriers and used in public transportation service, as well as to New Jersey Transit Corporation owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to the New Jersey Transit Corporation a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

64 Regulation and General Management

DIRECT STATE SERVICES

05-6070 Multimodal Services.....	\$902,000
99-6000 Administration and Support Services	<u>744,000</u>

Total Direct State Services Appropriation, Regulation
and General Management..... \$1,646,000

Direct State Services:

Materials and Supplies.....(\$147,000)
Services Other Than Personal.....(616,000)
Maintenance and Fixed Charges.....(70,000)

Special Purpose:

05 Office of Maritime Resources.....(248,000)
05 Airport Safety Administration(565,000)

Receipts in excess of the amount anticipated from outdoor advertising application and permit fees, are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Airport Safety Administration is payable out of the Airport Safety Fund established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

GRANTS IN AID

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Department of Transportation, Total State Appropriation \$1,500,398,000

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$45,188,000
Grants-in-Aid 140,856,000
State Aid 17,523,000
Capital Construction 1,296,831,000

Appropriations by Fund:

General Fund.....\$1,482,875,000
Casino Revenue Fund 17,523,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions.....	\$12,237,000
49-2155 Miscellaneous Higher Education Programs.....	<u>101,772,000</u>
Total Grants-in-Aid Appropriation, Higher Educational Services	<u>\$114,009,000</u>

Grants-in-Aid:

47 Aid to Independent Colleges and Universities.....	(\$1,000,000)
47 Clinical Legal Programs for the Poor - Seton Hall University	(200,000)
47 Research Under Contract with the Institute of Medical Research, Camden.....	(1,037,000)
49 Seton Hall University School of Health and Medical Sciences Support.....	(10,000,000)
49 Higher Education Capital Improvement Program - Debt Service	(61,391,000)
49 Equipment Leasing Fund - Debt Service	(16,566,000)
49 Higher Education Facilities Trust Fund - Debt Service	(19,693,000)
49 Higher Education Technology Bond - Debt Service	(3,732,000)
49 Dormitory Safety Trust Fund - Debt Service.....	(390,000)

The amount hereinabove appropriated for Aid to Independent Colleges and Universities shall be allocated to eligible institutions in accordance with the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), provided that the number of full-time equivalent students at the seven State Colleges shall be 60,793 for fiscal year 2016.

The amounts hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

STATE AID

48-2155 Aid to County Colleges	<u>\$222,854,000</u>
(From General Fund.....	\$18,800,000)
(From Property Tax Relief Fund.....	204,054,000)
Subtotal State Aid Appropriation, Higher Educational Services	<u>\$222,854,000</u>
(From General Fund.....	\$18,800,000)

<i>(From Property Tax Relief Fund..... 204,054,000)</i>	
Less:	
Supplemental Workforce Fund - Basic Skills.....	\$18,800,000
Total Income Deductions.....	<u>\$18,800,000</u>
Total State Aid Appropriation, Higher Educational	
Services.....	<u>\$204,054,000</u>
<i>(From Property Tax Relief Fund..... 204,054,000)</i>	
State Aid:	
48 Operational Costs.....	(\$18,800,000)
48 Operational Costs (PTRF).....	(115,323,000)
48 Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF).....	(36,723,000)
48 Alternate Benefit Program - Employer Contributions (PTRF).....	(20,134,000)
48 Alternate Benefit Program - Non-contributory Insurance (PTRF)	(2,587,000)
48 Teachers' Pension and Annuity Fund - Non-contributory Insurance (PTRF)	(5,000)
48 Employer Contributions - Teachers' Pension and Annuity Fund (PTRF).....	(134,000)
48 Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF)	(1,457,000)
48 Post Retirement Medical Other Than TPAF (PTRF).....	(27,334,000)
48 Affordable Care Act Fees (PTRF)	(39,000)
48 Employer Contributions - FICA for County College Members of TPAF (PTRF).....	(112,000)
48 Debt Service on Pension Obligation Bonds (PTRF).....	(206,000)
Less:	
Income Deductions.....	18,800,000
In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated \$18,800,000 from the Supplemental Workforce Fund for Basic Skills for remedial courses provided at county colleges and all other monies in the Supplemental Workforce Fund for Basic Skills are appropriated in the proportions set forth in section 1 of P.L.2001, c.152 (C.34:15D-21).	
Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for county college Operational Costs, there are allocated such amounts as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).	
Such amounts as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.	

Such additional amounts as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical, Post Retirement Medical Other Than TPAF, Affordable Care Act Fees, and Employer Contributions - FICA for County College Members of TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Higher Education Services

Of the amount hereinabove appropriated for Higher Educational Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

50 Economic Planning, Development, and Security

51 Economic Planning and Development

GRANTS-IN-AID

38-2043 Economic Development	<u>\$23,906,000</u>
Total Grants-in-Aid Appropriation, Economic Planning and Development.....	<u>\$23,906,000</u>

Grants-in-Aid:

38 Fort Monmouth Economic Revitalization Authority	(\$181,000)
38 Economic Redevelopment and Growth Grants, EDA	(11,725,000)
38 Brownfield Site Reimbursement Fund.....	(12,000,000)

In addition to the amount hereinabove appropriated for the Economic Redevelopment and Growth Grants, EDA, there are appropriated such amounts as may be necessary to fund the Economic Redevelopment and Growth Grant program, pursuant to the "New Jersey Economic Stimulus Act of 2009," P.L.2009, c.90 (C.52:27D-489a et seq.), subject to the approval of the Director of the Division of Budget and Accounting. Due to the uncertain timing of grant requests, the unexpended balance at the end of the preceding fiscal year in the Economic Redevelopment and Growth Grants, EDA account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective July 1, 2015, to Article VIII, Section II, paragraph 6 of the State Constitution, shall be appropriated to the Brownfield Site Reimbursement Fund, established pursuant to section 38 of P.L.1997, c.278 (C.58:10B-30), in an amount to be determined by the Director of the Division of Taxation, and subject to the

approval of the Director of the Division of Budget and Accounting. If such amounts for the remediation of discharges of hazardous substances are insufficient, there are appropriated such amounts as necessary to the Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfield Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Fort Monmouth Economic Revitalization Authority, there is appropriated such additional amounts as are necessary to secure federal matching funds for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

52 Economic Regulation

DIRECT STATE SERVICES

54-2008	Utility Regulation	\$6,034,000
55-2004	Regulation of Cable Television	1,903,000
88-2058	Energy Assistance Programs	1,865,000
97-2016	Regulatory Support Services	3,904,000
99-2003	Administration and Support Services	<u>12,961,000</u>
	Total Direct State Services Appropriation, Economic Regulation	<u>\$26,667,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$23,264,000)
Materials and Supplies.....	(406,000)
Services Other Than Personal.....	(2,411,000)
Maintenance and Fixed Charges.....	(475,000)
Additions, Improvements and Equipment	(111,000)

Receipts from fees are appropriated for the administrative costs of the Board of Public Utilities.

The unexpended balances at the end of the preceding fiscal year in the programs administered by the Board of Public Utilities are appropriated for use by those respective programs, subject to the approval of the Director of the Division of Budget and Accounting.

All revenue received in the CATV Universal Access Fund is appropriated for transfer to the General Fund as State revenue.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the Clean Energy Fund are appropriated for the actual administrative salary and operating costs for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the investment earnings derived from the funds deposited into the Clean Energy Fund and Universal Service Fund shall accrue to the funds and are available to pay the costs of the various

programs of the Board of Public Utilities Clean Energy Program and Universal Service Fund.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such amounts as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds and the monies required to be deposited into that fund from projects which have been completed or are no longer viable are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting and the Director of the Office of Energy Savings.

The amounts hereinabove appropriated for the Energy Assistance Programs classification may be transferred to the Lifeline Programs accounts in the Department of Human Services to fund the costs associated with administering the Lifeline Credits Program and Tenants' Assistance Rebate Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

88-2058 Energy Assistance Programs \$65,785,000

Total Grants-in-Aid Appropriation, Economic

Regulation..... \$65,785,000

Grants-in-Aid:

88 Payments for Lifeline Credits (\$26,901,000)

88 Tenants' Assistance Rebate Program (38,884,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), P.L.1981, c.210 (C.48:2-29.30 et seq.), or any law or regulation to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebate Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season; therefore, applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program, such amounts as may be required for the payment of claims, credits, and rebates are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebate Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Human Services to fund the payments associated with the Lifeline Credits and Tenants' Assistance programs and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control

72 Governmental Review and Oversight

DIRECT STATE SERVICES

03-2015	Employee Relations and Collective Negotiations	\$953,000
07-2040	Office of Management and Budget.....	<u>13,756,000</u>
	Total Direct State Services Appropriation, Governmental	
	Review and Oversight	<u>\$14,709,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$11,896,000)
Materials and Supplies.....	(125,000)
Services Other Than Personal.....	(1,531,000)
Maintenance and Fixed Charges.....	(7,000)

Special Purpose:

07 Independent Audits	(1,150,000)
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There are appropriated, from receipts from the investment of State funds, such amounts as may be necessary for interest costs, bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Such amounts as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such amounts as may be received or are receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional amounts as may be necessary for an independent audit of the State's general fixed asset account group, management, performance, and operational audits, and the single audit.

2066 Office of the State Comptroller

DIRECT STATE SERVICES

08-2066	Office of the State Comptroller	<u>\$9,072,000</u>
	Total Direct State Services Appropriation, Office of the	
	State Comptroller.....	<u>\$9,072,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,122,000)
Materials and Supplies.....	(55,000)
Services Other Than Personal.....	(750,000)
Maintenance and Fixed Charges.....	(45,000)
Additions, Improvements and Equipment	(100,000)

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services in the Department of Human Services.

73 Financial Administration

DIRECT STATE SERVICES

15-2080	Taxation Services and Administration.....	\$106,940,000
16-2090	Administration of State Lottery	13,271,000
17-2105	Administration of State Revenues and Enterprise Services.....	31,847,000
19-2120	Management of State Investments	1,287,000
25-2095	Administration of Casino Gambling.....	<u>7,738,000</u>
	(From Casino Control Fund	\$7,738,000)
	Total Direct State Services Appropriation, Financial	
	Administration.....	<u>\$161,083,000</u>
	(From General Fund.....	\$153,345,000)
	(From Casino Control Fund	7,738,000)

Direct State Services:

Personal Services:

Chairman and Commissioners (CCF)	(\$391,000)
Salaries and Wages	(124,479,000)
Salaries and Wages (CCF)	(3,475,000)
Employee Benefits (CCF)	(1,677,000)
(From General Fund.....	124,479,000)
(From Casino Control Fund	5,543,000)
Materials and Supplies.....	(3,081,000)
Materials and Supplies (CCF).....	(84,000)
Services Other Than Personal.....	(21,006,000)
Services Other Than Personal (CCF).....	(350,000)
Maintenance and Fixed Charges.....	(2,077,000)
Maintenance and Fixed Charges (CCF).....	(1,466,000)
Special Purpose:	
17 Wage Reporting/Temporary Disability	
Insurance	(1,200,000)
25 Administration of Casino Gambling (CCF)	(20,000)
Additions, Improvements and Equipment	(1,502,000)
Additions, Improvements and Equipment	
(CCF)	(275,000)

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, such additional amounts as may be necessary are appropriated to fund costs of the collecting and processing of debts, taxes, and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of amounts appropriated pursuant to this provision.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Receipts from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) are appropriated as may be necessary for confiscation, storage, disposal, and other related expenses thereof.

Notwithstanding the provisions of any law or regulation to the contrary, there are available out of fees from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such amounts as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

Such amounts as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the Lead Hazard Control Assistance Fund for the Department of the Treasury's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue and Enterprise Services to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12) there are appropriated such amounts as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).

There are appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such amounts as are required under the contract between the Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 6 of P.L.2004, c.68 (C.34:1B-21.21).

Notwithstanding the provisions of any law or regulation to the contrary, receipts from agreements entered into by the Director of the Division of Taxation pursuant to P.L.1992, c.172 (C.54:49-12.2 et seq.) are appropriated as may be necessary for contingency fees stipulated in such agreements and any other related expenses thereof.

Pursuant to the provisions of section 54 of P.L.2002, c.34 (C.App.A:9-78) deposits made to the New Jersey Domestic Security Account are appropriated for transfer to the Department of Health to support medical emergency disaster preparedness for bioterrorism, to the Department of Law and Public Safety for State Police salaries related to statewide security services and counter-terrorism programs, and to the Department of Agriculture for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from revenues from escheated property under the various escheat acts, such amounts as may be necessary to administer such acts and such amounts as may be required for refunds.

There are appropriated out of the State Lottery Fund such amounts as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from communications fees such amounts as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the sale of advertising and/or promotional products by the State Lottery, such amounts as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such amounts as are necessary to fund the hospitals' share of monies collected pursuant to the hospital care payment act, P.L.2003, c.112 (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Division of Revenue and Enterprise Services, there is appropriated to the Division of Revenue and Enterprise Services \$5,800,000 from the New Jersey Motor Vehicle Commission for document processing charges.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Revenue and Enterprise Services' commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such amounts as are necessary between the Department of Labor and Workforce Development and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addi-

tion to the amounts hereinabove, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, any receipts from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a Memorandum of Understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury for costs related to that program. Such amounts shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no monies from the receipts deposited into the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated for grants to counties and municipalities.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et seq.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from New Jersey Public Records Preservation fees, not to exceed \$2,000,000, are appropriated for the operations of the microfilm or other storage media unit in the Division of Revenue and Enterprise Services within the Department of Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from receipts from service fees billed to authorities for the handling of investment transactions, such amounts as may be necessary to administer the Management of State Investments program.

Notwithstanding the provisions of any law or regulation to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such amounts as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

74 General Government Services**DIRECT STATE SERVICES**

02-2069	Garden State Preservation Trust	\$278,000
09-2050	Purchasing and Inventory Management.....	9,057,000
10-2062	Public Broadcasting Services.....	2,175,000
26-2067	Property Management and Construction - Property Management Services	19,379,000
37-2051	Risk Management.....	3,538,000
	Total Direct State Services Appropriation, General Government Services.....	<u>\$34,427,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$22,296,000)
Materials and Supplies.....	(1,095,000)
Services Other Than Personal.....	(4,195,000)
Maintenance and Fixed Charges.....	(6,433,000)

Special Purpose:

02 Garden State Preservation Trust.....	(278,000)
Additions, Improvements and Equipment	(130,000)

Fees collected pursuant to P.L.1975, c.127 (C.10:5-31 et seq.), are appropriated to the Division of Purchase and Property for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated to the Division of Purchase and Property, there is appropriated to the Division of Purchase and Property, an amount equal to 50% of the amount of the total rebates on procurement card purchases for costs of the Division, subject to the approval of the Director of the Division of Budget and Accounting. In addition, an amount equal to the remaining 50% of total rebates on procurement card purchases is appropriated for transfer to the various using departments and agencies for their costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, from the receipts from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such amounts as may be necessary for the administrative expenses of the Risk Management program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop Revolving Fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs to the Print Shop and the Office of Printing Control.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements an amount sufficient to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amount hereinabove appropriated for Property Management and Construction, there are appropriated such additional amounts as may be required for the costs incurred in order to preserve and maintain the value and condition of State real property that has been declared surplus and for costs incurred in the selling of the real property, including appraisal, survey, advertising, maintenance, security and other costs related to the preservation and disposal, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient amounts for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

In addition to the amount hereinabove appropriated for Property Management and Construction - Property Management Services, there is appropriated to the Property Management and Construction - Property Management Services account, \$519,000 from the New Jersey Motor Vehicle Commission for preventative maintenance costs.

Receipts from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that an amount not to exceed \$100,000 shall be available for the administrative expenses of the program.

Receipts from the leasing of Department of Environmental Protection real properties are appropriated for the costs incurred for maintenance, repairs and utilities on the properties.

There are appropriated such additional amounts as may be necessary for the purchase of expert witness services related to the State's defense against inverse condemnation claims related to the Department of Environmental Protection's Land Use Regulation program.

Receipts from employee maintenance charges in excess of \$300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that an amount not to exceed \$25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from receipts from lease proceeds billed to the occupants of the James J. Howard Marine Sciences Laboratory, such amounts as may be required to operate and maintain the facility and for the payment of interest or principal due from the issuance of bonds for this facility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Garden State Preservation Trust account 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 and is appropriated to the Department of the Treasury for the Garden State Preservation Trust's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and

health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals	<u>\$8,564,000</u>
(From General Fund.....)	\$4,272,000)
(From All Other Funds.....)	4,292,000)
Subtotal Direct State Services Appropriation, Office of	
Administrative Law	<u>\$8,564,000</u>
(From General Fund.....)	\$4,272,000)
(From All Other Funds	4,292,000)
Less:	
All Other Funds.....	\$4,292,000
Total Deductions.....	<u>\$4,292,000</u>
Total Direct State Services Appropriation, Office of	
Administrative Law	<u>\$4,272,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$7,446,000)
Materials and Supplies.....	(81,000)
Services Other Than Personal.....	(842,000)
Maintenance and Fixed Charges.....	(43,000)
Additions, Improvements and Equipment	(152,000)

Less:

All Other Funds.....	4,292,000
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The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such amounts as may be received or receivable from any department or non-State fund source for administrative hearing costs or rule-making costs by the Office of Administrative Law and the unexpended balance at the end of the preceding fiscal year of such amounts are appropriated for the Office's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated to the New Jersey Motor Vehicle Commission, such appropriation is conditioned upon paying the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount not less than \$500,000.

Receipts from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Receipts from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

2034 Office of Information Technology

DIRECT STATE SERVICES

40-2034	Office of Information Technology.....	\$138,566,000
65-2034	Emergency Telecommunication Services.....	<u>14,022,000</u>
	Subtotal Direct State Services Appropriation, Office of	
	Information Technology	<u>\$152,588,000</u>

Less:

OIT - Other Resources	\$60,500,000
Total Income Deductions.....	<u>\$60,500,000</u>
Total Direct State Services Appropriation, Office of	
Information Technology	<u>\$92,088,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$28,323,000)
Materials and Supplies.....	(207,000)
Services Other Than Personal.....	(22,128,000)
Maintenance and Fixed Charges.....	(31,000)

Special Purpose:

40 Office of Information Technology	(60,500,000)
65 Statewide 9-1-1 Emergency	
Telecommunication System	(13,122,000)
65 Office of Emergency	
Telecommunication Services	(900,000)

Additions, Improvements and Equipment(27,377,000)

Less:

Income Deductions..... 60,500,000

In addition to the amount hereinabove attributable to OIT - Other Resources, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for increases or changes in Office of Information Technology services, subject to the approval of the Director of the Division of Budget and Accounting.

As a condition to the appropriations made in this act, specifically with regard to the allocation of employees performing information technology infrastructure functions and the establishment of deputy chief technology officers and related staff as authorized in P.L.2007, c.56 (C.52:18A-219 et al.), the Office of Information Technology shall identify the specific Direct State Services appropriations and positions that should be transferred between various departments and the Office of Information

Technology, subject to the approval of the Director of the Division of Budget and Accounting.

From amounts appropriated to various departments, such amounts as are necessary may be transferred to the Office of Information Technology for enterprise initiatives, subject to the establishment of a formal agreement between the Office of Information Technology and those departments to support enterprise projects, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Enterprise Initiatives account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Statewide 9-1-1 Emergency Telecommunication System, there are appropriated such additional amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such amounts for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2078 Homestead Exemptions	<u>\$527,400,000</u>
(From Property Tax Relief Fund.....)	<u>\$527,400,000</u>
Total Grants-in-Aid Appropriation, State Subsidies and	
Financial Aid	<u>\$527,400,000</u>
(From Property Tax Relief Fund.....)	<u>\$527,400,000</u>

Grants-in-Aid:

33 Homestead Benefit Program (PTRF).....	(\$322,500,000)
33 Senior and Disabled Citizens' Property	
Tax Freeze (PTRF).....	(204,900,000)

The amount hereinabove appropriated for the Homestead Benefit Program shall be available to provide homestead benefits only to eligible homeowners pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) as amended by P.L.2004, c.40 and by P.L.2007, c.62, as may be amended from time to time except that, notwithstanding the provisions of such laws to the contrary: (i) residents who are 65 years of age or older at the close of the tax year, or residents who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of \$150,000 for tax year 2014 are excluded from the program; (b) gross income in excess of \$100,000 but not in excess of \$150,000 for tax year 2014 are eligible for a benefit in the amount of 5% of the first \$10,000 of property taxes paid, and (c) gross income not in excess of \$100,000 for tax year 2014 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid; (ii) residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of \$75,000 for tax year 2014 are excluded from the program; (b)

gross income in excess of \$50,000 but not in excess of \$75,000 for tax year 2014 are eligible for a benefit in the amount of 6.67% of the first \$10,000 of property taxes paid; and (c) gross income not in excess of \$50,000 for tax year 2014 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid. These benefits listed pursuant to this paragraph will be calculated based on the 2006 property tax amounts assessed or as would have been assessed on the October 1, 2014 principal residence of eligible applicants. The total homestead benefit provided to an eligible applicant in a given State fiscal year shall not exceed the homestead rebate amount paid to such eligible applicant for tax year 2006, absent a change in an applicant's filing characteristics. The homestead benefit shall be paid in 2017. If the amount hereinabove appropriated for the Homestead Benefit Program is not sufficient, there is appropriated from the Property Tax Relief Fund such additional amounts as may be required to provide such homestead benefits, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be necessary for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be required for payments of homestead benefits that have been approved but not paid pursuant to the annual appropriations act for the fiscal year the claimant applied for such homestead benefit, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated from the Property Tax Relief Fund such amounts as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze, and any additional amounts which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze is subject to the following condition: eligibility for the property tax reimbursement program shall be determined pursuant to section 1 of P.L.1997, c.348 (C.54:4-8.67), except that any citizen with an annual income of more than \$70,000 shall not be eligible to receive a property tax reimbursement benefit payment in the current fiscal year.

STATE AID

28-2078	County Boards of Taxation.....	\$1,903,000
29-2078	Locally Provided Assistance	32,155,000
34-2078	Senior and Disabled Citizens' and Veterans' Property Tax Deductions	62,100,000
	<i>(From Property Tax Relief Fund.....</i>	<i>\$62,100,000)</i>
35-2078	Police and Firemen's Retirement System	<u>163,135,000</u>
	<i>(From General Fund.....</i>	<i>\$575,000)</i>
	<i>(From Property Tax Relief Fund.....</i>	<i>162,560,000)</i>

Total State Aid Appropriation, State Subsidies and Financial Aid	<u>\$259,293,000</u>
(From General Fund.....)	\$34,633,000)
(From Property Tax Relief Fund.....)	224,660,000)

State Aid:

28 County Boards of Taxation	(\$1,903,000)
29 South Jersey Port Corporation Debt Service Reserve Fund	(18,919,000)
29 South Jersey Port Corporation Property Tax Reserve Fund.....	(5,101,000)
29 Highlands Protection Fund - Planning Grants	(2,182,000)
29 Highlands Protection Fund - Watershed Moratorium Offset Aid.....	(2,218,000)
29 Public Library Project Fund.....	(3,735,000)
34 Senior and Disabled Citizens' Property Tax Deductions (PTRF)	(10,900,000)
34 Veterans' Property Tax Deductions (PTRF).....	(51,200,000)
35 State Contribution to Consolidated Police and Firemen's Pension Fund	(575,000)
35 Debt Service on Pension Obligation Bonds (PTRF).....	(20,787,000)
35 Police and Firemen's Retirement System - Post Retirement Medical (PTRF)	(55,306,000)
35 Police and Firemen's Retirement System (PTRF).....	(52,643,000)
35 Police and Firemen's Retirement System (P.L.1979, c.109) (PTRF).....	(33,824,000)

There are appropriated such additional amounts as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the South Jersey Port Corporation Debt Service Reserve Fund under section 14 of P.L.1968, c.60 (C.12:11A-14) and the South Jersey Port Corporation Property Tax Reserve Fund under section 20 of P.L.1968, c.60 (C.12:11A-20), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account and the Highlands Protection Fund - Planning Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred and other repayment obligations owed pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service and such other repayment obligations. Such additional amounts as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 85 of P.L.2015, c.19 (C.5:10A-85), receipts derived from the 3% Meadowlands regional hotel use assessment are appropriated for deposit into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay Meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the "Hackensack Meadowlands Agency Consolidation Act," P.L.2015, c.19 (C.5:10A-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amount apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the amount of \$788,492,000 and an amount not to exceed \$341,882,000 from Consolidated Municipal Property Tax Relief Aid is appropriated and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439), provided further, however, that from the amounts hereinabove appropriated, each municipality shall also receive such additional amounts from the Energy Tax Receipts Property Tax Relief Fund as provided in the previous fiscal year. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for

municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the total annual amount due for the current fiscal year from the Energy Tax Receipts Property Tax Relief Fund to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the director may take into account the particular circumstances of a municipality. In preparing the Best Practices Inventory, the director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the total annual amount due for the current fiscal year.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Deductions and Veterans' Property Tax Deductions, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury, after notification to the Joint Budget Oversight Committee, may transfer funds as necessary between the Senior and Disabled Citizens' Property Tax Deductions account and the Veterans' Property Tax Deductions account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional amounts as may be required for Police and Firemen's Retirement System - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

76 Management and Administration

DIRECT STATE SERVICES

99-2000 Administration and Support Services	<u>\$10,906,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$10,906,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$9,748,000)
Materials and Supplies.....	(80,000)
Services Other Than Personal.....	(951,000)
Maintenance and Fixed Charges.....	(21,000)

Special Purpose:

99 Federal Liaison Office, Washington D.C.....	(16,000)
Additions, Improvements and Equipment	(90,000)

There are appropriated such additional amounts as may be required to pay for the operating expenses of the Casino Revenue Fund Advisory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for the reimbursement of funeral expenses pursuant to P.L.2013, c.177 (C.52:18A-218.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the investment earnings of general obligation bond proceeds such amounts as may be necessary for the payment of debt service administrative costs.

There is appropriated from revenue estimated to be received as a fee in connection with the issuance of debt an amount not to exceed \$700,000 to provide funds for public finance activities.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such amounts as may be required for public finance activities. The unexpended balance at the end of the preceding fiscal year from such investment earnings and service fees is appropriated to the Office of Public Finance.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) or any other law or regulation to the contrary, monies received in the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury, for transfer to various departments and agencies that provide substance use disorder treatment and prevention programs to offset the costs of such programs, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New

Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such amounts as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 22 of P.L.2010, c. 104 (C.48:23-29) or any other law or regulation to the contrary, \$5,350,000 received by the New Jersey Public Broadcasting Authority from T-Mobile USA, Inc. pursuant to the Concurrent Operations and Interference Avoidance Agreement and deposited into the Trust Fund for the Support of Public Broadcasting is appropriated from the trust fund for deposit into the General Fund as State revenue.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	\$10,861,000
57-2021	Trial Services to Indigents	70,208,000
58-2022	Mental Health Advocacy	4,836,000
61-2023	Dispute Settlement	406,000
66-2021	Office of Law Guardian	20,500,000
67-2021	Office of Parental Representation	16,768,000
99-2025	Administration and Support Services	<u>2,482,000</u>
Total Direct State Services Appropriation, Protection of		
Citizens' Rights		<u>\$126,061,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$96,376,000)
Materials and Supplies	(1,185,000)
Services Other Than Personal	(26,112,000)
Maintenance and Fixed Charges	(1,042,000)
Additions, Improvements and Equipment	(1,346,000)

Amounts provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for the operation of the Office of the Public Defender there are appropriated additional amounts as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

The amount hereinabove appropriated to the Office of the Public Defender is available for expenses associated with pool attorneys hired by the Office of the Public Defender for the representation of indigent clients.

Receipts in excess of the amount anticipated for the Dispute Settlement Office of the Office of the Public Defender are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

2048 State Legal Services Office

GRANTS-IN-AID

89-2048 Civil Legal Services for the Poor..... \$16,018,000

Total Grants-in-Aid Appropriation, State Legal Services

Office..... \$16,018,000

Grants-in-Aid:

89 Legal Services of New Jersey -
Legal Assistance in Civil Matters.....(\$16,018,000)

2096 Corrections Ombudsperson

DIRECT STATE SERVICES

51-2096 Corrections Ombudsperson \$768,000

Total Direct State Services Appropriation, Corrections

Ombudsperson..... \$768,000

Direct State Services:

Personal Services:

Salaries and Wages(\$663,000)

Materials and Supplies.....(5,000)

Services Other Than Personal.....(92,000)

Maintenance and Fixed Charges.....(8,000)

2097 Division of Elder Advocacy

DIRECT STATE SERVICES

81-2097 Elder Advocacy \$1,927,000

Total Direct State Services Appropriation, Division of

Elder Advocacy \$1,927,000

Direct State Services:

Personal Services:

Salaries and Wages(\$1,678,000)

Materials and Supplies.....(23,000)

Services Other Than Personal.....(173,000)

Maintenance and Fixed Charges.....(53,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts collected from fines and penalties pursuant to subsection f. of section 2 of P.L.1983,

c.43 (C.52:27G-7.1) and subsection b. of section 14 of P.L.1977, c.239 (C.52:27G-14) are appropriated to the Division of Elder Advocacy, subject to the approval of the Director of the Division of Budget and Accounting.

**2098 Division of Rate Counsel
DIRECT STATE SERVICES**

53-2098	Rate Counsel.....	\$6,968,000
	Total Direct State Services Appropriation, Division of Rate Counsel.....	\$6,968,000

Direct State Services:

Personal Services:

Salaries and Wages	(\$2,916,000)
Materials and Supplies.....	(48,000)
Services Other Than Personal.....	(3,500,000)
Maintenance and Fixed Charges.....	(500,000)
Additions, Improvements and Equipment	(4,000)

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of the Division of Rate Counsel function.

The unexpended balances at the end of the preceding fiscal year in the Division of Rate Counsel accounts are appropriated for the same purpose.

Department of the Treasury,		
Total State Appropriation		\$1,699,413,000

**Summary of Department of the Treasury Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$488,948,000
Grants-in-Aid.....	747,118,000
State Aid.....	463,347,000

Appropriations by Fund:

General Fund.....	\$737,561,000
Property Tax Relief Fund	956,114,000
Casino Control Fund.....	7,738,000

90 MISCELLANEOUS COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Environmental Commission

DIRECT STATE SERVICES

03-9130	Interstate Environmental Commission.....	\$15,000
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Total Direct State Services Appropriation, Interstate

Environmental Commission \$15,000**Direct State Services:**

Special Purpose:

03 Expenses of the Commission (\$15,000)

9140 Delaware River Basin Commission**DIRECT STATE SERVICES**02-9140 Delaware River Basin Commission..... \$693,000

Total Direct State Services Appropriation, Delaware River

Basin Commission..... \$693,000**Direct State Services:**

Special Purpose:

02 Expenses of the Commission (\$693,000)

70 Government Direction, Management, and Control**72 Governmental Review and Oversight****9148 Council On Local Mandates****DIRECT STATE SERVICES**92-9148 Council On Local Mandates \$68,000

Total Direct State Services Appropriation, Council On

Local Mandates \$68,000**Direct State Services:**

Special Purpose:

92 Council On Local Mandates (\$68,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation \$776,000**Summary of Miscellaneous Commissions Appropriations**

(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$776,000

Appropriations by Fund:

General Fund..... \$776,000

94 INTERDEPARTMENTAL ACCOUNTS**70 Government Direction, Management, and Control****74 General Government Services****DIRECT STATE SERVICES**

01-9400 Property Rentals \$237,516,000

02-9400 Insurance and Other Services 128,767,000

06-9400 Utilities and Other Services	<u>14,093,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services.....	<u>\$380,376,000</u>

Less:**Direct Rent Charges and Charges for**

Operational Efficiencies..... **\$86,675,000**

Total Deductions..... **\$86,675,000**

Total Direct State Services Appropriation, General

Government Services..... \$293,701,000

Direct State Services:**Property Rentals:**

01 Existing and Anticipated Leases	(\$193,279,000)
01 Economic Development Authority	(6,248,000)
01 Other Debt Service Leases and	
Tax Payments	(37,989,000)

Less:

Total Deductions..... **86,675,000**

Insurance and Other Services:

02 Tort Claims Liability Fund (C.59:12-1).....	(15,000,000)
02 Workers' Compensation Self-	
Insurance Fund	(94,500,000)
02 Property Insurance Premium Payments	(2,915,000)
02 Casualty Insurance Premium Payments	(544,000)
02 Special Insurance Policy Premium	
Payment.....	(683,000)
02 Medical Malpractice Self-Insurance	
Fund for Rutgers, Rowan, and	
University Hospital.....	(10,000,000)
02 Vehicle Claims Liability Fund	(3,500,000)
02 Self-Insurance Deductible Fund.....	(1,500,000)
02 Self-Insurance Fund – Foster Parents.....	(125,000)

Utilities and Other Services:

06 Public Health, Environmental and	
Agricultural Laboratory	(5,608,000)
06 Household and Security	(8,485,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include, but not be limited to, the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding the provisions of any law or regulation to the contrary, and except for leases negotiated by the Division of Property Management and Construction and subject to the approval or disapproval by the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et al.), and except as hereinafter provided, no lease for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative Services, District Office Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that amounts appropriated for property rental payments are insufficient, there are appropriated such additional amounts, not to exceed \$3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee. Receipts from such renegotiations are appropriated to the Property Rentals account to offset the cost of leases, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for office renovations associated with the consolidation of office space, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay debt service costs for the Greystone Park Psychiatric Hospital Project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law or regulation to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental property rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

The unexpended balance at the end of the preceding fiscal year in the Master Lease Program Fund is appropriated for the same purpose.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Insurance and Other Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

There are appropriated such additional amounts as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The amount appropriated to the Tort Claims Liability Fund is available for the payment of claims of a tortious nature, for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents, for the indemnification of designated pathologists engaged by the State Medical Examiner, and for direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", N.J.S.59:13-1 et seq., as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. The amounts appropriated are available for the payment of direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. Notwithstanding the provisions of any law or regulation to the contrary, claims or costs paid from the monies appropriated under this paragraph on behalf of entities funded, in whole or in part from non-State funds, may be reimbursed from such non-State funds sources as determined by the Director of the Division of Budget and Accounting. Appropriations under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State.

To the extent that amounts appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional amounts as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitiga-

tion, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Division of Risk Management within the Department of the Treasury by the Work First New Jersey program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Provided that expenditures during the current fiscal year on Workers' Compensation claims attributable to the Departments of Human Services, Transportation, Corrections, and Law and Public Safety are less than the respective amounts expended by those departments for claims attributable to the preceding fiscal year, all or a portion of that savings is appropriated to those departments or the Division of Risk Management within the Department of the Treasury for the purpose of improving worker safety and reducing workers' compensation costs, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that amounts appropriated to pay auto insurance claims are insufficient, there are appropriated such additional amounts as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance at the end of the preceding fiscal year in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount hereinabove appropriated for the Self-Insurance Fund - Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

There are appropriated from revenues received from utility companies such amounts as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for fuel and utility costs, amounts may be transferred to or from State departments to meet fuel and utility needs, subject to the approval of the Director of the Division of Budget and Accounting; and, in addition to the amounts hereinabove appropriated for fuel and utility costs and for the Public Health, Environmental and Agricultural Laboratory fuel and utility costs, there are appropriated such additional amounts as may be required to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Fuel and Utilities, there is appropriated \$52,500,000 from the Clean Energy Fund for utility costs in State facilities.

Receipts from fees charged for public parking at the Bangs Avenue Parking Garage in Asbury Park, and the unexpended balance from the preceding fiscal year, are appro-

priated for the costs incurred for maintenance and operation of the garage, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Household and Security account, there is appropriated to the Household and Security account \$2,500,000 from the New Jersey Motor Vehicle Commission for utility, security, and building maintenance costs.

In accordance with the "Recycling Enhancement Act," P.L.2007, c.311 (C.13:1E-96.2 et al.), an amount not to exceed \$358,000 is appropriated from the State Recycling Fund - Recycling Administration account to the Department of the Treasury for administrative costs attributable to the State recycling program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Utilities and Other Services, of the unexpended balances in the Petroleum Overcharge Reimbursement Fund, there is appropriated such amounts as are required to fund the energy tracking and invoice payment system, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities.....	<u>\$111,747,000</u>
Total Grants-in-Aid Appropriation, General	
Government Services.....	<u>\$111,747,000</u>

Grants-in-Aid:

09 New Jersey Sports and Exposition	
Authority - Debt Service	(\$65,064,000)
09 Liberty Science Center.....	(13,300,000)
09 Municipal Rehabilitation and	
Economic Recovery, EDA	(14,144,000)
09 Biomedical Research Bonds, EDA	(4,239,000)
09 New Jersey Sports and Exposition	
Authority – Operations	(15,000,000)

In addition to the amounts hereinabove appropriated for the New Jersey Sports and Exposition Authority, there are appropriated such additional amounts as are necessary to satisfy debt service obligations and to maintain the core operating functions of the Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the New Jersey Performing Arts Center structure constructed thereon purchased by the Authority for the State in the City of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the Authority for the State in the City of Newark for the New Jersey Performing Arts Center, subject to

the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the Authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining, or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the New Jersey Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional amounts as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional amounts as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Liberty Science Center is allocated for debt service obligations and for the operations of the Liberty Science Center, the amount of such operational support to be determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such additional amounts as may be necessary to satisfy debt service obligations subject to the approval of the Director of the Division of Budget and Accounting. Furthermore, there are also appropriated such additional amounts for support of the operations of the center, as determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

08-9450	Capital Projects - Statewide.....	<u>\$194,979,000</u>
	Total Capital Construction Appropriation, General	
	Government Services.....	<u>\$194,979,000</u>

Capital Projects:

Statewide Capital Projects:

08	Life Safety, Emergency, and IT	
	Projects - Statewide.....	(\$11,000,000)
08	New Jersey Building Authority.....	(86,278,000)

Open Space Preservation Program:

08 Garden State Preservation Trust

Fund Account (97,701,000)

In addition to the amounts appropriated under P.L.2004, c.71, donations for the 9/11 Memorial Design Costs from public and private sources, including those collected from the Port Authority of New York and New Jersey, for the purposes of planning, designing, maintaining and constructing a memorial to the victims of the terrorist attacks of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Washington, D.C., and United Airlines Flight 93 in Somerset County, Pennsylvania, shall be deposited by the State Treasurer into a dedicated account established for this purpose and are appropriated for the purposes set forth under P.L.2004, c.71 and there are appropriated or transferred such amounts as are necessary for the 9/11 Memorial project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovations Projects; Roof Repairs-Statewide; American's with Disabilities Act Compliance Projects-Statewide; Hazardous Materials Removal Projects-Statewide; Statewide Security Projects; and Energy Efficiency-Statewide Projects; such amounts as may be necessary may be transferred to individual project line items within various departments, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$5,000,000, from monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Statewide Roofing Repairs and Replacements.

Notwithstanding the provisions of any law or regulation to the contrary, any monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Capital Projects that increase energy efficiency, improve work place safety or for information technology systems or other capital investments that will generate an operating budget savings, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Hazardous Materials Removal Projects - Statewide and Statewide Security Projects, funds may be transferred to the Fuel Distribution Systems / Underground Storage Tank Replacements - Statewide account for the removal of underground storage tanks at State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Garden State Preservation Trust Fund Account is subject to the provisions of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.) and the constitutional amendment on open space (Article VIII, Section II, paragraph 7).

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting.

9410 Employee Benefits

DIRECT STATE SERVICES

03-9410 Employee Benefits.....	<u>\$2,645,950,000</u>
Total Direct State Services Appropriation, Employee	
Benefits.....	<u>\$2,645,950,000</u>

Direct State Services:

Special Purpose:

03 Public Employees' Retirement	
System	(\$441,206,000)
03 Public Employees' Retirement	
System - Post Retirement Medical	(419,256,000)
03 Public Employees' Retirement System -	
Non-contributory Insurance	(30,871,000)
03 Police and Firemen's Retirement System	(98,893,000)
03 Police and Firemen's Retirement System -	
Non-contributory Insurance	(9,468,000)
03 Police and Firemen's Retirement System	
(P.L.1979, c.109).....	(2,396,000)
03 Alternate Benefit Program – Employer	
Contributions.....	(1,327,000)
03 Alternate Benefit Program -	
Non-contributory Insurance	(211,000)
03 Defined Contribution Retirement	
Program	(1,252,000)
03 Defined Contribution Retirement	
Program - Non-contributory Insurance	(581,000)
03 State Police Retirement System	(51,038,000)
03 State Police Retirement System -	
Non-contributory Insurance	(1,803,000)
03 Judicial Retirement System.....	(19,677,000)
03 Judicial Retirement System -	
Non-contributory Insurance	(633,000)
03 Teachers' Pension and Annuity Fund	(3,716,000)
03 Teachers' Pension and Annuity	
Fund - Post Retirement Medical - State.....	(3,479,000)
03 Teachers' Pension and Annuity Fund -	
Non-contributory Insurance	(56,000)

03	Pension Adjustment Program.....	(613,000)
03	Veterans Act Pensions	(63,000)
03	Debt Service on Pension Obligation Bonds	(156,719,000)
03	Volunteer Emergency Survivor Benefit.....	(173,000)
03	State Employees' Health Benefits.....	(646,799,000)
03	Other Pension Systems - Post Retirement Medical	(170,645,000)
03	State Employees' Prescription Drug Program	(197,609,000)
03	State Employees' Dental Program - Shared Cost.....	(21,672,000)
03	State Employees' Vision Care Program.....	(500,000)
03	Affordable Care Act Fees.....	(6,192,000)
03	Social Security Tax - State.....	(343,780,000)
03	Temporary Disability Insurance Liability	(10,893,000)
03	Unemployment Insurance Liability.....	(4,429,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Defined Contribution Retirement Program, Defined Contribution Retirement Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, Volunteer Emergency Survivor Benefit, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional amounts as may be required for State Employees' Health Benefits may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Social Security Tax - State may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts hereinabove appropriated for Social Security Tax - State there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

03-9410 Employee Benefits.....	<u>\$1,009,643,000</u>
Total Grants-in-Aid Appropriation, Employee	
Benefits.....	<u>\$1,009,643,000</u>

Grants-in-Aid:

Special Purpose:

03 Public Employees' Retirement System.....	(\$65,972,000)
03 Public Employees' Retirement	
System - Post Retirement Medical	(64,327,000)
03 Public Employees' Retirement System –	
Non-contributory Insurance	(4,735,000)
03 Police and Firemen's Retirement System	(7,465,000)
03 Police and Firemen's Retirement System –	
Non-contributory Insurance	(418,000)
03 Alternate Benefit Program - Employer	
Contributions.....	(144,937,000)
03 Alternate Benefit Program - Non-contributory	
Insurance	(20,373,000)
03 Teachers' Pension and Annuity Fund	(912,000)

03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(5,145,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(3,000)
03 Debt Service on Pension Obligation Bonds.....	(9,042,000)
03 State Employees' Health Benefits.....	(336,163,000)
03 Other Pension Systems - Post Retirement Medical.....	(54,643,000)
03 State Employees' Prescription Drug Program	(100,939,000)
03 State Employees' Dental Program - Shared Cost.....	(10,930,000)
03 Affordable Care Act Fees.....	(2,732,000)
03 Social Security Tax - State.....	(170,680,000)
03 Temporary Disability Insurance Liability	(7,165,000)
03 Unemployment Insurance Liability.....	(3,062,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

9420 Other Interdepartmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts.....	<u>\$12,525,000</u>
Total Direct State Services Appropriation, Other	
Interdepartmental Accounts.....	<u>\$12,525,000</u>

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State.....	(\$375,000)
04 Contingency Funds	(625,000)
04 Interest On Short Term Notes	(6,000,000)
04 Banking Services	(4,100,000)
04 Debt Issuance - Special Purpose	(1,100,000)
04 Catastrophic Illness in Children Relief Fund - Employer Contributions.....	(225,000)
04 Interest on Interfund Borrowing	(100,000)

Unless otherwise indicated, funds hereinabove appropriated may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to \$50,000, from the Special Purpose amount hereinabove appropriated to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

There are appropriated to the Emergency Services Fund such amounts as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Governor's Advisory Council for Emergency Services and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting. In the event that the Governor's Ad-

visory Council for Emergency Services is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Service Fund such amounts as are required to meet the costs of any such emergency described above, and payments from the Fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Disasters and Emergencies account is appropriated for the same purpose. Such amounts as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits	<u>\$62,700,000</u>
Total Direct State Services Appropriation, Salary	
Increases and Other Benefits	<u>\$62,700,000</u>

Direct State Services:

Special Purpose:

05 Executive Branch	(\$37,674,000)
05 Judicial Branch	(14,026,000)
05 Unused Accumulated Sick Leave	
Payments	(11,000,000)

The amounts hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1) or any law or regulation to the contrary, the State Treasurer, the Chairperson of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of the definition of "administrative rule" or "rule" of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any amounts appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment whose compensa-

tion is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The unexpended balances at the end of the preceding fiscal year in the Salary Increases and Other Benefits accounts are appropriated for the same purposes.

In addition to the amounts hereinabove appropriated for Executive Branch there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Unused Accumulated Sick Leave Payments, there are appropriated such amounts as may be necessary for payments of unused accumulated sick leave.

Interdepartmental Accounts, Total State Appropriation \$4,331,245,000

Summary of Interdepartmental Accounts Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services	\$3,014,876,000
Grants-in-Aid	1,121,390,000
Capital Construction	194,979,000

Appropriations by Fund:

General Fund.....	\$4,331,245,000
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98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

DIRECT STATE SERVICES

01-9710 Supreme Court.....	\$6,891,000
02-9715 Superior Court - Appellate Division.....	21,351,000
03-9720 Civil Courts	106,982,000
04-9725 Criminal Courts	149,855,000
05-9730 Family Courts.....	118,123,000
06-9735 Municipal Courts	1,598,000
07-9740 Probation Services.....	137,763,000
08-9745 Court Reporting	8,898,000
09-9750 Public Affairs and Education.....	2,953,000
10-9755 Information Services	18,169,000
11-9760 Trial Court Services.....	140,507,000
12-9765 Management and Administration	<u>11,339,000</u>

Total Direct State Services Appropriation, Judicial

Services \$724,429,000

Direct State Services:

Personal Services:

Chief Justice	(\$193,000)
Associate Justices.....	(1,113,000)
Judges.....	(71,244,000)
Salaries and Wages	(470,967,000)
Materials and Supplies.....	(7,755,000)
Services Other Than Personal.....	(32,423,000)
Maintenance and Fixed Charges.....	(1,852,000)
Special Purpose:	
01 Rules Development	(200,000)
04 Drug Court Treatment/After-care	(38,858,000)
04 Drug Court Operations.....	(22,563,000)
04 Drug Court Judgeships.....	(2,569,000)
05 Family Crisis Intervention	(1,076,000)
05 Child Placement Review Advisory Council.....	(82,000)
05 Kinship Legal Guardianship	(3,711,000)
05 Child Support and Paternity Program	
Title IV-D (Family Court)	(15,112,000)
07 Intensive Supervision Program	(15,757,000)
07 Juvenile Intensive Supervision Program	(2,269,000)
07 Child Support and Paternity Program	
Title IV-D (Probation).....	(29,393,000)
11 Child Support and Paternity Program	
Title IV-D (Trial).....	(2,561,000)
12 Affirmative Action and Equal	
Employment Opportunity	(770,000)
Additions, Improvements and Equipment	(3,961,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program and Drug Court program accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees under the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated in the Drug Court Treatment/Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the Drug Court program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the increase in fees collected by the Judiciary pursuant to P.L.2014, c.31 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the 21st Century Justice Improvement Fund for the purpose of (1) the development, maintenance and administration of a Statewide Pretrial Services Program; (2) the development, maintenance and administration of a Statewide digital e-court information system; and (3) the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey and its affiliates.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated, revenues in excess of \$42,100,000 in the 21st Century Justice Improvement Fund are appropriated to the Judiciary for the Statewide Pretrial Services Program or for court information technology, subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation..... \$724,429,000

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided from these funds.

Receipts from charges to the Superior Court Trust Fund, New Jersey Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admissions Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, Court Computer Information System Fund, Statewide County Corrections Information System (CCIS), and Mandatory Continuing Legal Education Program are appropriated for services provided from these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed \$10,000,000 in these respective accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of The Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services \$724,429,000

Appropriations by Fund:

General Fund..... \$724,429,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds..... \$19,477,000

99-4800 Bond Redemption..... 31,235,000

Total Debt Service Appropriation, Department of

Environmental Protection..... \$50,712,000

Debt Service:**Interest:**

Clean Waters Bonds (P.L.1976, c.92)	(\$23,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(20,000)
Natural Resources Bonds (P.L.1980, c.70)	(51,000)
Water Supply Bonds (P.L.1981, c.261)	(338,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(22,000)
Hazardous Discharge Bonds (P.L.1986, c.113)	(385,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(155,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(77,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(291,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(425,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(432,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70)	(3,363,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(2,322,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119)	(3,563,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117)	(8,010,000)

Redemption:

Clean Waters Bonds (P.L.1976, c.92)	(65,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(55,000)
Water Supply Bonds (P.L.1981, c.261)	(855,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(55,000)
Hazardous Discharge Bonds (P.L.1986, c.113)	(360,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(455,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(145,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(560,000)

Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88).....	(625,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(310,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70).....	(6,170,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162).....	(6,400,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119).....	(7,110,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117).....	(8,070,000)
Total Debt Service Appropriation, Department of Environmental Protection	<u>\$50,712,000</u>

82 DEPARTMENT OF THE TREASURY**70 Government Direction, Management, and Control****76 Management and Administration**

99-2000 Interest on Bonds	\$69,432,000
99-2000 Bond Redemption.....	<u>220,690,000</u>
Total Debt Service Appropriation, Department of the Treasury	<u>\$290,122,000</u>

Debt Service:**Interest:**

Payments on Future Bond Sales.....	(\$8,750,000)
Energy Conservation Bonds (P.L.1980, c.68).....	(3,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(45,325,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(171,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181).....	(275,000)
Building our Future Bonds (P.L.2012, c.41).....	(14,908,000)

Redemption:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(202,370,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(285,000)
Building our Future Bonds (P.L.2012, c.41).....	(18,035,000)

Total Debt Service Appropriation, Department of
the Treasury \$290,122,000

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be needed for the payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of the State, or bonds issued to refund such bonds, are appropriated and first shall be charged to the earnings from the investments of such bond proceeds, or repayments of loans, or any other monies in the applicable bond funds, or all of these, established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and principal on the bonds issued pursuant to such bond acts. Where required by law, such amounts shall be used to fund a reserve for the payment of interest and principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts hereinabove appropriated are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts. The Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to permit the proper debt service payments.

There are appropriated such amounts as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to allocate amounts hereinabove appropriated among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

Total Appropriation, Debt Service \$340,834,000

Summary of Appropriations - All Departments
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$7,313,442,000
Grants-in-Aid.....	10,332,138,000
State Aid.....	14,975,538,000
Capital Construction.....	1,547,438,000
Debt Service.....	340,834,000

Appropriation by Fund:

General Fund.....	\$19,615,615,000
Property Tax Relief Fund.....	14,637,380,000
Casino Revenue Fund.....	199,927,000
Casino Control Fund.....	50,268,000
Gubernatorial Elections Fund.....	6,200,000

Total Appropriation, All State Funds \$34,509,390,000

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

01-3310	Animal Disease Control.....	\$762,000
02-3320	Plant Pest and Disease Control	1,270,000
05-3350	Food and Nutrition Services	531,693,000
06-3360	Marketing and Development Services.....	2,869,000
08-3380	Farmland Preservation.....	<u>4,520,000</u>

Total Appropriation, Agricultural Resources, Planning,
and Regulation..... \$541,114,000

Personal Services:

Salaries and Wages	(\$9,982,000)
Employee Benefits	(3,298,000)
Materials and Supplies.....	(459,000)
Services Other Than Personal.....	(3,424,000)
Maintenance and Fixed Charges.....	(653,000)

Special Purpose:

Animal Health Diagnostic Lab CVM VetLrn	(3,000)
Farm Bill - Orchard Commodity Survey.....	(3,000)
Farm Bill - Solanaceous Commodity Survey.....	(3,000)
Other Special Purpose	(200,000)

State Aid and Grants:

Food Stamp - TEFAP.....	(680,000)
Farmland Preservation	(4,500,000)
Child Nutrition - School Lunch.....	(305,000,000)
Child Nutrition - Special Milk	(1,300,000)
Child Nutrition - School Breakfast	(98,000,000)
Child Care Food.....	(88,000,000)
Child Care Sponsor	(1,500,000)
Cash in Lieu of Commodities	(4,600,000)
Child Nutrition - Summer Programs	(9,700,000)
Summer Sponsor Administration	(970,000)
Team Nutrition Training	(450,000)
Fresh Fruit and Vegetable Program	(4,940,000)
Specialty Crop Block Grant Program.....	(710,000)
State Aid and Grants.....	(1,950,000)
Additions, Improvements and Equipment	(789,000)

Total Appropriation, Department of Agriculture \$541,114,000

16 DEPARTMENT OF CHILDREN AND FAMILIES**50 Economic Planning, Development, and Security****55 Social Services Programs**

01-1610	Child Protection and Permanency.....	\$318,158,000
02-1620	Children's System of Care.....	199,271,000
03-1630	Family and Community Partnerships	41,789,000
04-1600	Education Services	2,312,000
05-1600	Child Welfare Training Academy Services and Operations	2,059,000
06-1600	Safety and Security Services.....	3,680,000
99-1600	Administration and Support Services	1,369,000
99-1610	Administration and Support Services	13,467,000
99-1620	Administration and Support Services	801,000
	Total Appropriation, Social Services Programs	<u>\$582,906,000</u>

Personal Services:

Salaries and Wages	(\$255,647,000)
Materials and Supplies.....	(2,618,000)
Services Other Than Personal.....	(11,379,000)
Maintenance and Fixed Charges.....	(16,835,000)

Special Purpose:

Safety and Security Service - Title IV-E

Foster Care	(3,680,000)
Safety and Permanency in the Courts.....	(500,000)

State Aid and Grants:

Women's Services.....	(2,000)
Early Start Kids Needs - TANF	(1,950,000)
TANF Initiative for Parents.....	(3,129,000)
Maternal, Infant and Early Childhood	
Home Visitation.....	(9,920,000)
State Aid and Grants.....	(271,170,000)
Additions, Improvements and Equipment	(6,076,000)

Total Appropriation, Department of Children and Families \$582,906,000

22 DEPARTMENT OF COMMUNITY AFFAIRS**40 Community Development and Environmental Management****41 Community Development Management**

02-8020	Housing Services	\$292,087,000
06-8015	Uniform Construction Code	<u>30,000</u>
	Total Appropriation, Community Development	
	Management	<u>\$292,117,000</u>

Personal Services:

Salaries and Wages	(\$11,098,000)
Employee Benefits	(5,027,000)
Materials and Supplies.....	(224,000)
Services Other Than Personal.....	(1,718,000)
Maintenance and Fixed Charges.....	(1,885,000)

Special Purpose:

Family Self Sufficiency Program Coordinator.....	(350,000)
National Housing Trust Fund.....	(15,000,000)
Mainstream 5	(1,000)
Continuum of Care Program	(7,000)
Moderate Rehabilitation Housing Assistance	(43,000)
Section 8 Housing Voucher Program.....	(318,000)
Small Cities Block Grant Program.....	(12,000)
Emergency Solutions Grants Program	(6,000)
National Affordable Housing - HOME	
Investment Partnerships.....	(14,000)
Lead Abatement Certification	(2,000)
Other Special Purpose	(3,000)
State Aid and Grants:	
Mainstream 5	(425,000)
Housing Opportunities for Persons with	
AIDS Post-Incarcerated.....	(1,350,000)
State Aid and Grants.....	(254,634,000)

50 Economic Planning, Development, and Security**55 Social Services Programs**

05-8050 Community Resources.....	<u>\$169,275,000</u>
Total Appropriation, Social Services Programs.....	<u>\$169,275,000</u>

Personal Services:

Salaries and Wages	(\$2,120,000)
Employee Benefits	(960,000)
Materials and Supplies.....	(104,000)
Services Other Than Personal.....	(2,051,000)
Maintenance and Fixed Charges.....	(34,000)

Special Purpose:

Weatherization Assistance Program.....	(26,000)
Community Services Block Grant	(37,000)
Other Special Purpose	(82,000)
State Aid and Grants.....	(163,848,000)
Additions, Improvements and Equipment	(13,000)

Total Appropriation, Department of Community Affairs \$461,392,000

26 DEPARTMENT OF CORRECTIONS**10 Public Safety and Criminal Justice****16 Detention and Rehabilitation**

08-7110 Institutional Care and Treatment	\$146,000
08-7120 Institutional Care and Treatment	10,000
08-7130 Institutional Care and Treatment	142,000

13-7025 Institutional Program Support.....	<u>6,368,000</u>
Total Appropriation, Detention and Rehabilitation.....	<u>\$6,666,000</u>

Personal Services:

Salaries and Wages	(\$166,000)
Employee Benefits	(75,000)
Materials and Supplies.....	(40,000)
Services Other Than Personal.....	(10,000)

Special Purpose:

Prison Rape Elimination Grant	(500,000)
SSA Incentive Payments	(63,000)
National Institute of Justice Operations Research.....	(200,000)
State Criminal Alien Assistance Program	(3,130,000)
Special Investigations Division -	
Intelligence Technology	(500,000)
Inmate Vocational Certifications	(350,000)
Technology Enhancements	(500,000)
Videoconferencing Equipment Upgrade	(175,000)
Special Operations Tactical Equipment	(200,000)
Diversity Training	(100,000)
Medicaid Eligibility Workers.....	(150,000)
Offender Reentry.....	(500,000)
Other Special Purpose.....	(7,000)

17 Parole

03-7010 Parole.....	<u>\$1,000,000</u>
Total Appropriation, Parole	<u>\$1,000,000</u>
State Aid and Grants.....	(\$1,000,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services	<u>\$1,304,000</u>
Total Appropriation, Central Planning, Direction and	
Management	<u>\$1,304,000</u>

Personal Services:

Salaries and Wages	(\$757,000)
Employee Benefits	(333,000)
Materials and Supplies.....	(20,000)
Services Other Than Personal.....	(14,000)

Special Purpose:

Perkins - Vocational Education.....	(170,000)
Other Special Purpose	(10,000)

Total Appropriation, Department of Corrections	<u>\$8,970,000</u>
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34 DEPARTMENT OF EDUCATION***30 Educational, Cultural, and Intellectual Development******31 Direct Educational Services and Assistance***07-5065 Special Education \$378,069,000

Total Appropriation, Direct Educational Services and

Assistance \$378,069,000

Personal Services:

Salaries and Wages (\$9,142,000)

Employee Benefits (4,162,000)

Services Other Than Personal (14,095,000)

Special Purpose:

Individuals with Disabilities Education

Act Basic State Grant (1,219,000)

Individuals with Disabilities Education

Act Preschool Grants (237,000)

IDEA Part B - Discretionary Administration (662,000)

State Aid and Grants:

IDEA Part B - Discretionary

Administration (5,000,000)

State Aid and Grants (343,552,000)

32 Operation and Support of Educational Institutions12-5011 Marie H. Katzenbach School for the Deaf \$1,404,000

Total Appropriation, Operation and Support of

Educational Institutions \$1,404,000

Personal Services:

Salaries and Wages (\$765,000)

Employee Benefits (346,000)

Materials and Supplies (25,000)

Services Other Than Personal (84,000)

Special Purpose:

Vocational Education Program (26,000)

IDEA (State Institutions), Handicapped (148,000)

Preschool Entitlement - Katzenbach

School (8,000)

Additions, Improvements and Equipment (2,000)

33 Supplemental Education and Training Programs20-5062 General Vocational Education \$22,133,000

Total Appropriation, Supplemental Education and

Training Programs \$22,133,000

Personal Services:

Salaries and Wages (\$1,567,000)

Employee Benefits (709,000)

Materials and Supplies.....	(156,000)
Services Other Than Personal.....	(272,000)
Special Purpose:	
Vocational Education - Basic Grants -	
Administration	(80,000)
Vocational Education - Title II B	
Leadership Activities	(525,000)
State Aid and Grants	(18,824,000)

34 Educational Support Services

05-5064 Bilingual Education	\$20,936,000
06-5064 Programs for Disadvantaged Youth.....	356,239,000
30-5063 Standards, Assessments and Curriculum	69,647,000
32-5061 Teacher and Leader Effectiveness	300,000
35-5069 Early Childhood Education.....	17,775,000
40-5064 Learning Supports and Specialized Services	<u>25,829,000</u>
Total Appropriation, Educational Support Services.....	<u>\$490,726,000</u>

Personal Services:

Salaries and Wages	(\$9,114,000)
Employee Benefits	(3,975,000)
Materials and Supplies.....	(65,000)
Services Other Than Personal.....	(8,737,000)

Special Purpose:

Language Acquisition Discretionary Administration.....	(85,000)
Migrant Education - Administration/Discretionary.....	(82,000)
Migrant Coordination Program	(77,000)
Bilingual and Compensatory Education - Homeless	
Children and Youth	(10,000)
State Assessments	(80,000)
State Grants for Improving Teacher	
Quality	(131,000)
National Assessment of Educational	
Progress State Coordinator	(10,000)
Public Charter Schools	(7,000)
Troops-to-Teachers Program.....	(122,000)
Head Start Collaboration	(114,000)
21st Century Schools.....	(500,000)
AIDS Prevention Education	(65,000)
Other Special Purpose	(969,000)
State Aid and Grants	(466,583,000)

35 Education Administration and Management

99-5093 Administration and Support Services	\$15,000
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99-5095 Administration and Support Services	<u>4,846,000</u>
Total Appropriation, Education Administration and Management	<u>\$4,861,000</u>
Personal Services:	
Salaries and Wages	(\$2,422,000)
Employee Benefits	(1,096,000)
Special Purpose:	
NCES Performance Based Data Management Initiative.....	(15,000)
Improving America's Schools Act - Consolidated Administration	(1,328,000)
Total Appropriation, Department of Education	<u>\$897,193,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION***40 Community Development and Environmental Management******42 Natural Resource Management***

11-4870 Forest Resource Management	\$2,845,000
12-4875 Parks Management	21,265,000
13-4880 Hunters' and Anglers' License Fund.....	16,325,000
14-4885 Shellfish and Marine Fisheries Management.....	4,550,000
20-4880 Wildlife Management	1,000,000
21-4895 Natural Resources Engineering	<u>1,470,000</u>
Total Appropriation, Natural Resource Management	<u>\$47,455,000</u>
Personal Services:	
Salaries and Wages	(\$4,915,000)
Employee Benefits	(2,159,000)
Special Purpose:	
Rural Community Fire Protection Program	(207,000)
Forest Resource Management - Cooperative Forest Fire Control	(1,442,000)
Gypsy Moth Suppression	(70,000)
Consolidated Forest Management.....	(804,000)
Land and Water Conservation Fund.....	(4,000,000)
Historic Preservation Survey and Planning.....	(178,000)
Forest Legacy	(4,185,000)
Forest Legacy Administration.....	(44,000)
Highlands Conservation.....	(2,420,000)
National Recreational Trails	(1,819,000)
National Coastal Wetlands Conservation.....	(3,475,000)
Capital Repair to Leonardo Marina.....	(1,700,000)
Recovery Land Acquisition.....	(2,500,000)

Hunters' and Anglers' License Fund.....	(925,000)
Hunter Safety Training.....	(628,000)
Endangered Species	(350,000)
Council for the Advancement of Hunting and Shooting Sports.....	(150,000)
Species of Greater Conservation Need (SGCN) Research	(153,000)
White Nose Syndrome Grants to States	(23,000)
Assessment of the Vulnerability of NJ's Habitat and Wildlife to Climate Change.....	(600,000)
Hunters' & Anglers' License Fund/N.J. Statewide Fisheries Development.....	(1,552,000)
Northeast Wildlife Teamwork Strategy	(60,000)
Boat Access (Fish and Wildlife)	(1,000,000)
New Jersey Shooting Range Development and Improvement	(2,750,000)
NJ Landowner Incentive Program - Tier 2 (5 Yr. Projects).....	(250,000)
Fish & Wildlife Input to Activities - Projects of Others	(100,000)
Avian Influenza.....	(10,000)
Fish and Wildlife Action Plan.....	(40,000)
New Jersey's Landscape Project.....	(432,000)
White Nose Syndrome	(30,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination	(129,000)
Research In Freshwater Fisheries Management	(263,000)
Fish Culture and Stocking Project.....	(1,000,000)
Aquatic Recreational Resource Awareness & Education Project.....	(185,000)
Wildlife Research and Management	(682,000)
Fish and Wildlife Health	(187,000)
Species of Greater Conservation Need - Mammal Research and Management.....	(249,000)
Marine Fisheries Investigation and Management.....	(444,000)
Atlantic Coastal Fisheries.....	(85,000)
Inventory of New Jersey Surf Clam Resources.....	(187,000)
Clean Vessels	(892,000)
Marine Fisheries Law Enforcement	(705,000)
New Jersey Atlantic and Shortnose Sturgeon	(341,000)
Atlantic Coastal Cooperative Program.....	(150,000)
Endangered and Nongame Species Program State Wildlife Grants	(821,000)

Community Assistance Program	(116,000)
Cooperative Technical Partnership	(650,000)
National Dam Safety Program (FEMA).....	(75,000)
Other Special Purpose	(1,323,000)

43 Science and Technical Programs

05-4840 Water Supply	\$20,200,000
07-4850 Water Monitoring and Resource Management	4,400,000
15-4801 Land Use Regulation	2,699,000
15-4890 Land Use Regulation	1,001,000
18-4810 Division of Science, Research and Environmental Health	8,150,000
22-4861 New Jersey Geological Survey	400,000
90-4801 Environmental Policy and Planning	<u>5,802,000</u>
Total Appropriation, Science and Technical Programs.....	<u>\$42,652,000</u>

Personal Services:

Salaries and Wages	(\$6,125,000)
Employee Benefits	(2,498,000)

Special Purpose:

Drinking Water State Revolving Fund.....	(16,090,000)
Water Pollution Control Program	(573,000)
Water Pollution S106 Enhancements.....	(400,000)
NJ - FRAMES - Monmouth County	(900,000)
Coastal Zone Management Implementation	(859,000)
Coastal Zone Management Grant - Section 309	(269,000)
Coastal Zone Management Grant - Section 310	(200,000)
Coastal Wetlands Planning	(1,500,000)
Maurice River Habitat Restoration	(5,200,000)
Wetland Program Development Grants - Multi Metric.....	(500,000)
Wetland Program Development Grants - Wetland Baseline.....	(200,000)
Multimedia.....	(481,000)
New Jersey Water Statewide Use Data	(25,000)
National Geologic Mapping Program	(131,000)
Geological and Geophysical Data Preservation USGS	(32,000)
Water Pollution Control	(3,000)
Water Monitoring and Planning.....	(652,000)
Nonpoint Source Implementation (319H).....	(3,828,000)
Beach Monitoring and Notification.....	(660,000)
Other Special Purpose	(1,526,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation and Response	\$5,000,000
23-4815 Solid and Hazardous Waste Management	300,000
23-4910 Solid and Hazardous Waste Management	1,100,000

27-4815	Remediation Management	<u>13,150,000</u>
	Total Appropriation, Site Remediation and Waste Management	<u>\$19,550,000</u>
	Personal Services:	
	Salaries and Wages	(\$2,100,000)
	Employee Benefits	(950,000)
	Special Purpose:	
	Superfund Grants	(5,000,000)
	Hazardous Waste - Resource Conservation Recovery Act.....	(683,000)
	Port Security.....	(6,250,000)
	Preliminary Assessments/Site Inspections	(1,337,000)
	Brownfields.....	(888,000)
	Remedial Planning Support Agency Assistance	(600,000)
	Underground Storage Tanks.....	(1,162,000)
	Other Special Purpose.....	(580,000)

45 Environmental Regulation

01-4820	Radiation Protection	\$500,000
02-4892	Air Pollution Control	11,601,000
09-4860	Public Wastewater Facilities.....	63,500,000
16-4891	Water Monitoring and Planning	<u>125,000</u>
	Total Appropriation, Environmental Regulation.....	<u>\$75,726,000</u>
	Personal Services:	
	Salaries and Wages	(\$4,870,000)
	Employee Benefits	(2,203,000)
	Special Purpose:	
	Radon Program	(250,000)
	Air Pollution Maintenance Program.....	(4,300,000)
	BioWatch Monitoring	(193,000)
	Particulate Monitoring Grant	(615,000)
	Clean Diesel Retrofit.....	(400,000)
	Diesel Emissions Reduction Act - Marine Vessel Emission Reduction.....	(1,500,000)
	Clean Water State Revolving Fund	(60,000,000)
	Underground Injection Control	(48,000)
	Other Special Purpose.....	(1,347,000)

46 Environmental Planning and Administration

99-4800	Administration and Support Services	<u>\$600,000</u>
	Total Appropriation, Environmental Planning and Administration	<u>\$600,000</u>
	Special Purpose:	
	National Information Exchange Network	(\$426,000)

National Information Exchange	
Network.....	(168,000)
National Information Exchange	
Network.....	(6,000)

47 Compliance and Enforcement

02-4855	Air Pollution Control.....	\$2,500,000
04-4835	Pesticide Control	500,000
08-4855	Water Pollution Control.....	1,250,000
15-4855	Land Use Regulation	600,000
23-4855	Solid and Hazardous Waste Management	<u>3,250,000</u>
	Total Appropriation, Compliance and Enforcement	<u>\$8,100,000</u>

Personal Services:

Salaries and Wages	(\$3,318,000)
Employee Benefits	(1,457,000)

Special Purpose:

Air Pollution Maintenance Program	(920,000)
Pesticide Control Consolidated	(98,000)
Underground Storage Tank Program	
Standard Compliance Inspections	(604,000)
Coastal Zone Management Implementation	(80,000)
Hazardous Waste - Resource Conservation Recovery	
Act	(710,000)
Other Special Purpose	(913,000)

Total Appropriation, Department of Environmental	
Protection.....	<u>\$194,083,000</u>

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215	Vital Statistics.....	\$1,498,000
02-4220	Family Health Services.....	267,102,000
03-4230	Public Health Protection Services	97,533,000
08-4280	Laboratory Services.....	8,243,000
12-4245	AIDS Services	<u>83,183,000</u>
	Total Appropriation, Health Services	<u>\$457,559,000</u>

Personal Services:

Salaries and Wages	(32,785,000)
Employee Benefits	(14,813,000)
Materials and Supplies.....	(3,374,000)
Services Other Than Personal.....	(23,540,000)
Maintenance and Fixed Charges.....	(1,020,000)

Special Purpose:

Supplemental Food Program - WIC.....	(737,000)
New Jersey Childhood Lead	(316,000)
N.J. Project: Providing a MED Home in a Neighborhood of Services.....	(107,000)
SSDI.....	(65,000)
Women, Infants, and Children (WIC)	
Farmers' Market Nutrition Program	(2,200,000)
Early Hearing Detection and Intervention (EHDI)	
Tracking, Research	(14,000)
Coordinated Integrated Initiative.....	(1,948,000)
Senior Farmers' Market Nutrition Program	(400,000)
USDA Incentive Program	(144,000)
Maternal and Child Health (MCH) Early Childhood	
Comprehensive System	(140,000)
Child Nutrition Program - Inspection Services	(68,000)
Toxic Substances Control Act.....	(29,000)
Environmental Health Education	(335,000)
Health Program for Indochinese Refugees.....	(100,000)
Demonstration Program to Conduct Health Assessments....	(23,000)
Conformance with the Manufactured	
Food Regulatory Program Standards	(44,000)
Adult Blood Lead Surveillance	(12,000)
Adult Viral Hepatitis Prevention.....	(24,000)
National Program of Cancer Registries.....	(104,000)
Public Employees Occupational Safety and Health -	
State Plan	(228,000)
Surveillance of Hazardous Substance Emergency Events .	(113,000)
National Cancer Prevention and Control -	
Public Health	(1,613,000)
Pandemic Influenza Healthcare Preparedness.....	(1,935,000)
National Violent Death Reporting System	(16,000)
Fundamental & Expanded Occupational Health	(587,000)
West Nile Virus - Laboratory	(190,000)
Tuberculosis Control Program	(7,000)
Lab Biomonitoring Program - Impact of Biohazards	
on New Jersey.....	(707,000)
Clinical Laboratory Improvement Amendments Program	(1,000)
Emergency Preparedness For Bioterrorism - Laboratories ..	(99,000)
Food Emergency Response Network - E. Coli in	
Ground Beef	(101,000)
HIV/AIDS Events Without Care in New Jersey	(30,000)
Enhanced HIV/AIDS Surveillance - Perinatal	(139,000)
Minority AIDS Initiatives	(24,000)

Other Special Purpose	(11,878,000)
State Aid and Grants:	
Preventative Health and Health Services Block Grant.....	(1,688,000)
Supplemental Food Program - WIC.....	(121,070,000)
State Office of Rural Health.....	(43,000)
New Jersey Cancer Education & Early Detection (NJ CEED)	(219,000)
New Jersey Personal Responsibility Education Program	(1,426,000)
Abstinence Education - Family Health Services (FHS)	(1,353,000)
Asthma Surveillance and Coalition Building.....	(710,000)
Universal Newborn Hearing Screening.....	(144,000)
National Cancer Prevention and Control	(3,018,000)
Commodity Supplemental Food Program.....	(200,000)
Breast and Cervical Cancer Early Detection Program	(2,800,000)
Tobacco Age of Sale Enforcement (TASE)	(1,328,000)
West Nile Virus - Public Health.....	(1,491,000)
NJHIS Infrastructure Enhancement.....	(1,993,000)
BioSense 2.0	(300,000)
Immunization Project.....	(3,397,000)
Emergency Preparedness For Bioterrorism.....	(17,570,000)
Expanded and Integrated HIV Testing.....	(1,470,000)
State Aid and Grants.....	(194,286,000)
Additions, Improvements and Equipment	(3,043,000)

22 Health Planning and Evaluation

06-4260 Health Care Facility Regulation and Oversight.....	\$17,053,000
07-4270 Health Care Systems Analysis.....	<u>89,200,000</u>
Total Appropriation, Health Planning and Evaluation.....	<u>\$106,253,000</u>
Personal Services:	
Salaries and Wages	(\$7,382,000)
Employee Benefits	(3,330,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(961,000)
Maintenance and Fixed Charges.....	(692,000)
Special Purpose:	
Long Term Care – Medicaid	(1,138,000)
Implement Patient Safety Act	(200,000)
Nurse Aide Certification Program	(1,000,000)
HCSA – Medicaid.....	(1,000,000)
Other Special Purpose.....	(2,409,000)
State Aid and Grants:	
State Office of Rural Health.....	(200,000)

State Aid and Grants..... (87,300,000)
 Additions, Improvements and Equipment (568,000)

25 Health Administration

99-4210 Administration and Support Services \$4,937,000
 Total Appropriation, Health Administration \$4,937,000

Personal Services:

Salaries and Wages (\$410,000)
 Employee Benefits (185,000)
 Materials and Supplies..... (30,000)
 Services Other Than Personal..... (700,000)

Special Purpose:

Immunization Program..... (1,690,000)
 New Jersey's Reducing Health
 Disparities Initiative (160,000)
 Other Special Purpose (210,000)

State Aid and Grants:

Preventative Health and Health Services Block Grant (841,000)
 Improving Mental Health for Older African Americans (240,000)
 State Aid and Grants..... (471,000)

Total Appropriation, Department of Health..... \$568,749,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

08-7700 Community Services..... \$153,210,000
 09-7700 Addiction Services..... 58,299,000
 10-7710 Patient Care and Health Services..... 13,904,000
 10-7720 Patient Care and Health Services..... 10,127,000
 10-7740 Patient Care and Health Services..... 14,276,000
 99-7710 Administration and Support Services 5,656,000
 99-7720 Administration and Support Services 3,123,000
 99-7740 Administration and Support Services 5,914,000
 Total Appropriation, Mental Health and Addiction Services.... \$264,509,000

Personal Services:

Salaries and Wages (\$52,053,000)
 Materials and Supplies..... (3,308,000)
 Services Other Than Personal..... (4,038,000)
 Maintenance and Fixed Charges..... (1,036,000)

Special Purpose:

Mental Health Preparedness Activities Bioterrorism (10,000)
 Projects for Assistance in Transition
 from Homelessness (PATH)..... (26,000)

State Aid and Grants:

Substance Abuse Block Grant.....	(40,045,000)
State Aid and Grants.....	(163,721,000)
Additions, Improvements and Equipment	(272,000)

24 Special Health Services

21-7540 Health Services Administration and Management	\$175,912,000
22-7540 General Medical Services.....	<u>7,232,271,000</u>
Total Appropriation, Special Health Services.....	<u>\$7,408,183,000</u>

Personal Services:

Salaries and Wages	(\$25,141,000)
Materials and Supplies.....	(98,000)
Services Other Than Personal.....	(8,471,000)
Maintenance and Fixed Charges.....	(1,931,000)

Special Purpose:

Administration of U.S. Dept of Health and Human Services Program	(219,000)
Payments to Fiscal Agents	(70,631,000)
Professional Standards Review Organization - Utilization Review.....	(862,000)
Drug Utilization Review Board - Administrative Costs.....	(23,000)
NJ KidCare - Administration	(5,487,000)
NJ KidCare B-C-D - Administration	(7,388,000)

State Aid and Grants:

Electronic Health Records Provider Incentive Payments	(50,000,000)
Health Information Technology (HIT).....	(5,661,000)
ACA Health Insurance Providers Fee	(106,925,000)
Hospital Mental Health Offset Payments.....	(12,327,000)
Payments for Medical Assistance Recipients – Medicare Premiums.....	(192,363,000)
Home Health Background Checks - Title XIX federal matching funds.....	(1,800,000)
NJ FamilyCare Adult Expansion	(2,704,312,000)
NJ KidCare A - Benefits	(157,488,000)
NJ KidCare B-C-D - Benefits	(156,583,000)
Medical Coverage - Aged, Blind and Disabled.....	(1,351,934,000)
Medical Coverage - Community-Based Long Term Care Recipients.....	(431,376,000)
Medical Coverage - Nursing Home Residents.....	(934,212,000)
Medical Coverage - Title XIX Parents and Children	(1,085,988,000)
Eligibility and Enrollment Services	(55,600,000)
Provider Settlements and Adjustments	(41,363,000)

26 Division of Aging Services

20-7530	Medical Services for the Aged.....	\$27,100,000
55-7530	Programs for the Aged.....	47,268,000
57-7530	Office of the Public Guardian.....	<u>3,000,000</u>

Total Appropriation, Division of Aging Services \$77,368,000

Personal Services:

Salaries and Wages	(\$12,566,000)
Employee Benefits	(3,239,000)
Materials and Supplies.....	(219,000)
Services Other Than Personal.....	(2,185,000)
Maintenance and Fixed Charges.....	(752,000)

Special Purpose:**Administration of US Department of Health and**

Human Services.....	(5,678,000)
ADM DHS Federal Program - SBUM	(1,797,000)
Elder Abuse - Older Americans Act Title III	(163,000)
Other Special Purpose.....	(2,532,000)

State Aid and Grants:

Counseling on Health Insurance for Medicare Enrollees...	(702,000)
Medicaid Match County Offices on Aging	(480,000)
State Aid and Grants.....	(46,696,000)
Additions, Improvements and Equipment	(359,000)

27 Disability Services

27-7545	Disability Services.....	<u>\$1,979,000</u>
	Total Appropriation, Disability Services	<u>\$1,979,000</u>

Personal Services:

Salaries and Wages	(\$1,065,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(31,000)
State Aid and Grants.....	(879,000)

30 Educational, Cultural, and Intellectual Development**32 Operation and Support of Educational Institutions**

01-7601	Purchased Residential Care	\$376,803,000
02-7601	Social Supervision and Consultation	56,553,000
03-7601	Adult Activities.....	102,082,000
05-7610	Residential Care and Habilitation Services.....	12,191,000
05-7620	Residential Care and Habilitation Services.....	31,800,000
05-7640	Residential Care and Habilitation Services.....	26,482,000
05-7650	Residential Care and Habilitation Services.....	49,447,000
05-7670	Residential Care and Habilitation Services.....	50,447,000
08-7601	Community Services.....	18,444,000
99-7601	Administration and Support Services	13,539,000

99-7610	Administration and Support Services	3,975,000
99-7620	Administration and Support Services	7,824,000
99-7640	Administration and Support Services	7,634,000
99-7650	Administration and Support Services	7,701,000
99-7670	Administration and Support Services	<u>8,143,000</u>

Total Appropriation, Operation and Support of

Educational Institutions \$773,065,000

Personal Services:

Salaries and Wages	(\$235,515,000)
Materials and Supplies.....	(34,000)
Services Other Than Personal.....	(1,176,000)
Maintenance and Fixed Charges.....	(502,000)
State Aid and Grants.....	(535,438,000)
Additions, Improvements and Equipment	(400,000)

33 Supplemental Education and Training Programs

11-7560	Services for the Blind and Visually Impaired.....	\$11,676,000
99-7560	Administration and Support Services	<u>1,856,000</u>

Total Appropriation, Supplemental Education and

Training Programs \$13,532,000

Personal Services:

Salaries and Wages	(\$7,106,000)
Materials and Supplies.....	(60,000)
Services Other Than Personal.....	(405,000)
Maintenance and Fixed Charges.....	(163,000)
State Aid and Grants.....	(5,623,000)
Additions, Improvements and Equipment	(175,000)

50 Economic Planning, Development, and Security**53 Economic Assistance and Security**

15-7550	Income Maintenance Management.....	<u>\$916,852,000</u>
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Total Appropriation, Economic Assistance and Security \$916,852,000

Personal Services:

Salaries and Wages	(\$15,111,000)
Services Other Than Personal.....	(24,692,000)

Special Purpose:

Work First New Jersey Technology Investment -

Food Stamps.....(9,000,000)

EBT - Operational Food Stamp Match for CWA's.....(3,098,000)

Work First New Jersey - Benefits

Transfer - Operational(300,000)

Work First New Jersey - Technology Investment -

TANF(4,900,000)

Work First New Jersey - Technology Investment - SNAP	(5,300,000)
Work First New Jersey - Technology Investment - TANF/CCDF	(1,800,000)
EBT Operational - Child Care Discretionary	(102,000)
EBT Operational - Child Care M&M.....	(600,000)
EBT Operational - Child Care TANF	(370,000)
Work First New Jersey - Technology Investment - Title XIX	(46,000,000)
Work First New Jersey - Technology Investment - Title IV-D	(23,500,000)
State Aid and Grants:	
Restricted Grants	(200,000)
Faith Based Initiatives	(1,055,000)
SSBG CWA Administration TANF Transfer.....	(2,814,000)
State Aid and Grants	(778,010,000)

70 Government Direction, Management, and Control

76 Management and Administration

99-7500 Administration and Support Services	<u>\$23,016,000</u>
Total Appropriation, Management and Administration	<u>\$23,016,000</u>
Personal Services:	
Salaries and Wages	(\$5,540,000)
Special Purpose:	
Child Support Enforcement Program	(3,000,000)
Title XIX Medical Assistance	(9,760,000)
Refugee Resettlement Program	(135,000)
Vocational Rehabilitation Act - Section 120.....	(581,000)
Supplemental Nutrition Assistance Program.....	(1,500,000)
Temporary Assistance to Needy Families Block Grant.....	(1,731,000)
State Aid and Grants	(769,000)

Total Appropriation, Department of Human Services \$9,478,504,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security

51 Economic Planning and Development

18-4570 Research and Information.....	<u>\$7,620,000</u>
Total Appropriation, Economic Planning and Development	<u>\$7,620,000</u>
Personal Services:	
Salaries and Wages	(\$4,180,000)
Employee Benefits	(1,884,000)

Materials and Supplies.....	(125,000)
Services Other Than Personal.....	(416,000)
Maintenance and Fixed Charges.....	(235,000)
Special Purpose:	
Reports and Analysis - Unemployment Insurance	(250,000)
ES 202 Covered Employment & Wages	(50,000)
Current Employment Statistics	(32,000)
Local Area Unemployment Statistics.....	(12,000)
Occupational Employment Statistics	(40,000)
ES - Labor Market Information.....	(72,000)
ES Cost Reimbursable Grants - Alien Labor Certification	(7,000)
Redesigned Occupational Safety and Health (ROSH)	(5,000)
One Stop Labor Market Information.....	(130,000)
JTPA Title III LMI-PROS	(100,000)
Other Special Purpose	(30,000)
Additions, Improvements and Equipment	(52,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance.....	\$157,455,000
02-4515 Disability Determination	<u>70,986,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$228,441,000</u>

Personal Services:

Salaries and Wages	(\$90,486,000)
Employee Benefits	(39,555,000)
Materials and Supplies.....	(4,700,000)
Services Other Than Personal.....	(42,500,000)
Maintenance and Fixed Charges.....	(10,300,000)
Special Purpose:	
Unemployment Insurance	(15,000,000)
Reed Act Improvements.....	(2,000,000)
Reemployment Eligibility Assessments - State	
Administration.....	(2,500,000)
Employment Security Revenue.....	(1,700,000)
Disability Determination Services	(2,000,000)
Old Age and Survivor Insurance Disability	
Determination Services	(1,000,000)
State Aid and Grants.....	(14,800,000)
Additions, Improvements and Equipment	(1,900,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services.....	\$56,160,000
09-4545 Employment Services	35,397,000
10-4545 Employment and Training Services.....	157,165,000
12-4550 Workplace Standards.....	<u>5,454,000</u>

Total Appropriation, Manpower and Employment Services.....	<u>\$254,176,000</u>
Personal Services:	
Salaries and Wages	(\$56,368,000)
Employee Benefits	(25,138,000)
Materials and Supplies.....	(865,000)
Services Other Than Personal.....	(7,613,000)
Maintenance and Fixed Charges.....	(5,398,000)
Special Purpose:	
Vocational Rehabilitation Act of 1973	(500,000)
Disabled Veterans' Outreach Program	(596,000)
Local Veterans' Employment Representatives	(33,000)
Trade Adjustment Assistance Project.....	(20,000)
Employment Services Grants - Alien Labor Certification ...	(55,000)
Work Opportunity Tax Credit	(100,000)
Employment Services Cost Reimbursable Grants -	
Migrant Housingq	(5,000)
Agricultural Wage Surveys	(23,000)
Workforce Investment Act.....	(146,000)
Employment Services Rapid Response Team	(75,000)
National Council on Aging - Senior Community	
Services Employment	(10,000)
Workforce Investment Act - Adult and	
Continuing Education	(82,000)
Adult Basic Ed Leadership.....	(1,079,000)
Adult Basic Ed Civics Administration	(40,000)
Adult Basic Education Civics Leadership.....	(331,000)
Occupational Safety Health Act - On-Site Consultation	(461,000)
Other Special Purpose.....	(462,000)
State Aid and Grants:	
ATAC Assistive Technology - USDHHS	(550,000)
Adult Basic Ed Non-Administration	(10,000,000)
Adult Basic Ed Civics Non Administration	(3,200,000)
State Aid and Grants.....	(140,689,000)
Additions, Improvements and Equipment	(337,000)
Total Appropriation, Department of Labor and Workforce	
Development.....	<u>\$490,237,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200	State Police Operations.....	\$61,315,000
09-1020	Criminal Justice	<u>79,520,000</u>

Total Appropriation, Law Enforcement.....	<u>\$140,835,000</u>
Personal Services:	
Salaries and Wages	(\$2,158,000)
Employee Benefits	(976,000)
Special Purpose:	
Fatality Analysis Reporting System (FARS)	(280,000)
MCSAP Basic and Incentive Grant.....	(3,500,000)
Paul Coverdell National Forensic Science Improvement....	(400,000)
Domestic Marijuana Eradication Suppression Program.....	(75,000)
Flood Mitigation Assistance	(9,000,000)
Recreational Boating Safety.....	(3,800,000)
Motor Carrier Safety Assistance Program -	
New Entrant.....	(2,000,000)
Internet Crimes Against Children	(425,000)
Hazardous Materials Transportation	(525,000)
Pre-Disaster Mitigation - Competitive	(5,000,000)
NIEHS Worker Health Safety Training	(150,000)
Incident Command.....	(1,500,000)
Emergency Management Performance Grant -	
Non Terrorism	(9,000,000)
High Priority Hazmat Inspection Program	(500,000)
Solving Cold Cases	(250,000)
Port Security - New York/New Jersey (North)	(1,500,000)
Port Security - Delaware Bay (South).....	(1,500,000)
Victim Centered Law Enforcement Training.....	(600,000)
Forensic Casework DNA Backlog Reduction.....	(1,800,000)
Smart Policing Initiative	(690,000)
Intellectual Property.....	(270,000)
COPS Anti-Heroin Task Force Program.....	(200,000)
Urban Search and Rescue	(7,500,000)
USAR/FEMA Administration.....	(1,500,000)
Body Cameras.....	(1,000,000)
Anti-Methamphetamine	(500,000)
Internet Crimes Against Children - Wounded Vet. Hire.....	(150,000)
Comprehensive Anti-Gang Strategies and Programs.....	(300,000)
Sex Offender Registration and Notification Act	
(SORNA).....	(400,000)
Community Oriented Policing (COPS) Hiring Program..	(7,000,000)
Bulletproof Vest Partnership.....	(15,000)
Medicaid Fraud Unit	(649,000)
Victim Assistance Grants.....	(63,000,000)
Project Safe Neighborhoods.....	(500,000)
Justice Assistance Grant (JAG).....	(5,000,000)

Sex Offender Registration & Notification Act (SORNA)	
Reallocation.....	(500,000)
Victims of Crime Act - Vision 21	(250,000)
Victims of Crime Act - Training Discretionary	(670,000)
Residential Treatment for Substance Abuse.....	(152,000)
Victims of Human Trafficking.....	(750,000)
Special Services for Victims of Human	
Trafficking	(600,000)
State Aid and Grants.....	(4,300,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	<u>\$32,162,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$32,162,000</u>

Special Purpose:

Federal Highway Safety	(600,000)
Highway Safety - Traffic Records.....	(425,000)
Emergency Services	(12,000)
Non-Motorized Safety.....	(400,000)
FHWA Program Management	(325,000)
Motorcycle Training Program.....	(75,000)
Training Grant - Section 402.....	(50,000)
Pedestrian Safety Grant.....	(1,000,000)
Selective Enforcement Management.....	(3,000,000)
Community Traffic Safety	(3,500,000)
Occupant Protection	(4,000,000)
State Traffic Safety Information System	
Improvement.....	(5,500,000)
Impaired Driving Countermeasure.....	(9,000,000)
Distracted Driving Incentive	(2,000,000)
Motorcycle Safety Grant	(600,000)
Graduated Driver Licensing Incentive	(500,000)
Highway Safety - Alcohol Education and Public	
Awareness Coordinator	(375,000)
Highway Safety - Safety Restraints Program	
Management	(500,000)
Paid Advertising.....	(300,000)

18 Juvenile Services

34-1500 Juvenile Community Programs.....	\$988,000
99-1500 Administration and Support Services	<u>1,222,000</u>
Total Appropriation, Juvenile Services.....	<u>\$2,210,000</u>

Personal Services:

Salaries and Wages	(\$83,000)
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Employee Benefits	(30,000)
Special Purpose:	
IDEA - Handicapped.....	(378,000)
Juvenile Mentoring Programs - Juvenile	
Justice Initiative.....	(40,000)
Title I - Part D, Neglected & Delinquent	(570,000)
Justice and Mental Health Collaboration	(270,000)
Juvenile Justice Delinquency Prevention.....	(839,000)

19 Central Planning, Direction and Management

13-1005 Homeland Security and Preparedness	\$30,037,000
99-1000 Administration and Support Services	<u>1,600,000</u>
Total Appropriation, Central Planning, Direction and Management .	<u>\$31,637,000</u>

Special Purpose:

Homeland Security Grant Program	(\$8,354,000)
Urban Area Security Initiative (UASI)	(20,534,000)
UASI Nonprofit Security Grant Program (NSGP).....	(1,149,000)
Encouraging Innovation.....	(500,000)
Community Policing Development.....	(500,000)
National Criminal History Program -	
Office of the Attorney General	(600,000)

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	\$500,000
16-1350 Protection of Civil Rights.....	568,000
19-1440 Victims of Crime Compensation Office	<u>2,700,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$3,768,000</u>

Special Purpose:

Prescription Drug Monitoring Program	(\$500,000)
Equal Employment Opportunity Commission	(328,000)
Housing and Urban Development.....	(240,000)
State Aid and Grants.....	(2,700,000)

Total Appropriation, Department of Law and Public Safety \$210,612,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services.....	\$44,057,000
99-3600 Administration and Support Services	<u>38,000,000</u>
Total Appropriation, Military Services	<u>\$82,057,000</u>

Personal Services:

Salaries and Wages	(\$8,211,000)
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Employee Benefits	(2,031,000)
Materials and Supplies.....	(23,576,000)
Services Other Than Personal.....	(4,951,000)
Maintenance and Fixed Charges.....	(230,000)
Special Purpose:	
Dining Facility Operations.....	(150,000)
Natural and Cultural Resources Management.....	(20,000)
Federal Distance Learning Program.....	(200,000)
Training and Equipment - Pool Sites	(66,000)
McGuire Operations and Maintenance.....	(1,000)
Facilities Support Contract.....	(100,000)
Atlantic City Air Base - Service Contracts.....	(60,000)
McGuire Air Force Base - Service Contract	(30,000)
Air National Guard Security Agreement - Atlantic City....	(231,000)
Air National Guard Security Agreement - McGuire	(4,000)
Army National Guard Electronic Security System.....	(100,000)
Training Site Facilities Maintenance Agreements.....	(56,000)
McGuire Air Force Base Environmental.....	(15,000)
Atlantic City Environmental	(22,000)
Warren Grove Sustainment Restoration & Modernization	(5,000)
Antiterrorism Program Manager	(2,000)
Atlantic City Sustainment, Restoration and	
Modernization.....	(190,000)
Armory Renovations and Improvements	(3,726,000)
New Jersey National Guard ChalleNGe Youth Program	(80,000)
NJNG Photovoltaic Sea Girt Program.....	(1,000,000)
Photovoltaic - MAVA HQ	(3,000,000)
Sea Girt Regional Training Institute - Construction.....	(34,000,000)

80 Special Government Services

83 Services to Veterans

20-3630 Domiciliary and Treatment Services	\$3,800,000
20-3640 Domiciliary and Treatment Services	5,220,000
20-3650 Domiciliary and Treatment Services	2,500,000
50-3610 Veterans' Outreach and Assistance	552,000
70-3610 Burial Services.....	<u>10,000,000</u>
Total Appropriation, Services to Veterans.....	<u>\$22,072,000</u>

Personal Services:

Salaries and Wages	(\$4,211,000)
Employee Benefits	(191,000)
Materials and Supplies.....	(10,000,000)
Special Purpose:	

Medicare Part A Receipts for Resident Care and Operational Costs	(7,670,000)
Total Appropriation, Department of Military and Veterans' Affairs.....	<u>\$104,129,000</u>

74 DEPARTMENT OF STATE***30 Educational, Cultural, and Intellectual Development******36 Higher Educational Services***

45-2405 Student Assistance Programs.....	\$13,557,000
80-2400 Statewide Planning and Coordination for Higher Education.....	<u>3,928,000</u>
Total Appropriation, Higher Educational Services	<u>\$17,485,000</u>

Personal Services:

Salaries and Wages	(\$5,200,000)
Employee Benefits	(2,593,000)
Materials and Supplies.....	(370,000)
Services Other Than Personal.....	(4,506,000)
Maintenance and Fixed Charges.....	(575,000)

Special Purpose:

Other Special Purpose	(200,000)
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State Aid and Grants:

National Health Service Corps - Student

Loan Repayment Program	(150,000)
John R. Justice Grant Program	(33,000)
State Aid and Grants	(3,778,000)
Additions, Improvements and Equipment	(80,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	<u>\$900,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$900,000</u>

Special Purpose:

National Endowment for the Arts Partnership	(\$900,000)
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70 Government Direction, Management, and Control***74 General Government Services***

01-2505 Office of the Secretary of State	\$6,195,000
02-2510 Business Action Center	<u>750,000</u>
Total Appropriation, General Government Services.....	<u>\$6,945,000</u>

Special Purpose:

Americorps Competitive Grants	(\$1,200,000)
Foster Grandparent Program	(850,000)
Americorps Grants	(3,600,000)
State Commission	(430,000)

Professional Development..... (115,000)
 State Trade and Export Promotion Pilot Grant Program (750,000)

Total Appropriation, Department of State..... \$25,330,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-6400 Motor Vehicle Services \$1,816,000

Total Appropriation, Vehicular Safety \$1,816,000

Special Purpose:

Commercial Bus Inspection Unit (\$500,000)

Commercial Drivers' License Program..... (1,316,000)

60 Transportation Programs

61 State and Local Highway Facilities

00-6300 Federal Highway Administration \$924,357,000

Total Appropriation, State and Local Highway Facilities..... \$924,357,000

Federal Highway Administration

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA Curb Ramp Implementation	Various	(\$1,000,000)
Automatic Traffic Management System (ATMS)	Various	(1,000,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bridge Deck/Superstructure Replacement Program	Various	(40,000,000)
Bridge Inspection	Various	(25,700,000)
Bridge Management System	Various	(800,000)
Bridge Preventative Maintenance	Various	(20,000,000)
Bridge Replacement, Future Projects	Various	(2,455,000)
Bridge Scour Countermeasures	Various	(500,000)
Camden County Bus Purchase	Camden	(100,000)
Camden County Roadway Safety Improvements	Camden	(550,000)
Camp Meeting Avenue Bridge over Trenton Line, CR 602	Somerset	(550,000)
Church Street Bridge, CR 579	Hunterdon	(700,000)
Corsons Tavern Road, Resurfacing (CR 628)	Cape May	(1,723,000)
Crash Reduction Program	Various	(5,000,000)
Culvert Replacement Program	Various	(1,000,000)
DBE Supportive Services Program	Various	(250,000)
Design, Emerging Projects	Various	(1,000,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(5,000,000)
Ferry Program	Various	(2,000,000)
Freight Program	Various	(2,769,000)

Gloucester County Bus Purchase	Gloucester	(70,000)
Highway Safety Improvement Program Planning	Various	(4,000,000)
Intelligent Traffic Signal Systems	Various	(5,000,000)
Intelligent Transportation System Resource Center	Various	(3,100,000)
Intersection Improvement Program (Project Implementation)	Various	(1,000,000)
Interstate Service Facilities	Various	(1,000,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	(7,000,000)
Landis Avenue, Phase IV, Orchard Road (CR 628) to Moyer Street	Cumberland	(609,000)
Landis Avenue, Phase V, Mill Road to Orchard Road (CR 628)	Cumberland	(50,000)
Local Aid Consultant Services	Various	(1,500,000)
Local CMAQ Initiatives	Various	(7,810,000)
Local Preliminary Engineering	Various	(1,985,000)
Local Project Development Support	Various	(3,900,000)
Local Safety/High Risk Rural Roads Program	Various	(20,000,000)
Market Street/Essex Street/Rochelle Avenue	Bergen	(602,000)
Metropolitan Planning	Various	(24,851,000)
Mobility and Systems Engineering Program	Various	(14,000,000)
Motor Vehicle Crash Record Processing	Various	(2,000,000)
National Highway Freight Program	Various	(27,140,000)
New Jersey Scenic Byways Program	Various	(500,000)
NJTPA, Future Projects	Various	(240,000)
Ozone Action Program in New Jersey	Various	(40,000)
Pavement Preservation	Various	(10,000,000)
Pedestrian Safety Improvement Program	Various	(3,000,000)
Planning and Research, Federal-Aid	Various	(25,700,000)
Port Newark Container Terminal (PNCT) Access Improvement and Expansion Project	Essex	(2,581,000)
Portway, Fish House Road/Pennsylvania Avenue, CR 659	Hudson	(1,500,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	(500,000)
Rail-Highway Grade Crossing Program, Federal	Various	(11,300,000)
Recreational Trails Program	Various	(900,000)
Restriping Program & Line Reflectivity Management System	Various	(14,000,000)
Resurfacing, Federal	Various	(10,000,000)
RideECO Mass Marketing Efforts--New Jersey	Various	(50,000)
Ridge Road, and Orient Way, Bridges over Rt. 3	Bergen	(22,575,000)
Right of Way Full-Service Consultant Term Agreements	Various	(100,000)

RIMIS - Phase II Implementation	Various	(234,000)
Rockfall Mitigation	Various	(1,000,000)
Rumson Road over the Shrewsbury River, CR 520	Monmouth	(5,000,000)
Safe Routes to School Program	Various	(5,587,000)
Segment Improvement Program	Various	(1,000,000)
Sign Structure Rehabilitation/Replacement Program	Various	(2,000,000)
Signs Program, Statewide	Various	(500,000)
South Amboy Intermodal Center	Middlesex	(3,100,000)
South Pemberton Road, CR 530, Phase 2	Burlington	(8,025,000)
Statewide Traffic Operations and Support Program	Various	(15,000,000)
Traffic Monitoring Systems	Various	(12,910,000)
Transportation Alternatives Program	Various	(13,235,000)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(80,000)
Transportation Demand Management Program Support	Various	(250,000)
Transportation Management Associations	Various	(6,195,000)
Transportation Safety Resource Center (TSRC)	Various	(1,200,000)
Tremley Point Connector Road	Union, Middlesex	(9,061,000)
Utility Pole Mitigation	Various	(175,000)
Wright-Debow Road, Bridge over Route 195	Ocean	(750,000)
Youth Employment and TRAC Programs	Various	(300,000)
Route 1&9, Haynes Avenue Operational Improvements	Essex	(18,220,000)
Route 1, CR 533 (Quakerbridge Road) to Ridge Road	Mercer, Middlesex	(13,364,000)
Route 1, Southbound, Nassau Park Boulevard to Quaker Bridge Mall Overpass	Mercer	(7,000,000)
Route 3 & Route 495 Interchange	Hudson	(3,500,000)
Route 3, Bridge over Northern Secondary & Ramp A	Hudson	(1,000,000)
Route 4, Grand Avenue Bridge	Bergen	(1,500,000)
Route 4, Hackensack River Bridge	Bergen	(2,000,000)
Route 4, Jones Road Bridge	Bergen	(1,400,000)
Route 4, Teaneck Road Bridge	Bergen	(2,000,000)
Route 9, Bridge over Waretown Creek	Ocean	(3,700,000)
Route 9, Indian Head Road to Central Avenue/Hurley Avenue, Pavement	Ocean	(2,750,000)
Route 9, Jobs Creek Bridge	Burlington	(5,830,000)

Route 9, Jones Road to Longboat Avenue	Ocean	(7,750,000)
Route 9W, Palisades Avenue to New York State Line	Bergen	(1,000,000)
Route 10, Hillside Avenue (CR 619) to Mount Pleasant Turnpike (CR 655)	Morris	(1,500,000)
Route 15, Bridge over Paulins Kill	Sussex	(1,200,000)
Route 17, Sprout Brook, Culvert Replacement	Bergen	(300,000)
Route 18, East Brunswick, Drainage and Pavement Rehabilitation	Middlesex	(400,000)
Route 18, South of Texas Road to Rues Lane, Pavement	Monmouth, Middlesex	(2,000,000)
Route 21, Newark Needs Analysis, Murray Street to Edison Place	Essex	(1,500,000)
Route 21, Newark Riverfront Pedestrian and Bicycle Access	Essex	(4,700,000)
Route 22, Bloy Street to Liberty Avenue	Union	(4,240,000)
Route 22, Bridge over NJ Transit Raritan Valley Line	Hunterdon	(800,000)
Route 22, Commons Way to Route 287	Somerset	(4,700,000)
Route 22, Westbound, Vicinity of Vaux Hall Road to West of Bloy Street	Union	(350,000)
Route 23, Bloomfield Avenue (CR 506) to Bridge over NJ Transit	Essex, Passaic	(8,000,000)
Route 23, Hardyston Township Improvements	Sussex	(1,896,000)
Route 23, High Crest Drive to Macopin River	Passaic	(800,000)
Route 27, ADA Ramps, Evergreen Street to Elizabeth River	Middlesex, Union	(2,800,000)
Route 27, Bridge Street (CR 669) to Frederic Steet	Middlesex	(3,300,000)
Route 27, Grand Street NB Intersection	Union	(1,250,000)
Route 29, Alexauken Creek Road to Washington Street	Hunterdon	(200,000)
Route 29, Cass Street to Calhoun Street, Drainage	Mercer	(1,300,000)
Route 29, Lockatong Creek to D&R Canal State Park	Hunterdon	(4,100,000)
Route 30, Bridge over Beach Thorofare	Atlantic	(1,250,000)
Route 30, Elmwood Road/Weymouth Road (CR 623) to Haddon Avenue	Atlantic	(250,000)
Route 31, Bull Run Road to Branch of Stony Brook	Mercer, Hunterdon	(6,550,000)
Route 31, Church Street to River Road	Hunterdon	(750,000)
Route 31, Route 78/22 to Grayrock Road	Hunterdon	(600,000)
Route 33, Bridge over Millstone River	Monmouth	(220,000)

Route 34, Bridge over Former Freehold and Jamesburg Railroad	Monmouth	(489,000)
Route 34, CR 537 to Washington Avenue, Pavement	Monmouth	(1,000,000)
Route 35, North of Lincoln Drive to Navesink River Bridge	Monmouth	(9,000,000)
Route 37, EB Thomas Street to Fischer Boulevard	Ocean	(4,200,000)
Route 40, Elmer Lake to Elmwood Avenue	Gloucester, Salem	(6,650,000)
Route 40, NJ Turnpike to East Quillytown Road	Salem	(3,410,000)
Route 40, Wilson Avenue to Route 77	Salem	(3,400,000)
Route 40, Woodstown Intersection Improvements	Salem	(1,000,000)
Route 40/322, Median Closures, Delilah Road to East Fire Road	Atlantic	(300,000)
Route 42, Ardmore Avenue to Camden County Line, Pavement	Gloucester	(3,000,000)
Route 42, Bridges over Blackwood Railroad Trail	Camden	(2,500,000)
Route 46, Route 80 to Walnut Road	Warren	(600,000)
Route 47, Bridge over Route 295	Gloucester	(1,500,000)
Route 47, Grove Street to Route 130, Pavement	Gloucester	(2,500,000)
Route 47, Nummytown Mill Pond Dam	Cape May	(1,400,000)
Route 49, Bridge over Maurice River	Cumberland	(800,000)
Route 49, Front Street to Keasbey Street/Yorke Street (CR 658)	Salem	(4,610,000)
Route 52, Causeway Replacement, Contract A	Cape May	(8,900,000)
Route 53, Pondview Road to Hall Avenue	Morris	(500,000)
Route 57, CR 519 Intersection Improvement	Warren	(900,000)
Route 57/182/46, Hackettstown Mobility Improvements	Warren	(1,000,000)
Route 70, Bridge over Mount Misery Brook	Burlington	(890,000)
Route 70, East of North Branch Road to CR 539	Burlington, Ocean	(3,300,000)
Route 70, Route 38 to Cropwell Road	Camden, Burlington	(6,900,000)
Route 72, Ash Road to Marsha Drive	Ocean	(7,621,000)
Route 72, East Road	Ocean	(500,000)
Route 72, Manahawkin Bay Bridges, Contract 4	Ocean	(36,753,000)
Route 73, CR 721 to NJ Transit Bridge	Camden	(12,429,000)
Route 76, Bridges over Route 130	Camden	(3,500,000)
Route 80, EB, Route 23 to Route 19	Passaic	(5,000,000)
Route 80, Totowa Borough, Passaic County, Culvert Replacement	Passaic	(1,125,000)
Route 88, Bridge over Beaver Dam Creek	Ocean	(1,200,000)

Route 94, Bridge over Jacksonburg Creem	Warren	(450,000)
Route 95M, Route 175 to Railroad Bridge	Mercer	(1,910,000)
Route 130, Charleston Road/Cooper Street (CR 630) to Crafts Creek	Burlington	(888,000)
Route 130, Columbus Road/Jones Street	Burlington	(1,080,000)
Route 130, Plant Street to High Hill Road	Salem, Gloucester	(350,000)
Route 130, Sharon Road to Meadowbrook Road	Mercer	(4,700,000)
Route 168, Bridges over Big Timber Creem	Gloucester	(7,300,000)
Route 168, Merchant Street to Ferry Avenue, Pavement	Camden	(1,250,000)
Route 173, Bridge over Pohatcong Creek	Warren	(4,550,000)
Route 179, Route 165 to Route 31/201, Pavement	Hunterdon	(5,500,000)
Route 202, Bridge over North Branch of Raritan River	Somerset	(300,000)
Route 202, First Avenue Intersection Improvements	Somerset	(158,000)
Route 206, Bypass, Mountain View Road to Old Somerville Road (Sections 14A & 15A) Contract B	Somerset	(10,000,000)
Route 206, Crusers Brook Bridge (41)	Somerset	(4,900,000)
Route 206, Doctors Way to Valley Road	Somerset	(2,000,000)
Route 206, Valley Road to Brown Avenue	Somerset	(7,000,000)
Route 206, Whitehorse Circle (CR 533, 524)	Mercer	(4,706,000)
Route 280, Route 21 Interchange Improvements	Essex, Hudson	(20,550,000)
Route 287, Interchange 10 Ramp Improvements	Middlesex, Somerset	(500,000)
Route 287, River Road (CR 622), Interchange Improvements	Middlesex	(750,000)
Route 287/78, I-287/202/206 Interchange Improvements	Somerset	(13,000,000)
Route 295/42, Missing Moves, Bellmawr	Camden, Gloucester	(21,535,000)
Route 295/42/I-76, Direct Connection, Contract 3	Camden	(70,000,000)
Route 322, Kings Highway (CR 551)	Gloucester	(4,900,000)
Route 322, Route 50 to Leipzig Avenue	Atlantic	(8,980,000)
Route 322, Route 295 to Tomlin Station Road (CR 607)	Gloucester	(1,300,000)
Route 440, Access Road/40th Street to Mina Drive	Hudson	(5,100,000)
Route 440, Route 95 to Kreil Avenue	Middlesex	(1,000,000)
Route 495, Route 1&9/Paterson Plank Road Bridge	Hudson	(25,451,000)

62 Public Transportation

Federal Highway Administration.....	\$165,500,000
Federal Transit Administration.....	<u>\$904,888,000</u>
Total Appropriation, Public Transportation	<u>\$1,070,388,000</u>

<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Federal Highway Administration</u>		
NEC Newark Intermodal	Essex	(\$500,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(500,000)
Preventive Maintenance-Bus	Various	(39,000,000)
Preventive Maintenance-Rail	Various	(50,500,000)
Rail Rolling Stock Procurement	Various	(75,000,000)

Federal Transit Administration

Bus Support Facilities and Equipment	Various	(31,306,000)
Cumberland County Bus Program	Cumberland	(1,020,000)
NEC Elizabeth Intermodal Station Improvements	Union	(11,775,000)
NEC Improvements	Various	(12,470,000)
NEC Newark Intermodal	Essex	(235,000)
NJ TRANSIT Grid Project	Various	(393,165,000)
Other Rail Station/Terminal Improvements	Various	(15,732,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(2,710,000)
Preventive Maintenance-Bus	Various	(120,990,000)
Preventive Maintenance-Rail	Various	(245,324,000)
Rail Rolling Stock Procurement	Various	(56,161,000)
Section 5310 Program	Various	(7,200,000)
Section 5311 Program	Various	(4,200,000)
Small/Special Services Program	Various	(100,000)

Transit Enhancements**Transportation Alternative Program (TAP)**

Alternative Transit Improvements (ATI)	Various	(2,500,000)
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Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among federal appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

64 Regulation and General Management

05-6070 Multimodal Services.....	<u>\$13,000,000</u>
Total Appropriation, Regulation and General Management	<u>\$13,000,000</u>
Special Purpose:	
Airport Fund.....	(\$2,000,000)

Boating Infrastructure Program (New Jersey Maritime Program)	(1,600,000)
Development and Implementation Grant - Federal Transit Administration.....	(1,000,000)
Motor Carrier Safety Assistance Program	(3,000,000)
New Jersey Maritime Program - Ferry Boat	(5,000,000)
Safety Data Improvement Program.....	(400,000)
Total Appropriation, Department of Transportation	<u>\$2,009,561,000</u>

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development, and Security

52 Economic Regulation

54-2019 Utility Regulation	\$1,050,000
56-2014 Energy Resource Management	<u>1,097,000</u>
Total Appropriation, Economic Regulation	<u>\$2,147,000</u>
Services Other Than Personal.....	(\$1,097,000)
Special Purpose:	
Pipeline Safety	(900,000)
Damage Prevention Grant Program	(100,000)
One Call Grant Program	(50,000)

70 Government Direction, Management, and Control

72 Governmental Review and Oversight

08-2066 Office of the State Comptroller	<u>\$4,903,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$4,903,000</u>
Personal Services:	
Salaries and Wages	(\$2,953,000)
Employee Benefits	(1,358,000)
Special Purpose:	
Medicaid	(592,000)

74 General Government Services

45-2026 Adjudication of Administrative Appeals	<u>\$793,000</u>
Total Appropriation, General Government Services.....	<u>\$793,000</u>
Personal Services:	
Salaries and Wages	(\$461,000)
Employee Benefits	(223,000)
Services Other Than Personal.....	(72,000)
Special Purpose:	
Special Education Matters - Mediators	(37,000)

80 Special Government Services**82 Protection of Citizens' Rights**

58-2022 Mental Health Advocacy \$223,000

81-2097 Elder Advocacy 1,141,000Total Appropriation, Protection of Citizens' Rights \$1,364,000**Personal Services:**

Salaries and Wages (\$604,000)

Employee Benefits (296,000)

Special Purpose:

Medicaid Reimbursement (223,000)

Ombudsperson - Older Americans Act Title III (43,000)

Money Follows the Person Program - Elder Advocacy (198,000)

Total Appropriation, Department of the Treasury \$9,207,000**98 THE JUDICIARY****10 Public Safety and Criminal Justice****15 Judicial Services**

04-9725 Criminal Courts \$1,500,000

05-9730 Family Courts 39,641,000

07-9740 Probation Services 79,191,000

11-9760 Trial Court Services 4,393,000Total Appropriation, Judicial Services \$124,725,000**Personal Services:**

Salaries and Wages (\$4,542,000)

Employee Benefits (60,000)

Materials and Supplies (15,000)

Services Other Than Personal (376,000)

Special Purpose:**Child Support and Paternity Program**

Title IV-D (Family Court) (38,316,000)

NJ State Court Improvement Grant (400,000)

State Access and Visitation Program (325,000)

Child Support and Paternity Program Title IV-D

(Probation) (79,191,000)

State Aid and Grants (1,500,000)

Total Appropriation, The Judiciary \$124,725,000Total Appropriation, Federal Funds \$15,706,712,000

Notwithstanding the provisions of any State law or regulation to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds including grants for preventive measures; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided, however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$500,000 or less.

For the purposes of federal funds appropriations, “political subdivisions of the State” means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; “discretion” refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and “grants” refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances at the end of the preceding fiscal year of federal funds are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1 of the current fiscal year of any unexpended balances which are continued.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head’s designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services and Division of Disability Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic prepared-

ness, that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, appropriated in the current fiscal year, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. The equipment, goods or services purchased by a local government unit shall be referred to in the grant agreement issued by the State administrative agency administering such funds and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit, the State administrative agency and the Division of Local Government Services in the Department of Community Affairs. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. All homeland security purchases herein shall continue to be subject to all grant requirements and conditions approved by the State administrative agency. The Director of the Division of Purchase and Property may enter into or participate in purchasing agreements with one or more other states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods or services, using monies appropriated under this act, to meet the domestic preparedness and homeland security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the federal funds hereinabove appropriated, there are appropriated to the appropriate executive agencies, subject to the approval of the Director of the Division of Budget and Accounting, such additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program or any other similar federal program for the purposes, projects, and programs set forth in such law; provided, however, that if the federal law does not delineate the specific purpos-

es, projects, and programs to be funded by the federal funds, the purposes, projects, and programs to be funded by the federal funds shall be subject to the approval of the Joint Budget Oversight Committee, and further provided, however, that the State Treasurer shall report to the President of the Senate, the Speaker of the General Assembly, the Chair of the Senate Budget and Appropriations Committee, and the Chair of the Assembly Budget Committee at least quarterly on the receipt and utilization of all additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program.

Officials from the appropriate executive agencies are hereby authorized to take such steps, if any, as may be necessary to qualify for, apply for, receive and expend such federal funds and to make such commitments, representations and other agreements as may be required by the federal government to receive federal funds under federal law authorizing the federal economic stimulus program or any other similar federal law. Furthermore, and notwithstanding the provisions of any other law or regulation to the contrary, officials from the appropriate executive agencies may encumber any of these federal funds appropriated pursuant to this provision prior to entering into any contract, grant or other agreement obligating the federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, federal funds provided under the State Energy Program (SEP) and the Energy Efficiency and Conservation Block Grant Program (Block Grant Program), pursuant to the American Recovery and Reinvestment Act, Pub.L. 111-5 and any other similar type of federal stimulus law which may be hereinafter enacted (collectively referred to as ARRA), are appropriated. Subject to the approval of the Director of the Division of Budget and Accounting as set forth below, such appropriations are to include the administrative costs of the respective agencies in administering the specified programs provided such use is consistent with ARRA and federal approvals. In the event that the administrative costs are not permitted to be paid from the ARRA monies received by the State, there is hereby appropriated from the Clean Energy Fund, subject to the approval of the Director of the Division of Budget and Accounting such amounts as shall be necessary to pay for the administrative costs of the agencies administering the specified programs listed below. Notwithstanding the specific appropriations made below, in the event that the federal funds received under ARRA are not in their entirety or in part allocated to the specific purposes listed below, to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of the appropriations listed below or may be used for such other purposes permitted under ARRA subject to the approval of the Director of the Division of Budget and Accounting and upon the recommendation of the State Treasurer. The federal funds provided pursuant to ARRA with respect to the SEP shall be used only for purposes allowed under part D of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), and the federal funds provided pursuant to ARRA with respect to the Block Grant Program shall be used only for implementation of programs authorized under subtitle E of Title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.). With respect to all federal funds which are appropriated pursuant to this provision, New Jersey Economic Development Authority (NJEDA), New Jersey Housing Mortgage Finance Agency (HMFA), the Office of

Energy Savings and the Board of Public Utilities (BPU) shall prepare and timely submit to the United States Department of Energy (USDOE) the reports required under subsection (c) of section 1512 of Pub.L. 111-5, including without limitation the detailed information required with respect to all projects or activities for which such federal funds were expended or obligated.

a. SEP. SEP monies received by the State under ARRA are hereby appropriated to the Clean Energy Fund and shall be allocated by the BPU as follows. The BPU shall enter into memoranda of understanding with the applicable agencies listed below which memoranda of understanding shall provide for the transfer of such monies to the applicable agencies for the purposes listed below.

(1) \$14,216,606 to the NJEDA for a grant and loan program to be developed and administered by the NJEDA to fund public and private renewable energy, energy efficiency and alternative energy projects, with applications prioritized based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(2) \$20,187,801 for a program to be developed and administered by the BPU for grants to State departments, agencies, authorities and public colleges and universities for renewable and energy efficiency projects at such entities, including but not limited to, wind, solar, or hydro energy, biofuels, geothermal, and energy storage applications, with applications prioritized by an interagency evaluation team consisting of one representative each from each of the following, BPU, NJEDA, Office of Economic Growth, New Jersey Commission on Science and Technology, and the Office of Energy Savings, based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(3) \$9,110,306.50 to the HMFA for a program to be developed and administered by the HMFA to provide financing for the construction of solar energy projects on qualified multi-family housing financed through the HMFA, such funds to be leveraged with existing State energy rebate programs and the federal investment tax credit, with grants prioritized based on the ability to create jobs, generate energy, provide benefits to property residents and to meet HMFA timeframes, and with HMFA retaining ownership of all related solar renewable energy certificates for the purpose of establishing a revolving fund to support additional solar energy projects at HMFA-supported residential properties;

(4) \$1,331,402 to the HMFA for a low-interest loan program to be developed and administered by the HMFA for energy efficiency upgrades at single-family and multi-family facilities that are at or below 250% of the area median income (the higher of statewide or county median income) based on a family of four, and affordable multi-family housing owners which meet HMFA's affordability requirements, and which are not eligible for equivalent financing programs offered by the utilities or the Clean Energy Program;

(5) \$15,500,870.50 to the Clean Energy Program for energy efficiency programs administered by the BPU, to be issued to public and private entities on a first-come, first-served basis and specifically targeting customers who are either not currently eligible for Clean Energy Fund incentives or whose energy consumption patterns do not make them likely applicants;

(6) \$6,328,000 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons;

(7) \$4,871,651 to the State Energy Office for implementing energy conservation measures in State-owned and operated facilities; and

(8) \$2,093,363 for grants administered by the BPU to State departments, agencies, authorities and public colleges and universities for energy efficient equipment purposes which will reduce energy demand and greenhouse gas emissions by replacing aging, energy intense equipment with new, more efficient models.

In the event that any of the SEP monies appropriated pursuant to the preceding paragraph are not expended by the date required by the USDOE, the appropriations of such funds pursuant to the preceding paragraph are hereby cancelled, and such unexpended funds are hereby appropriated, subject to the approval of the USDOE and the Director of the Division of Budget and Accounting to the New Jersey Department of the Treasury to establish a revolving energy efficiency project fund (Energy Efficiency Project Fund) for the purposes of funding energy efficiency and renewable energy programs and projects in State facilities, including but not limited to State offices, State health facilities and State prisons. The monies appropriated from the Energy Efficiency Project Fund shall be repaid to the Energy Efficiency Project Fund by the department receiving such monies as follows: of the amounts hereinabove appropriated in this act to each department receiving monies from the Energy Efficiency Project Fund, there is hereby appropriated for deposit in the Energy Efficiency Project Fund an amount equivalent to the annual repayment due to the Energy Efficiency Project Fund or the actual savings achieved, whichever is greater.

b. Block Grant Program. Block Grant monies received by the State under ARRA are hereby appropriated as follows:

(1) \$4,160,700 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons; and

(2) \$10,240,000 to the BPU for grants to cities, counties and other local units of government which are not eligible to receive directly from the federal government funds under the Block Grant Program.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Labor and Workforce Development shall consider consistent with applicable federal law a formal association of community based organizations to be a "local consortium" for the purposes of receiving funding for the delivery of English as a Second Language or Civics education/training.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care Services program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care Services program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The federal grant funds hereinabove appropriated are subject to the following condition: in the event that the agency receiving the funds from the federal government en-

ters into an agreement with another agency as the subgrantee of such federal funds, the funds may be transferred to such subgrantee agency, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, in order to permit flexibility in the management of federal grant funds, amounts appropriated or transferred from such federal funds to State departments as subgrantees of other State departments may be transferred back to an item of appropriation in the original grant recipient department upon completion of the funded activity, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the federal funds hereinabove appropriated to the Department of Transportation are subject to the following condition: in order to ensure the continued flow of necessary federal funds for important State and local transportation projects, in the event the Federal Highway Administration (FHWA) objects to the form of the department's request for submission of competitive bids or to the form or contents of related grant agreements funded with federal funds, the department shall make any changes to such requests or contracts as may be determined by the FHWA to be necessary to comply with federal law; and any other department, agency or authority affected by such action is required to take any further actions required in order for it to be in accordance with the changes required by FHWA.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder services, amounts may be transferred to and from the various items of appropriation and within the federal matching funding, within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Grand Total Appropriation, All Funds..... \$50,216,102,000

2.All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein. The unexpended balances at the end of the preceding fiscal year of such funds, or any portion thereof, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. In the event a person or entity wishes to make a monetary donation to the State for a particular purpose, the head of the State agency or depart-

ment to which such monetary donation is made is hereby authorized to accept such monetary donation.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: amounts required to refund amounts credited to the State Treasury which do not represent State revenue; amounts received representing insurance to cover losses by fire and other casualties and the unexpended balance at the end of the preceding fiscal year of such amounts; amounts received by any State department or agency from the sale of equipment, when such amounts are received in lieu of trade-in value in the replacement of such equipment; and amounts received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, amounts required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such amounts as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the "Cash Management Improvement Act of 1990," Pub.L. 101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds such amounts as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L. 99-514 (26 U.S.C. s.1 et seq. as amended), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts hereinabove appropriated, such additional amounts as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the

services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There are appropriated from the Legal Services Fund established pursuant to section 6 of P.L.1996, c. 52 (C.22A:2-51), for transfer to the General Fund as State revenue such amounts as are necessary to support the appropriations for the following programs contained in this act: Legal Services of New Jersey grant, ten judge-ships in the Judiciary, and for Clinical Legal Programs for the Poor at Rutgers Law School and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12. The unexpended balances at the end of the preceding fiscal year in the Capital Construction accounts for all departments and agencies are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1 of the preceding fiscal year, are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than \$50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any

provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, the officer has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance, subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Message and Recommendations that were proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan.

21. If the amount provided in this act for a State Aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State Aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service, rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards, to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. With respect to payment of expenses classified as utilities and maintenance contracts, the Director is empowered and it shall be the Director's duty in the disbursement of funds to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General

Fund, as applicable, from any other department or non-State fund source, but not from the Legislature or the Judiciary, out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in these expense classifications, as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

24. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such amounts as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster. In addition, there are appropriated such additional amounts as may be necessary for emergency repairs and reconstruction of State facilities or property, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Appropriations referred to the Joint Budget Oversight Committee shall be deemed approved, unless a resolution of disapproval is adopted within 10 working days of receipt of notification of the proposed appropriation.

25. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

28. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

29. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), amounts appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Sea Grant Consortium or the New Jersey Community College Consortium for Workforce and Economic Development as if each were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

30. Out of the amounts hereinabove appropriated, the Director of the Division of Budget and Accounting is empowered to approve payment of obligations applicable to prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

31. Whenever any county, municipality, school district, college, university, or a political subdivision thereof withholds funds from a State agency, or causes a State agency to make payment on behalf of a county, municipality, school district, college, university or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid or grant payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

32. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof.

33. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, an amount to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefore, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefore from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

34. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer amounts sufficient to pay any obligation due and owing in any other department or agency.

35. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient amounts to enable payments

from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such amounts as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

36. Any qualifying State Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

37. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$4,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

38. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

39. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current

year claims. The percentage share shall be 17.5% of claims approved by the State by June 30. The impact of federal claim adjustments may be charged against current year revenue disbursements, subject to the approval of the Director of the Division of Budget and Accounting.

40. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.31 per mile.

42. State agencies shall prepare and submit a copy of their agency or departmental budget requests for the next ensuing fiscal year to the Director of the Division of Budget and Accounting by the deadline and in the manner required by the Director. In addition, State agencies shall prepare and submit a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, and updated spending plans on February 1 and May 1 of this fiscal year. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

43. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for non-State Funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

44. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of this annual appropriations act, there are appropriated from the General Fund such amounts as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth hereinabove. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such amounts as may be required to pay the principal of those short-term notes.

45. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

46. Notwithstanding the provisions of section 29 of P.L.1983, c.303 (C.52:27H-88), or any law or regulation to the contrary, interest earned in the current fiscal year on balances in the Enterprise Zone Assistance Fund, shall be credited to the General Fund.

47. There is appropriated \$175,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

48. In all cases in which language authorizes the appropriation of additional receipts not to exceed a specific amount, and the specific amount is insufficient to cover the amount due for fringe benefits and indirect costs, there are appropriated from receipts such additional amounts as are required to fully cover the amount due for fringe benefits and indirect costs, subject to the approval of the Director of the Division of Budget and Accounting.

49. There are appropriated, from receipts from any structured financing transaction, such amounts as may be necessary to satisfy any obligation incurred in connection with any structured financing agreement, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such amounts as may be necessary to pay costs incurred in connection with any proposed structured financing transaction, subject to the approval of the Director of the Division of Budget and Accounting.

50. Notwithstanding the provisions of any departmental language or statute, receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103s) in the budget submission for this fiscal year

are not available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

51. Such amounts as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State, including but not limited to programs to preserve or promote public health and safety, subject to the approval of the Director of the Division of Budget and Accounting.

52. There are appropriated such additional amounts as may be required to pay the amount of any civil penalty imposed on a State officer, employee or custodian pursuant to section 12 of P.L.2001, c.404 (C.47:1A-11), as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

53. Receipts from the provision of copies and other materials related to compliance with section 12 of P.L.2001, c.404 (C.47:1A-11), are appropriated for the purpose of offsetting agency and departmental expenses of complying with the public access law, subject to the approval of the Director of the Division of Budget and Accounting.

54. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund \$67,650,000 for transfer to the General Fund as State revenue.

55. 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.

56. In addition to the amounts herein appropriated for University Hospital, there are appropriated such additional amounts as are necessary to maintain the core operating functions of the hospital, subject to the approval of the Director of the Division of Budget and Accounting.

57. The amounts hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - Rutgers, the State University - Newark and Piscataway are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care, and, as a condition for such appropriation, Rutgers, the State University - New Brunswick shall be required to provide fiscal reports to the Division of Mental Health and Addiction Services and the Office of the State Comptroller, including all applicable expenses incurred for

programs supported in whole or in part with the above appropriations, as well as all applicable revenues generated from the provision of such program services, as well as any other revenues used to support such services, in such a format and frequency as required by the Division of Mental Health and Addiction Services. In addition, the annual audit report and Consolidated Financial Statements for Rutgers, the State University - New Brunswick must include supplemental schedules of Statements of Net Assets and Statements of Revenue, Expenses and Changes in Net Assets for the two UBHC Centers separately and UBHC as a whole.

58. With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of the University Behavioral Healthcare Centers at Newark and Piscataway are appropriated to Rutgers, the State University - New Brunswick for the operation of the centers.

59. Provided that each of the contributions made during the current fiscal year by University Hospital, Rutgers, the State University and Rowan University and each of their affiliates to the University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund, respectively, are equal to the respective amounts established in memoranda of agreements between the Department of the Treasury and each of University Hospital, Rutgers, the State University and Rowan University and, if after such amounts having been contributed, the receipts deposited within the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund, and the Rowan University Self-Insurance Reserve Fund, respectively, are insufficient to pay claims expenditures, there are appropriated from the General Fund to the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund such amounts as may be necessary to pay the remaining claims for the respective institutions, subject to the approval of the Director of the Division of Budget and Accounting.

60. In addition to any amounts hereinabove appropriated to pay debt service on bonds, notes and other obligations by the various independent authorities, payment of which is to be made by the State subject to appropriation pursuant to a contract with the State Treasurer or pursuant to a lease with a State department, there are hereby appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts or leases, as applicable.

61. Such amounts as may be required to initiate the implementation of information systems development or modification during the current fiscal year to support fees, fines or other revenue enhancements, or to initiate cost savings or budget efficiencies that are to be implemented during the subsequent fiscal year, and that are proposed in the Governor's Budget Message and Recommendations for the

subsequent fiscal year, shall be transferred between appropriate accounts, subject to the approval of the Director of the Division of Budget and Accounting.

62. Notwithstanding the provisions of any law or regulation to the contrary, no funding shall be provided by any program supported in part or in whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

63. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), the amounts appropriated to the developmental centers in the Department of Human Services due to opportunities for increased recoveries, amounts carried forward in the State Employees' Health Benefits accounts, and amounts representing balances deemed available in the State Health Benefits Fund shall be deemed a "Base Year Appropriation" and, notwithstanding the provisions of P.L.1990, c.94 or any other law or regulation to the contrary, in recognition of the historically unprecedented pension payments being made and required to be made by the State, and consistent with the budget cap methodology applicable to New Jersey municipalities, for purposes of calculating the maximum annual appropriation for direct state services, the term "appropriations" shall not include amounts appropriated for State contributions to the pension systems. If funding included in this act for Salary Increases and Other Benefits - Executive Branch is less than \$37,674,000 there is appropriated sufficient funding to total \$37,674,000. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), any funding provided less than \$37,674,000 shall be deemed a "Base Year Appropriation."

64. The amounts hereinabove appropriated for employee fringe benefits in Interdepartmental Direct State Services and Grants-In-Aid; Department of Education State Aid; and Department of the Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

65. Notwithstanding the provisions of P.L.2004, c.68 (C.34:1B-21.16 et seq.) or any law or regulation to the contrary, funds remaining in the Dedicated Cigarette Tax Revenue Fund at the end of the current fiscal year are appropriated from such fund for transfer to the General Fund as State revenue.

66. Unless otherwise provided in this act, all unexpended balances at the end of the preceding fiscal year that are appropriated by this act are appropriated for the same purpose.

67. Notwithstanding the provisions of section 14 of Article 3 of P.L.1944, c.112 (C.52:27B-23) or any law or regulation to the contrary, copies of the budget message shall be made available to the State Library, public libraries, newspapers and citizens of the State only through the State of New Jersey website.

68. There are appropriated such amounts as are necessary, not to exceed \$750,000, to fund costs incurred by the State, including attorneys' costs, in connection with arbitration/litigation relating to claims by participating tobacco manufacturers that they are entitled to reductions in payments they make under the Tobacco Master Settlement Agreement, subject to the approval of the Director of the Division of Budget and Accounting.

69. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as debt service, to credit or transfer among the various departments, as applicable, out of funds appropriated or credited thereto for debt service payments, such amounts as may be required to cover the costs of such payment attributable to debt service or to reimburse the various departments for reductions made representing Statewide savings resulting from bond retirements or defeasances in debt service accounts, as the director shall determine. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

70. The unexpended balances at the end of the preceding fiscal year in accounts that provide matching State funds in the various departments and agencies are appropriated in order to provide State authority to match federal grants that have project periods extending beyond the current State fiscal year.

71. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in the current fiscal year to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor's Budget Message and Recommendations for the current fiscal year recommended, and the Legislature agrees, that either no State funding or less than the statutorily required amount be appropriated for certain of these statutory programs. To the extent that these or other statutory programs have not received all or some appropriations for the current fiscal year in this act which would be required to carry out these statutory programs, such lack of appropriations represents the intent of the Legislature to suspend in full or in part the operation of the statutory programs, including any statutorily imposed restrictions or limitations on the collection of State revenue that is related to the funding of those programs.

72. Notwithstanding the provisions of section 21 of P.L.1983, c.303 (C.52:27H-80), or any other law or regulation to the contrary, crediting of revenues to each account for each enterprise zone in the Enterprise Zone Assistance Fund shall be reduced by the amount of revenues credited from the General Fund into a special account in the Property Tax Relief Fund pursuant to subparagraph b. of paragraph 7 of Section I of Article VIII of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

73. Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated as revenue to the General Fund the revenue credited in the current fiscal year to each account for each enterprise zone in the Enterprise Zone Assistance Fund attributable to local projects and the local costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88). Further, there is appropriated as revenue to the General Fund the unexpended balances in the portion of the Enterprise Zone Assistance Fund designated for the State costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88), subject to the approval of the Director of the Division of Budget and Accounting.

74. Notwithstanding the provisions of section 16 of Article 3 of P.L.1944, c.112 (C.52:27B-25), or any other law or regulation to the contrary, the Director of the Division of Budget and Accounting shall not be required to allot appropriations on a quarterly basis.

75. The funding by a State department in the Executive Branch for a contract for drug screening tests or other laboratory screening tests shall be conditioned upon the following provision: the State department as part of the contract procurement and award process shall notify the Department of Health (DOH) of the proposed contract and provide an opportunity for DOH to submit a proposal, provided, however, the State Department shall not be required to make the award to DOH if DOH is the lowest bidder as factors other than cost may be considered in the evaluation of the proposals, subject to the approval of the Director of the Division of Budget and Accounting.

76. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, New Jersey Maritime Pilot and Docking Pilot Commission, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, New Jersey State Board of Mediation, New Jersey Racing Commission, Council on Local Mandates, Garden State Preservation Trust, the various State professional boards, the Certified Psychoanalysts Advisory Committee and the Audiology and Speech-Language Pathology Advisory Committee in the Department of Law and Public Safety, shall be subject to the following conditions: 1) the base salary, per diem salary, or any other form of compensation, including that for expenses, for the board members or commissioners paid for out of State funds shall not exceed \$100 per month; and 2) no State funds shall be used to pay for participation in the State Health Benefits Program by board members or commissioners. No other compensation shall be paid; provided, however, that this paragraph shall not apply to the Commissioner/Chief Executive Officer of the State Athletic Control Board, the Chairperson/Chief Executive Officer of the Civil Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or

independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

77. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated no grant funds shall be paid to a grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

78. Notwithstanding the provisions of subsection c. of section 145 of P.L.1977, c.110 (C.5:12-145) and section 22 of P.L.1970, c.13 (C.5:9-22) or any law or regulation to the contrary, such amounts as are required are appropriated to the State Treasurer to publish via the internet reports accounting for the total revenues received in the Casino Revenue Fund and the State Lottery Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding fiscal year ending June 30.

79. Notwithstanding the provisions of any law or regulation to the contrary, and in furtherance of the purposes of P.L.2010, c.104 (C.48:23-18 et al.), there are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary for the operation of the New Jersey Public Broadcasting Authority (NJPBA) as required by the Federal Communications Commission (FCC) to maintain the FCC licenses owned by the NJPBA, to oversee any agreements with private operators, and to carry out any other duties and responsibilities that the NJPBA has under P.L.2010, c.104 and as the FCC licensee of broadcast stations, including the costs of employees, office space, equipment, consultants, professional advisors including lawyers, and any other costs determined to be necessary to carry out the NJPBA mission under P.L.2010, c.104 consistent with FCC requirements.

80. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any other law or regulation to the contrary, there may be transferred from the Surplus Revenue Fund to the General Fund an amount up to the credit made to the Surplus Revenue Fund during the immediately preceding fiscal year, subject to the approval of the Director of the Division of Budget and Accounting.

81. Notwithstanding the provisions of any law or regulation to the contrary, in order to implement the provisions of the Comprehensive Medicaid Waiver as approved on October 2, 2012 by the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS), as well as any amendments or supplements to the Comprehensive Medicaid Waiver (collectively referred to as Waiver): The Commissioner of Human Services shall implement immediately those provisions contained in the Comprehensive Medicaid Waiver approved by the United States Department of Health and Human Services for the Centers for Medicare and Medicaid Services (CMS) and any amendments to such waiver as

CMS requires to be implemented pursuant to such waiver and amounts may be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services, the Community and Addictions Services program classifications in the Division of Mental Health and Addiction Services, the Disability Services program classification in the Division of Disability Services, the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications in the Division of Developmental Disabilities in the Department of Human Services, the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, the Children's System of Care Services program classification in the Division of Children's System of Care in the Department of Children and Families. A portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from Waiver initiatives may be transferred to the Health Services Administration and Management accounts in the Department of Human Services, as determined by the Commissioner of Human Services to be required to fund costs incurred in realizing these additional receipts or savings. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

82. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services, the Department of Children and Families, and the Department of Health are conditioned upon the following provision: In order to ensure federal participation, the State's NJ FamilyCare program shall be administered in accordance with the provisions of the State plan(s) or the Comprehensive Medicaid Waiver, as approved by the federal Centers for Medicare and Medicaid Services, that are or were inserted by the Department into the State plan(s) or the Comprehensive Medicaid Waiver in order to comply with Pub.L. 111-148, Pub.L. 111-152 or with any federal regulations adopted pursuant thereto.

83. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated, to the extent not inconsistent with federal law or regulation, are subject to the following conditions: in recognition of the limited continuing availability of federal American Recovery and Reinvestment Act (ARRA), Pub.L. 111-5, funding during Fiscal Year 2016 and the pending federal deadlines for spending such funds or else forfeiting them back to the federal government, to the maximum extent possible, all available federal ARRA dollars uncommitted as of the effective date of this act shall be spent first, wherever available, in support of qualifying activities before any appropriated State dollars are expended for the same purpose or purposes; and (2) in the event that ARRA dollars are available for use in Fiscal Year 2016, the director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds.

84. Notwithstanding the provisions of section 8 of P.L.1992, c.160 (C.26:2H-18.58) or any other law or regulation to the contrary, \$353,185,000 is appropriated from the Health Care Subsidy Fund to the Division of Medical Assistance and Health Services to fund Medical Coverage - Title XIX Parents and Children in the General Medical Services program classification.

85. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the General Fund as State revenue an amount not to exceed \$12,000,000 transferred by the New Jersey Economic Development Authority to the State from the proceeds of monies that have not been committed by the authority pursuant to P.L.2007, c.340 (C.26:2C-45 et seq.). Amounts appropriated pursuant to this act shall be credited against the Brownfield Site Reimbursement Fund as determined by the Director of the Division of Budget and Accounting.

86. There is appropriated to the General Fund as State revenue the amount required to be paid by the New Jersey Economic Development Authority to the State from the sale of the land for the former Riverfront State Prison as required by subsection b. of section 2 of P.L.2013, c.22.

87. The State Health Benefits Program Plan Design Committee and the School Employees' Health Benefits Program Plan Design Committee may review potential cost-savings for FY 2017 State health benefits of \$250,000,000.

88. There shall be allocated \$1,000,000 from funds available to the Commissioner of the Department of Labor and Workforce Development, including, but not limited to, the Workforce Development Partnership Fund, and further, there is appropriated an amount not to exceed \$4,000,000 received from the New Jersey Economic Development Authority, as may be authorized by the authority, subject to the approval of the Director of the Division of Budget and Accounting, and contingent upon approval of an application made by the New Jersey Innovation Institute for designation as an Innovative Medicines Manufacturing Institute (IMMI) under the National Network for Manufacturing Innovation (NNMI) pursuant to a federal funding opportunity released by the National Institute of Standards and Technology (NIST) on February 19, 2016, for the purpose of providing the State of New Jersey's non-federal matching funds requirement under the designation.

89. This act shall take effect July 1, 2016.

CHAPTER 11

AN ACT concerning eligibility for benefits under the Supplemental Nutrition Assistance Program and supplementing Title 44 of the Revised Statutes.

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

C.44:10-105 Review of available data by commissioner.

1. Immediately upon the effective date of this act and at least once annually thereafter, the Commissioner of Human Services shall conduct a review of available data on labor and employment in the State produced by the Department of Labor and Workforce Development and the federal Bureau of Labor Statistics. The purpose of the review shall be to determine whether to submit a request for a waiver of the benefit time limit for able bodied adults without dependents participating in the Supplemental Nutrition Assistance Program as authorized by 7 C.F.R. 273.24(f), either throughout the State or in any geographic area of the State. The review shall consider each criterion of eligibility for a waiver as well as the availability of opportunities that will fulfill the work requirement described in 7 C.F.R. 273.24(a). Based on the review conducted pursuant to this section, the commissioner shall determine whether to submit a request for a waiver.

C.44:10-106 Report to Governor, Legislature.

2. a. The Commissioner of Human Services shall issue a report annually over the next three years, with the first report being issued no later than one month following the effective date of this act, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on:

(1) the number of Supplemental Nutrition Assistance Program participants in each county who are subject to the benefit time limit for able bodied adults without dependents; and

(2) the number of participants whose benefits were terminated in the past year as a result of the benefit time limit.

b. The report shall also describe the review of labor and employment data conducted pursuant to section 1 of this act and any actions taken by the commissioner related to requesting a waiver of the time limit.

3. This act shall take effect on the first day of the sixth month next following the date of enactment.

Approved June 30, 2016.

CHAPTER 12

AN ACT concerning the constitutional dedication of corporation business tax revenues for certain environmental purposes, supplementing Title 13 of the Revised Statutes, and amending P.L.1999, c.152.

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

C.13:8C-43 Short title.

1. This act shall be known, and may be cited, as the “Preserve New Jersey Act.”

C.13:8C-44 Findings, declarations relative to the “Preserve New Jersey Act.”

2. The Legislature finds and declares that:
 - a. Enhancing the quality of life of the citizens of New Jersey is a paramount policy of the State, and the acquisition, preservation, and stewardship of open space, farmland, and historic properties in New Jersey protect and enhance the character and beauty of the State and provide its citizens with greater opportunities for recreation, relaxation, and education;
 - b. The lands and resources now dedicated to these purposes will not be adequate to meet the needs of an expanding population in years to come, and the open space and farmland that is available and appropriate for these purposes will gradually disappear as the costs of preserving them correspondingly increase;
 - c. The Delaware River, the Passaic River, and the Raritan River, and their respective tributaries, and many other areas throughout the State have been subject to serious flooding over the years, causing on some occasions loss of life and significant property damage;
 - d. Beginning on October 28, 2012, the post-tropical storm commonly referred to as “Hurricane Sandy” struck New Jersey, producing unprecedented severe weather conditions, including enormous storm surges, devastating wind, and widespread flooding, crippling entire communities across New Jersey, and inflicting incalculable harm to the economy of the State;
 - e. The acquisition of properties damaged by Hurricane Sandy and of other damaged and flood-prone properties throughout the State is in the best interests of the State to prevent future losses of life and property;
 - f. “Blue Acres” is the term used to refer to the acquisition, for recreation and conservation purposes, of lands that have been damaged by, or

may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage;

g. Under the Blue Acres Program, structures on acquired property are demolished, the debris is removed, and the property is preserved for recreation and conservation purposes;

h. Agriculture plays an integral role in the prosperity and well-being of the State as well as providing a fresh and abundant supply of food for its citizens;

i. Much of the farmland in the State faces an imminent threat of permanent conversion to non-farm uses, and retention and development of an economically viable agricultural industry is of high public priority;

j. There is an urgent need to preserve the State's historic heritage to enable present and future generations to experience, understand, and enjoy the landmarks of New Jersey's role in the birth and development of this nation;

k. The restoration and preservation of properties of historic character and importance in the State are central to meeting this need, and a significant number of these historic properties are located in urban centers, where their restoration and preservation will advance urban revitalization efforts of the State and local governments;

l. There is growing public recognition that the quality of life, economic prosperity, and environmental quality in New Jersey are served by the protection and timely preservation of open space and farmland and better management of the lands, resources, historic properties, and recreational facilities that are already under public ownership or protection;

m. The protection and preservation of New Jersey's water resources, including the quality and quantity of the State's limited water supply, are essential to the quality of life and the economic health of the citizens of the State;

n. The preservation of the existing diversity of animal and plant species is essential to sustaining both the environment and the economy of the Garden State, and the conservation of adequate habitat for endangered, threatened, and other rare species is necessary to preserve this biodiversity;

o. As recognized by the voters of the State when they, on November 4, 2014, approved an amendment to the State Constitution to dedicate a portion of corporation business tax revenues specifically for the purposes of open space, farmland, and historic preservation, there is a need to continue the State open space, farmland, and historic preservation programs previously funded by the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009" (P.L.2009, c.117), the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007" (P.L.2007, c.119), Article VIII, Section II, paragraph 7

of the State Constitution, the “Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995” (P.L.1995, c.204), and the nine previous similar bond acts enacted in 1961, 1971, 1974, 1978, 1981, 1983, 1987, 1989, and 1992, and various implementing laws; and

p. It is therefore in the public interest to preserve and protect as much land for recreation and conservation purposes, including lands that protect water supplies and flood-prone lands, and for farmland preservation purposes, and as many historic properties, as possible within the means provided by Article VIII, Section II, paragraph 6 of the State Constitution.

C.13:8C-45 Definitions relative to the “Preserve New Jersey Act.”

3. As used in this act:

“Acquisition” or “acquire” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Blue Acres cost” means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition by the State or a qualifying tax exempt nonprofit organization, for recreation and conservation purposes, of lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage; the execution of any agreements or franchises deemed by the Department of Environmental Protection to be necessary or useful and convenient in connection with any Blue Acres project authorized by this act; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; the demolition of structures, the removal of debris, and the restoration of lands to a natural state or to a state useful for recreation and conservation purposes; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act.

“Blue Acres project” means any project of the State or a qualifying tax exempt nonprofit organization to acquire, for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring

damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage.

“Commissioner” means the Commissioner of Environmental Protection.

“Committee” means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4).

“Constitutionally dedicated CBT moneys” means any moneys made available pursuant to Article VIII, Section II, paragraph 6 of the State Constitution deposited in the funds established pursuant to sections 6, 7, 8, and 9 of this act, and appropriated by law, for recreation and conservation, farmland preservation, or historic preservation purposes set forth in Article VIII, Section II, paragraph 6 of the State Constitution or this act.

“Convey” or “conveyance” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Cost” means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be; the execution of any agreements or franchises deemed by the Department of Environmental Protection, State Agriculture Development Committee, or New Jersey Historic Trust, as the case may be, to be necessary or useful and convenient in connection with any project funded in whole or in part using constitutionally dedicated CBT moneys; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; materials and labor costs for stewardship activities, but not overhead or administration costs for such activities; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act.

“Department” means the Department of Environmental Protection.

“Development” or “develop” means, except as used in the definitions of “acquisition” and “development easement” in this section, any improvement, including a stewardship activity, made to a land or water area designed to expand and enhance its utilization for recreation and conservation

purposes, and shall include the construction, renovation, or repair of any such improvement, but shall not mean shore protection or beach nourishment or replenishment activities.

“Development easement” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Emergency intervention” means an immediate assessment or capital improvement necessary to protect or stabilize the structural integrity of a historic property.

“Farmland” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Farmland preservation,” “farmland preservation purposes,” or “preservation of farmland” means the same as those terms are defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Garden State Preservation Trust” or “trust” means the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4).

“Green Acres bond act” means: P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; P.L.2007, c.119; P.L.2009, c.117; and any State general obligation bond act that may be approved after the date of enactment of this act for the purpose of providing funding for the acquisition or development of lands for recreation and conservation purposes or for farmland preservation purposes.

“Historic preservation,” “historic preservation purposes,” or “preservation of historic properties” means the same as those terms are defined in section 3 of P.L.1999, c.152 (C.13:8C-3) and shall also include emergency intervention and the acquisition of a historic preservation easement.

“Historic preservation easement” means an interest in land, less than fee simple title thereto, that is purchased from a private or governmental property owner to permanently protect a historic property, and that is granted by the property owner to the New Jersey Historic Trust, a local government unit, or a qualifying tax exempt nonprofit organization.

“Historic property” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Land” or “lands” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Local government unit” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“New Jersey Historic Trust” means the entity established pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111).

“Permitted investments” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Preserve New Jersey Blue Acres Fund” means the Preserve New Jersey Blue Acres Fund established pursuant to section 7 of this act.

“Preserve New Jersey Farmland Preservation Fund” means the Preserve New Jersey Farmland Preservation Fund established pursuant to section 8 of this act.

“Preserve New Jersey Green Acres Fund” means the Preserve New Jersey Green Acres Fund established pursuant to section 6 of this act.

“Preserve New Jersey Historic Preservation Fund” means the Preserve New Jersey Historic Preservation Fund established pursuant to section 9 of this act.

“Preserve New Jersey Fund Account” means the Preserve New Jersey Fund Account established pursuant to section 4 of this act.

“Project” means all things deemed necessary or useful and convenient in connection with the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be.

“Qualifying tax exempt nonprofit organization” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Recreation and conservation purposes” means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

“Stewardship activity” means an activity, which is beyond routine operations and maintenance, undertaken by the State, a local government unit, or a qualifying tax exempt nonprofit organization to repair, or restore lands acquired or developed for recreation and conservation purposes for the purpose of enhancing or protecting those lands for recreation and conservation purposes. For the purposes of the farmland preservation program, “stewardship activity” means an activity, which is beyond routine operation and maintenance, undertaken by the landowner, or a farmer operator as an agent of the landowner, to repair, restore, or improve lands preserved for farmland preservation purposes, including but not limited to soil and water conservation projects approved pursuant to section 17 of P.L.1983, c.32 (C.4:1C-24).

C.13:8C-46 “Preserve New Jersey Fund Account.”

4. There is established in the General Fund a special account to be known as the “Preserve New Jersey Fund Account.”

a. The State Treasurer shall credit to this account:

(1) (a) (i) For State fiscal year 2016, an amount equal to 71 percent of the four percent 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, dedicated for recreation and conservation, farmland preservation, and historic preservation purposes pursuant to subparagraph (a) of Article VIII, Section II, paragraph 6 of the State Constitution, less \$19,972,000 already appropriated and expended for parks management in P.L.2015, c.63; and

(ii) in each State fiscal year 2017 through and including State fiscal year 2019 an amount equal to 71 percent of the four percent 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, dedicated to recreation and conservation, farmland preservation, and historic preservation purposes pursuant to subparagraph (a) of Article VIII, Section II, paragraph 6 of the State Constitution; and

(b) in each State fiscal year commencing in State fiscal year 2020 and annually thereafter, an amount equal to 78 percent of the six percent 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, dedicated to recreation and conservation, farmland preservation, and historic preservation purposes pursuant to subparagraph (a) of Article VIII, Section II, paragraph 6 of the State Constitution; and

(2) in each State fiscal year, an amount equal to the amount dedicated pursuant to subparagraph (b) of Article VIII, Section II, paragraph 6 of the State Constitution.

b. In each State fiscal year, the amount credited to the Preserve New Jersey Fund Account shall be appropriated from time to time by the Legislature only for the applicable purposes set forth in Article VIII, Section II, paragraph 6 of the State Constitution and this act for:

(1) providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage;

(2) providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production;

(3) providing funding, including loans or grants, for historic preservation; and

(4) paying administrative costs associated with (1) through (3) of this subsection.

c. Nothing in this act shall authorize any State entity to use constitutionally dedicated CBT moneys for the purpose of making any payments relating to any bonds, notes, or other debt obligations, other than those relating to obligations arising from land purchase agreements made with landowners.

C.13:8C-47 Deposit of amount credited.

5. a. In State fiscal year 2017 through and including State fiscal year 2019, of the amount credited by the State Treasurer to the Preserve New Jersey Fund Account pursuant to paragraph (1) of subsection a. of section 4 of this act:

(1) 60 percent shall be deposited into the Preserve New Jersey Green Acres Fund established pursuant to section 6 of this act;

(2) 4 percent shall be deposited into the Preserve New Jersey Blue Acres Fund established pursuant to section 7 of this act;

(3) 31 percent shall be deposited into the Preserve New Jersey Farmland Preservation Fund established pursuant to section 8 of this act; and

(4) 5 percent shall be deposited into the Preserve New Jersey Historic Preservation Fund established pursuant to section 9 of this act.

b. In State fiscal year 2017 through and including State fiscal year 2019, of the amount credited by the State Treasurer to the Preserve New Jersey Fund Account pursuant to paragraph (2) of subsection a. of section 4 of this act, each State park, forest, or wildlife management area shall receive an amount equal to the amount of revenue annually derived from leases or conveyances of lands at that State park, forest, or wildlife management area, as appropriate, to be used for recreation and conservation purposes at that State park, forest, or wildlife management area.

C.13:8C-48 “Preserve New Jersey Green Acres Fund.”

6. a. The State Treasurer shall establish a fund to be known as the “Preserve New Jersey Green Acres Fund” and shall deposit into the fund all moneys received pursuant to paragraph (1) of subsection a. of section 5 of this act and any other moneys appropriated by law for deposit into the fund.

Moneys in the fund shall be invested in permitted investments or shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested in permitted investments or as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the in-

vestment or reinvestment of moneys in the fund shall be credited to the fund. Moneys derived from the payment of principal and interest on the loans to local government units authorized by this act shall also be held in the fund.

b. Of the amount deposited each State fiscal year into the Preserve New Jersey Green Acres Fund pursuant to paragraph (1) of subsection a. of section 5 of this act:

(1) 55 percent shall be allocated for the purpose of paying the cost of acquisition and development of lands by the State for recreation and conservation purposes, and the amount provided pursuant to this paragraph shall be allocated as follows:

(a) 50 percent shall be allocated for the purpose of paying the cost of acquisition of lands by the State for recreation and conservation purposes; and

(b) 50 percent shall be allocated for the purpose of paying the cost of development of lands by the State for recreation and conservation purposes, and of the amount provided pursuant to this subparagraph:

(i) up to 22 percent shall be allocated for the purpose of paying the cost for stewardship activities undertaken on lands administered by the Division of Fish and Wildlife in the department; and

(ii) up to 22 percent shall be allocated for the purpose of paying the cost for stewardship activities undertaken on lands administered by the Division of Parks and Forestry in the department;

(2) 38 percent shall be allocated for the purposes of providing grants and loans to assist local government units to pay the cost of acquisition and development of lands for recreation and conservation purposes, and of this amount, up to 2 percent shall be allocated for stewardship activities undertaken by local government units; and

(3) 7 percent shall be allocated for the purposes of providing grants to assist qualifying tax exempt nonprofit organizations to pay the cost of acquisition and development of lands for recreation and conservation purposes, and of this amount, 11 percent shall be allocated for stewardship activities undertaken by qualifying tax exempt nonprofit organizations.

c. Any repayments of the principal and interest on loans issued to local government units for the acquisition or development of lands for recreation and conservation purposes using constitutionally dedicated CBT moneys shall be deposited into the Preserve New Jersey Green Acres Fund, and shall be specifically dedicated for the issuance of additional loans in the same manner as provided in subsection b. of section 27 of P.L.1999, c.152 (C.13:8C-27).

d. (1) The moneys in the fund are specifically dedicated and shall be used for the same purposes and according to the same criteria and provi-

sions as those set forth in section 26 of P.L.1999, c.152 (C.13:8C-26), and as provided pursuant to this act.

(2) Grants and loans issued to local government units and grants issued to qualifying tax exempt nonprofit organizations using constitutionally dedicated CBT moneys for the acquisition and development of lands for recreation and conservation purposes shall be subject to the same provisions as those prescribed in section 27 of P.L.1999, c.152 (C.13:8C-27), except as otherwise provided in section 10 of this act.

e. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Any act appropriating moneys from the Preserve New Jersey Green Acres Fund shall identify any particular project or projects to be funded by the moneys, and any expenditure for a project for which the location is not identified by municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee, or its successor, except as permitted otherwise in accordance with the same exceptions as those specified in paragraph (2) of subsection a. of section 23 of P.L.1999, c.152 (C.13:8C-23).

f. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund.

g. Of the amount authorized pursuant to this section, not more than five percent shall be utilized for organizational, administrative and other work and services, including salaries, equipment and materials necessary to administer the applicable provisions of this act.

h. To the end that municipalities may not suffer a loss of taxes by reason of the acquisition and ownership by the State of lands in fee simple for recreation and conservation purposes, or the acquisition and ownership by qualifying tax exempt nonprofit organizations of lands in fee simple for recreation and conservation purposes that become certified as exempt from property taxes pursuant to P.L.1974, c.167 (C.54:4-3.63 et seq.) or similar laws, the State shall make payments annually in the same manner as payments are made pursuant to section 29 of P.L.1999, c.152 (C.13:8C-29).

i. The State shall not use the power of eminent domain in any manner for the acquisition of lands by the State for recreation and conservation purposes using constitutionally dedicated CBT moneys in whole or in part unless a concurrent resolution approving that use is approved by both Houses of the Legislature; except that, without the need for such a concurrent resolution, the State may use the power of eminent domain to the extent necessary to establish a value for lands to be acquired from a willing seller by the State for recreation and conservation purposes using constitutionally dedicated CBT moneys in whole or in part.

C.13:8C-49 "Preserve New Jersey Blue Acres Fund."

7. a. The State Treasurer shall establish a fund to be known as the "Preserve New Jersey Blue Acres Fund" and shall deposit into the fund all moneys received pursuant to paragraph (2) of subsection a. of section 5 of this act and any other moneys appropriated by law for deposit into the fund.

Moneys in the fund shall be invested in permitted investments or shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested in permitted investments or as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund.

b. The moneys in the Preserve New Jersey Blue Acres Fund are specifically dedicated and shall be applied for the purposes of providing moneys to:

(1) meet the Blue Acres costs to the State for the acquisition of lands for a Blue Acres project; or

(2) provide grants, pursuant to the provisions of subsection c. of this section, to assist a qualifying tax exempt nonprofit organization in meeting the Blue Acres costs for the acquisition of lands for a Blue Acres project.

c. (1) A grant by the State for lands to be acquired by a qualifying tax exempt nonprofit organization for a Blue Acres project may include up to 50 percent of the Blue Acres cost of acquisition of the lands by the qualifying tax exempt nonprofit organization.

(2) A qualifying tax exempt nonprofit organization shall not use as its matching share of the Blue Acres cost of acquisition of lands for a Blue Acres project any constitutionally dedicated moneys, as defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3), or any grant moneys obtained from a Green Acres bond act.

(3) To qualify to receive a grant from the Preserve New Jersey Blue Acres Fund, the board of directors or governing body of the applying tax exempt nonprofit organization shall:

(a) demonstrate to the commissioner that the organization qualifies as a charitable conservancy for the purposes of P.L.1979, c.378 (C.13:8B-1 et seq.);

(b) demonstrate that the organization has the resources to match the grant requested;

(c) agree to make and keep the lands accessible to the public, unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith;

(d) agree not to convey the lands except to the federal government, the State, a local government unit, or another qualifying tax exempt nonprofit organization, for recreation and conservation purposes; and

(e) agree to execute and donate to the State at no charge a conservation restriction pursuant to P.L.1979, c.378 (C.13:8B-1 et seq.) on the lands to be acquired with the grant.

d. The State shall not use the power of eminent domain in any manner for the acquisition of lands by the State for Blue Acres projects using constitutionally dedicated CBT moneys in whole or in part unless a concurrent resolution approving that use is approved by both Houses of the Legislature; except that, without the need for such a concurrent resolution, the State may use the power of eminent domain to the extent necessary to establish a value for lands to be acquired from a willing seller by the State for recreation and conservation purposes, as part of a Blue Acres project, using constitutionally dedicated CBT moneys in whole or in part.

e. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Any act appropriating moneys from the Preserve New Jersey Blue Acres Fund shall identify the particular project or projects to be funded by the moneys, and any expenditure for a project for which the location is not identified by municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee, or its successor.

f. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund to be used for the purposes of the fund.

g. Of the amount authorized pursuant to this section, not more than five percent shall be utilized for organizational, administrative and other work and services, including salaries, equipment and materials necessary to administer the applicable provisions of this act.

C.13:8C-50 "Preserve New Jersey Farmland Preservation Fund."

8. a. The State Treasurer shall establish a fund to be known as the "Preserve New Jersey Farmland Preservation Fund" and shall deposit all moneys received pursuant to paragraph (3) of subsection a. of section 5 of this act and any other moneys appropriated by law for deposit into the fund.

Moneys in the fund shall be invested in permitted investments or shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested in permitted investments or as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund.

b. (1) The moneys in the fund are specifically dedicated and shall be used for the same purposes as those set forth in section 37 of P.L.1999, c.152 (C.13:8C-37) and as provided in paragraph (2) of this subsection.

(2) Of the moneys deposited into the Preserve New Jersey Farmland Preservation Fund each year, up to 3 percent shall be allocated by the committee on an annual basis for stewardship activities.

c. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Any act appropriating moneys from the Preserve New Jersey Farmland Preservation Fund shall identify any particular project or projects to be funded by the moneys, and any expenditure for a project for which the location is not identified by municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee, or its successor, except as permitted otherwise in accordance with the same exceptions as those specified in paragraph (2) of subsection b. of section 23 of P.L.1999, c.152 (C.13:8C-23).

d. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund.

C.13:8C-51 "Preserve New Jersey Historic Preservation Fund."

9. a. The State Treasurer shall establish a fund to be known as the "Preserve New Jersey Historic Preservation Fund" and shall deposit all moneys received pursuant to paragraph (4) of subsection a. of section 5 of this act and any other moneys appropriated by law for deposit into the fund.

Moneys in the fund shall be invested in permitted investments or shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested in permitted investments or as other trust funds in the custody of the State Treasurer in the manner provided by law. All interest or other income or earnings derived from the investment or reinvestment of moneys in the fund shall be credited to the fund.

b. The moneys in the fund are specifically dedicated and shall be used for the same purposes as those set forth in section 41 of P.L.1999, c.152 (C.13:8C-41), and for emergency intervention and the acquisition of historic preservation easements.

c. Moneys in the fund shall not be expended except in accordance with appropriations from the fund made by law. Any act appropriating moneys from the Preserve New Jersey Historic Preservation Fund shall identify any particular project or projects to be funded by the moneys, and any expenditure for a project for which the location is not identified by mu-

municipality and county in the appropriation shall require the approval of the Joint Budget Oversight Committee, or its successor.

d. Unexpended moneys due to project withdrawals, cancellations, or cost savings shall be returned to the fund.

C.13:8C-52 Use of grant by qualifying entity.

10. a. Notwithstanding the provisions of subparagraph (b) of paragraph (2) of subsection a. of section 27 of P.L.1999, c.152 (C.13:8C-27) to the contrary, a grant by the State for lands acquired or developed for recreation and conservation purposes by a local government unit in a municipality eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) shall be for 75 percent of the cost of acquisition or development of the lands by the local government unit, except that the department may authorize an increase in the State's share of the cost up to 100 percent of the allowable funding cap established by the department upon a demonstration of special need or exceptional circumstances.

b. A local government unit or a qualifying tax exempt nonprofit organization may use a grant or loan received pursuant to this act for recreation and conservation purposes for the construction of a community garden, provided that public access to the lands acquired for recreation and conservation purposes is not limited by the community garden.

C.13:8C-53 Required usage of land acquired.

11. Lands acquired or developed by the State, a local government unit, or a qualifying tax exempt nonprofit organization for recreation and conservation purposes using constitutionally dedicated CBT moneys shall not be conveyed, disposed of, or diverted to a use for other than recreation and conservation purposes without complying with the provisions of sections 31 through 35 of P.L.1999, c.152 (C.13:8C-31 through C.13:8C-35), as appropriate, and any other applicable law.

C.13:8C-54 Operation, maintenance of land acquired, developed.

12. A local government unit that receives a grant or loan for recreation and conservation purposes pursuant to this act shall satisfactorily operate and maintain the lands acquired or developed pursuant to the conditions of the agreement between the local government unit and the department when the grant or loan is made. In the event that the local government unit cannot or will not correct deficiencies in the operation and maintenance within a reasonable time period, the commissioner may require the repayment of all or a portion of the grant or loan amount received by the local government unit.

C.13:8C-55 Submission of list of projects recommended to receive funding.

13. a. At least once every two years, the Department of Environmental Protection, the State Agriculture Development Committee, and the New Jersey Historic Trust shall each submit to the Garden State Preservation Trust a list of projects recommended to receive funding pursuant to this act. Except as otherwise provided by this act, such funding recommendations shall be based upon the same respective priority systems, ranking criteria, and funding policies as those established pursuant to sections 23, 24, 26, 27, and 37 through 42 of P.L.1999, c.152 (C.13:8C-23, C.13:8C-24, C.13:8C-26, C.13:8C-27, and C.13:8C-37 through C.13:8C-42), section 7 of P.L.2005, c.178 (C.13:8C-38.1), and sections 1 and 2 of P.L.2001, c.405 (C.13:8C-40.1 and C.13:8C-40.2), and any rules or regulations adopted pursuant to thereto.

b. The Garden State Preservation Trust shall review the project lists submitted pursuant to subsection a. of this section, and prepare, and submit to the Governor and to the President of the Senate and the Speaker of the General Assembly for introduction in the Legislature, proposed legislation appropriating moneys pursuant to this act to fund projects on any such list. The Legislature may approve one or more appropriation bills containing a project list or lists submitted by the Garden State Preservation Trust pursuant to this subsection.

C.13:8C-56 Report to Governor, Legislature.

14. Within one year after the date of enactment of this act, and biennially thereafter, the Garden State Preservation Trust, after consultation with the Department of Environmental Protection, the State Agriculture Development Committee, and the New Jersey Historic Trust shall submit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a written report, which shall:

a. Describe the progress being made with respect to the acquisition and development of lands for recreation and conservation purposes, including lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage, the preservation of farmland, and the preservation of historic properties, and provide recommendations with respect to any legislative, administrative, or local action that may be required to enable the Department of Environmental Protection, the State Agriculture Development Committee, and the New Jersey Historic Trust to meet their goals and objectives;

b. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipali-

ty, of lands acquired for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage, using (1) funding provided by this act, and (2) any other funding provided for such purposes;

c. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipality, of farmland preserved for farmland preservation purposes using (1) funding provided by this act, and (2) any other funding provided for such purposes;

d. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipality, of any donations of land for recreation and conservation purposes or farmland preservation purposes;

e. List, both for the reporting period and cumulatively, and by location by county and municipality, all stewardship activities funded pursuant to subsection b. of section 6 of this act and paragraph (2) of subsection b. of section 8 of this act;

f. List, both for the reporting period and cumulatively, and by project name, project sponsor, and location by county and municipality, all historic preservation projects, including emergency intervention and the acquisition of historic preservation easements, funded with constitutionally dedicated CBT moneys in whole or in part;

g. Indicate those areas of the State where, as designated by the Department of Environmental Protection in the Open Space Master Plan prepared pursuant to section 5 of P.L.2002, c.76 (C.13:8C-25.1), the acquisition and development of lands by the State for recreation and conservation purposes, including lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage, is planned or is most likely to occur, and those areas of the State where there is a need to protect water resources, including the identification of lands where protection is needed to assure adequate quality and quantity of drinking water supplies in times of drought, indicate those areas of the State where the allocation of constitutionally dedicated CBT moneys for farmland preservation purposes is planned or is most likely to occur, and provide a proposed schedule and expenditure plan for those acquisitions, developments, and allocations, for the next reporting period, which shall include an explanation of how those acquisitions, developments, and allocations will be distributed throughout all geographic regions of the State to the maximum extent practicable and feasible;

h. List any surplus real property owned by the State or an independent authority of the State that may be utilizable for recreation and conservation purposes or farmland preservation purposes, and indicate what action has been or must be taken to effect a conveyance of those lands to the department, the committee, local government units, qualifying tax exempt non-profit organizations, or other entities or persons so that the lands may be preserved and used for those purposes;

i. List, for the reporting period, all projects for which applications for funding under the Green Acres, Blue Acres, farmland preservation, and historic preservation programs were received but not funded with constitutionally dedicated CBT moneys or other funds during the reporting period, and the reason or reasons why those projects were not funded;

j. Tabulate, both for the reporting period and cumulatively, the total acreage for the entire State, and the acreage in each county and municipality, of lands acquired for recreation and conservation purposes that protect water resources and that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; and

k. Describe any other information or statistics necessary to document the expenditure of funds pursuant to this act in conjunction with the expenditure of funds pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) and any Green Acres bond act.

C.13:8C-57 Rules, regulations.

15. a. The Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and the Department of the Treasury shall each adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement and carry out the goals and objectives of this act.

b. Notwithstanding the provisions of any law to the contrary, any rules and regulations of the Department of Environmental Protection, the State Agriculture Development Committee, the New Jersey Historic Trust, and the Department of the Treasury that have been adopted pursuant to the "Administrative Procedure Act" and are in effect as of the date of enactment of this act, that are not inconsistent with the provisions of this act, and that pertain to the Green Acres, Blue Acres, farmland preservation, and historic preservation programs continued pursuant to this act, shall continue in effect until amended or supplemented and readopted as necessary to reflect the provisions and requirements of this act.

16. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to read as follows:

C.13:8C-24 Office of Green Acres established.

24. a. (1) There is established in the Department of Environmental Protection the Office of Green Acres. The commissioner may appoint an administrator or director who shall supervise the office, and the department may employ such other personnel and staff as may be required to carry out the duties and responsibilities of the department and the office pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et al.), all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes. Persons appointed or employed as provided pursuant to this subsection shall be compensated in a manner similar to other employees in the Executive Branch, and their compensation shall be determined by the Civil Service Commission.

(2) The Green Acres Program in the Department of Environmental Protection, together with all of its functions, powers and duties, are continued and transferred to and constituted as the Office of Green Acres in the Department of Environmental Protection. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Green Acres Program, the same shall mean and refer to the Office of Green Acres in the Department of Environmental Protection. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. The duties and responsibilities of the office shall be as follows:

(1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et al.) pertaining to funding the acquisition and development of lands for recreation and conservation purposes as authorized pursuant to Article VIII, Section II, paragraph 6 and paragraph 7 of the State Constitution;

(2) Continue to administer all grant and loan programs for the acquisition and development of lands for recreation and conservation purposes, including the Green Trust, established or funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155 (C.13:8A-35 et seq.); or any Green Acres bond act; and

(3) Adopt, with the approval of the commissioner and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations:

(a) establishing application procedures for grants and loans for the acquisition and development of lands for recreation and conservation purposes, cri-

teria and policies for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et al.), any conditions that may be placed on the award of a grant or loan for recreation and conservation purposes pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43 et al.), and any restrictions that may be placed on the use of lands acquired or developed with a grant or loan for recreation and conservation purposes pursuant to P.L.1999, c.152 or P.L.2016, c.12 (C.13:8C-43 et al.). The criteria and policies established pursuant to this subparagraph for the evaluation and priority ranking of projects for eligibility to receive funding for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et al.) may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodiversity, habitat for wildlife, rare, threatened, or endangered species, and plants; vernal habitat; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support; and

(b) addressing any other matters deemed necessary to implement and carry out the goals and objectives of Article VIII, Section II, paragraph 6 and paragraph 7 of the State Constitution and P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et al.) with respect to the acquisition and development of lands for recreation and conservation purposes, including the acquisition of lands for recreation and conservation purposes that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage; and

(4) Establishing criteria and policies for the evaluation and priority ranking of State projects to acquire and develop lands for recreation and conservation purposes using constitutionally dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et al.), which criteria and policies may be based upon, but need not be limited to, such factors as: protection of the environment, natural resources, water resources, watersheds, aquifers, wetlands, floodplains and flood-prone areas, stream corridors, beaches and coastal resources, forests and grasslands, scenic views, biodi-

versity, habitat for wildlife, rare, threatened, or endangered species, and plants; vernal habitat; degree of likelihood of development; promotion of greenways; provision for recreational access and use; protection of geologic, historic, archaeological, and cultural resources; relative cost; parcel size; and degree of public support.

17. This act shall take effect on July 1, 2016.

Approved June 30, 2016.

CHAPTER 13

AN ACT designating a portion of State Highway Route No. 21 as the “Roberto Clemente Memorial Highway.”

WHEREAS, Roberto Clemente-Walker was born on August 18, 1934, in Carolina, Puerto Rico; and

WHEREAS, For 18 seasons, from 1955 through 1972, Roberto Clemente played Major League Baseball and wore the number 21 for the Pittsburgh Pirates, where he excelled as a baseball player and as a humanitarian; and

WHEREAS, Clemente’s accomplishments as a major league baseball player include: collecting 3,000 hits, winning four National League batting titles, a .317 lifetime batting average, and 12 Gold Glove awards, making him one of the greatest right fielders of all time; and

WHEREAS, During his celebrated career, Roberto Clemente confronted and overcame the dual obstacles of racism and language to become the first Afro-Latino to achieve unquestioned superstar status as a Major League Baseball player; and

WHEREAS, Roberto Clemente was the acknowledged leader on the field of the 1971 World Champion Pittsburgh Pirates and was voted the Most Valuable Player of the 1971 World Series, but made history by addressing a national television audience in Spanish during the clubhouse celebration; and

WHEREAS, Roberto Clemente became a role model for all players, particularly for Latinos who played with him and against him, and for succeeding generations of players and fans of the sport; and

WHEREAS, Following the 1972 baseball season, Roberto Clemente organized a relief effort designed to provide emergency assistance to the victims of a Nicaraguan earthquake; and

WHEREAS, In order to ensure that essential supplies reached the Nicaraguan victims, Roberto Clemente decided to fly as a passenger on the cargo plane; and

WHEREAS, On December 31, 1972, the cargo plane carrying Roberto Clemente crashed into the sea and all on board perished; and

WHEREAS, Roberto Clemente was elected to the Baseball Hall of Fame in 1973, becoming only the second player for whom the five-year mandatory waiting period was waived; and

WHEREAS, Roberto Clemente's life and death were heroic as demonstrated by his concern for others, his courage in the face of danger, and the nobility and pride with which he carried himself; and

WHEREAS, In the forty years since his death, Roberto Clemente's memory is revered and appreciated, even by those who never had the privilege of watching him play and know little about the game of baseball; and

WHEREAS, Roberto Clemente's career and life were marked by unselfish caring, compassion, and a willingness to give of himself, thus, it is fitting and proper for the Legislature of the State of the New Jersey to honor the memory of Roberto Clemente for his many contributions on and off the baseball field by designating a portion of State Highway Route No. 21 as the "Roberto Clemente 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 the portion of State Highway Route No. 21, extending from milepost 3.90 to milepost 5.83 as the "Roberto Clemente Memorial Highway" and erect appropriate signs bearing this designation and dedication.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited

to non-governmental non-profit, education, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved June 30, 2016.

CHAPTER 14

AN ACT concerning the extension of certain permits and approvals affecting the physical development of property located in Superstorm Sandy-impacted counties and amending P.L.2008, c.78.

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

1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to read as follows:

C.40:55D-136.3 Definitions relative to extension of certain permits and approvals.

3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

"Approval" means, except as otherwise provided in section 4 of P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and sediment control plan granted by a local soil conservation district under the authority conferred by R.S.4:24-22 et seq., waterfront development permit issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application for development granted by the Delaware and Raritan Canal Commission pursuant to the "Delaware and Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued by the New Jersey Meadowlands Commission pursuant to the "Hackensack Meadowlands Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application for development granted by the Pinelands Commission and determination of municipal and county plan conformance pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center designations pursuant to the

"Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted pursuant to Title 26 of the Revised Statutes, permit granted pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-way permit issued by the Department of Transportation pursuant to paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a sewerage authority pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a municipal authority pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), an agreement with a municipality, county, municipal authority, sewerage authority, or other governmental authority for the use or reservation of sewerage capacity, approval issued by a county planning board pursuant to chapter 27 of Title 40 of the Revised Statutes, preliminary and final approval granted in connection with an application for development pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), permit granted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement and center designations pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued pursuant to the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted, exemption from a sewerage connection ban granted, wastewater management plan approved, and pollution discharge elimination system permit pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.), certification issued and water quality management plan approved pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law or rule or regulation, or any other government authorization of any development application or any permit related thereto whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further action letter, agreement or any other executive or administrative decision which allows a development or governmental project to proceed.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or facility, or of any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

"Environmentally sensitive area" means an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B (Rural/Environmentally Sensitive), Planning Area 5 (Environmentally Sensitive), or a critical environmental site, but shall not include any extension area as defined in this section.

"Extension area" means an area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area), Planning Area 4A (Rural Planning Area), a designated center, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to refine this definition as it pertains to Statewide planning areas, whichever is later; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and towns, designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the planning area of the Highlands Region as defined in section 3 of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-3), and any Highlands center designated by the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the Department of Community Affairs; or similar areas designated by the Department of Environmental Protection. "Extension area" shall not include an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive), except for any area within Planning Area 4B or Planning Area 5 that is a designated center, or a designated growth center in an endorsed plan.

"Extension period" means the period beginning January 1, 2007 and continuing through December 31, 2015; provided, however, that the period in Superstorm Sandy-impacted counties shall continue through December 31, 2016.

"Government" means any municipal, county, regional, or State government, or any agency, department, commission or other instrumentality thereof.

"Superstorm Sandy-impacted counties" means Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties, as identified by the United States Department of Housing and Urban Development.

"Superstorm Sandy-impacted extension period" means the period beginning January 1, 2016 and continuing through December 31, 2016.

2. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to read as follows:

C.40:55D-136.4 Existing government approval; extension period.

4. a. (1) For any government approval in existence during the extension period, the running of the period of approval is automatically suspended for the extension period, except as otherwise provided hereunder; however, the tolling provided for herein shall not extend the government approval more than six months beyond the conclusion of the extension period.

(2) For any government approval in existence on December 31, 2015 concerning lands located entirely within one or more of the Superstorm Sandy-impacted counties, as defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3), the running of the period of approval is automatically suspended for the Superstorm Sandy-impacted extension period, except as otherwise provided hereunder; however, the tolling provided for herein shall not extend the government approval more than six months beyond the conclusion of the Superstorm Sandy-impacted extension period.

(3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall shorten the duration that any approval would have had in the absence of P.L.2008, c.78 (C.40:55D-136.1 et seq.), nor shall P.L.2008, c.78 (C.40:55D-136.1 et seq.) prohibit the granting of such additional extensions as are provided by law when the tolling granted by P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall expire. Notwithstanding any previously enacted provision of P.L.2008, c.78 (C.40:55D-136.1 et seq.), as amended and supplemented, the running of the period of approval of all government approvals which would have been extended pursuant to the definition of "extension area," added by P.L.2012,

c.48, shall be calculated, using that definition, retroactive to the enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.).

b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be deemed to extend or purport to extend:

(1) any permit or approval issued by the government of the United States or any agency or instrumentality thereof, or any permit or approval by whatever authority issued of which the duration of effect or the date or terms of its expiration are specified or determined by or pursuant to law or regulation of the federal government or any of its agencies or instrumentalities;

(2) any permit or approval issued pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the extension would result in a violation of federal law, or any State rule or regulation requiring approval by the Secretary of the Interior pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

(3) any permit or approval issued within an environmentally sensitive area;

(4) any permit or approval within an environmentally sensitive area issued pursuant to the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or approval issued within the preservation area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

(5) any permit or approval issued by the Department of Transportation pursuant to Title 27 of the Revised Statutes or under the general authority conferred by State law, other than a right-of-way permit issued pursuant to paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted pursuant to R.S.27:7-1 et seq. or any supplement thereto;

(6) any permit or approval issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a) where work has commenced, in any phase or section of the development, on any site improvement as defined in paragraph (1) of subsection a. of section 41 of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or (b) where the permit or approval authorizes work on real property owned by the government or the federal government;

(7) any coastal center designated pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of March 15, 2007 (a) had not submitted an application for plan endorsement to the State Planning Commission, and (b) was not in compliance with the provisions of the Coastal Zone Management Rules at N.J.A.C.7:7E-5B.6; or

(8) any permit or approval within the Highlands planning area located in a municipality subject to the "Highlands Water Protection and Planning Act," P.L.2004, c.120, that has adopted, as of May 1, 2012, in accordance with the

Highlands Water Protection and Planning Council conformance approval, a Highlands master plan element, a Highlands land use ordinance, or an environmental resource inventory, except that the provisions of this paragraph shall not apply to any permit or approval within a Highlands center designated by the Highlands Water Protection and Planning Council, notwithstanding the adoption by the municipality of a Highlands master plan element, a Highlands land use ordinance, or an environmental resource inventory.

c. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not affect any administrative consent order issued by the Department of Environmental Protection in effect or issued during the extension period, nor shall it be construed to extend any approval in connection with a resource recovery facility as defined in section 2 of P.L.1985, c.38 (C.13:1E-137).

d. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall affect the ability of the Commissioner of Environmental Protection to revoke or modify a specific permit or approval, or extension thereof pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.), when that specific permit or approval contains language authorizing the modification or revocation of the permit or approval by the department.

e. In the event that any approval tolled pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.) is based upon the connection to a sanitary sewer system, the approval's extension shall be contingent upon the availability of sufficient capacity, on the part of the treatment facility, to accommodate the development whose approval has been extended. If sufficient capacity is not available, those permit holders whose approvals have been extended shall have priority with regard to the further allocation of gallonage over those approval holders who have not received approval of a hookup prior to the date of enactment of P.L.2008, c.78 (C.40:55D-136.1 et seq.). Priority regarding the distribution of further gallonage to any permit holder who has received the extension of an approval pursuant to P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be allocated in order of the granting of the original approval of the connection.

f. P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall not toll any approval issued under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) in connection with an application for development involving a residential use where, subsequent to the expiration of the permit but prior to January 1, 2007, an amendment has been adopted to the master plan and the zoning ordinance to rezone the property to industrial or commercial use when the permit was issued for residential use.

g. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be construed or implemented in such a way as to modify any requirement of law

that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program.

h. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be deemed to extend the obligation of any wastewater management planning agency to submit a wastewater management plan or plan update, or the obligation of a municipality to submit a wastewater management plan or plan update, pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq., adopted by the Department of Environmental Protection, effective July 7, 2008.

i. All underlying municipal, county, and State permits or approvals within the extension area as defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the Pinelands Area as designated pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

3. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to read as follows:

C.40:55D-136.5 Notice.

5. State agencies shall, within 30 days after the effective date of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days after the effective date of any subsequent amendment and supplement thereto, place a notice in the New Jersey Register tolling approvals in the Superstorm Sandy-impacted counties, as defined in section 3 of P.L.2008, c.78 (C.40:55D-136.3) in conformance with P.L.2008, c.78 (C.40:55D-136.1 et seq.).

4. This act shall take effect immediately and be retroactive to January 1, 2016.

Approved June 30, 2016.

CHAPTER 15

AN ACT concerning crime victims and amending P.L.1985, c.249.

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

C.52:4B-37 "Victim" defined.

1. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read as follows:

4. As used in this act, "victim" means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed by an adult or an act of delinquency that would constitute a crime if committed by an adult, committed against that person. "Victim" also includes the spouse, parent, legal guardian, grandparent, child, sibling, domestic partner or civil union partner of the decedent in the case of a criminal homicide or act of juvenile delinquency that would constitute a criminal homicide if committed by an adult.

2. This act shall take effect immediately.

Approved July 11, 2016.

CHAPTER 16

AN ACT establishing the New Jersey Military Skills Council and supplementing Title 34 of the Revised Statutes.

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

C.34:15D-27 New Jersey Military Skills Council.

1. a. There is established in the Department of State the New Jersey Military Skills Council, which shall be comprised of the Secretary of State, the Adjutant General, the Commissioner of Labor and Workforce Development, the Chairperson of the State Employment and Training Commission, the Secretary of Higher Education, and the Commissioner of Education, or their designees, who shall serve ex officio. The council shall also include one member from the Senate appointed by the President of the Senate, one member from the General Assembly appointed by the Speaker of the General Assembly, one member from the Senate appointed by the Minority Leader of the Senate, and one member from the General Assembly appointed by the Minority Leader of the General Assembly, who shall serve during the two-year legislative session in which the appointment is made, and one public member appointed by the President of the Senate and one public member appointed by the Speaker of the General Assembly.

b. The council shall organize as soon as its membership has been appointed and shall select a chairman and vice-chairman from among its members and may select a secretary, who need not be a member of the council. The council shall meet quarterly, and at such other times as may be necessary.

c. It shall be the duty of the council to assess the condition of military skills and training in the State and to advise the Department of Labor and Workforce Development and the Department of Education on expenditures from the Workforce Development Partnership Fund and other State funds for the training and education of workers in preparation for jobs with the military and supporting industries.

d. In developing an assessment of the condition of military skills and training in the State, the council shall:

(1) develop a comprehensive needs analysis of the State's military installations and key industries;

(2) explore barriers impeding workforce alignment with the federal government and offer solutions to overcome those barriers;

(3) identify opportunities for growth and deficiencies in the current skill sets of the workforce;

(4) examine methods to develop and align curriculum, specifically science, technology, engineering, and math, at all levels of education in preparation for jobs with the military and supporting industries, as well as methods for increasing enrollment of students of all ages in science, technology, engineering, and math programs;

(5) develop methods to improve understanding of the resources, benefits, and improved outcomes for service members resulting from federal or State legislation that provides opportunities for veterans, such as the federal Post-9/11 Veterans Educational Assistance Act of 2008;

(6) prepare workforce development strategies for the jobs of today and the future, by expanding academic and training opportunities to support workforce needs and exploring public-private partnerships to support workforce development; and

(7) engage with educators, the military, and industry to ensure that workforce alignment initiatives address military, public, and private sector needs.

e. The council shall submit an annual report to the Legislature by March 1 of each year, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

2. This act shall take effect immediately.

Approved July 15, 2016.

CHAPTER 17

AN ACT concerning diamondback terrapins and supplementing P.L.1973, c.309 (C.23:2A-1 et seq.).

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

C.23:2A-4.1 Diamondback terrapin designated nongame indigenous species.

1. a. Notwithstanding any law, rule, or regulation to the contrary, the diamondback terrapin shall be designated as a nongame indigenous species and shall be subject to the laws, rules, and regulations governing the importation, care, possession, and breeding of that type of animal in the State.

b. Any diamondback terrapin, including any nest or egg thereof, shall be protected by the Department of Environmental Protection, any other State agency, and any local governmental entity in the same manner and to the same extent as any nongame species of reptile indigenous to the State that is protected by "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), any other applicable State law, or any rule or regulation adopted pursuant thereto.

c. The commissioner shall investigate populations, distribution, habitat needs, limiting factors, and other biological and ecological data concerning the State's diamondback terrapin population to determine management measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations, the commissioner shall develop management programs which shall be designed to insure the continued ability of the State's diamondback terrapin population to perpetuate themselves successfully.

2. This act shall take effect immediately.

Approved July 15, 2016.

CHAPTER 18

AN ACT concerning suicide prevention at institutions of higher education and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

C.18A:3B-72 Short title.

1. This act shall be known and may be cited as the “Madison Holleran Suicide Prevention Act.”

C.18A:3B-73 Institution of higher education required to provide access to suicide prevention services; training for faculty and staff provided.

2. a. An institution of higher education shall have individuals with training and experience in mental health issues who focus on reducing student suicides and attempted suicides available on campus or remotely by telephone or other means for students 24 hours a day, seven days a week. The individuals shall also work with faculty and staff on ways to recognize the warning signs and risk factors associated with student suicide.

b. No later than 15 days following the beginning of each semester, an institution of higher education shall transmit to each student via electronic mail the contact information of the individuals required pursuant to subsection a. of this section.

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

Approved August 1, 2016.

CHAPTER 19

AN ACT concerning affordable housing for veterans, amending P.L.1983, c.530 and supplementing P.L.1992, c.79 (C.40A:12A-1 et seq.).

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

1. Section 8 of P.L.1983, c.530 (C.55:14K-8) is amended to read as follows:

C.55:14K-8 Eligibility for admission to certain housing projects.

8. a. Admission to housing projects constructed, improved or rehabilitated under this act shall be limited to families whose gross aggregate family income at the time of admission does not exceed six times the annual rental or carrying charges, including the value or cost to them of heat, light, water, sewerage, parking facilities and cooking fuel, of the dwellings that

may be furnished to such families, or seven times those charges if there are three or more dependents. There may be included in the carrying charges to any family for residence in any mutual housing project constructed, improved or rehabilitated with a loan from the agency an amount equal to 6% of the original cash investment of the family in the mutual housing project and, to the extent authorized by the agency where not included in the carrying charges, the value or cost of repainting the apartment and replacing any fixtures or appliances. Notwithstanding the provisions of this section, no family or individual shall be eligible for admission to any housing project constructed, improved or rehabilitated with a loan from the agency, whose gross aggregate family income exceeds such amount as shall be established from time to time by the agency, by rules or regulations promulgated hereunder; except that with respect to any project financed by an agency loan insured or guaranteed by the United States of America or any agency or instrumentality thereof, the agency may adopt the admission standards for such projects then currently utilized or required by the guarantor or insurer.

The provisions of this subsection shall not apply to any housing project that the agency determines is necessary to promote the long term development and viability of a neighborhood and spur its revitalization or is situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

b. The agency shall by rules and regulations provide for the periodic examination of the income of any person or family residing in any housing project constructed, improved or rehabilitated with a loan from the agency. If the gross aggregate family income of a family residing in a housing project increases and the ratio to the current rental or carrying charges of the dwelling unit becomes greater than the ratio prescribed for admission in subsection a. of this section but is not more than 25% above the family income so prescribed for admission to the project, the owner or managing agent of the housing project shall permit the family to continue to occupy the unit. The agency or (with the approval of the agency) the housing sponsor of any housing project constructed, improved or rehabilitated with a loan from the agency, may terminate the tenancy or interest of any family residing in the housing project whose gross aggregate family income exceeds by 25% or more the amount prescribed herein and which continues to do so for a period of six months or more; but no tenancy or interest of any such family in any such housing project shall be terminated except upon reasonable notice and opportunity to obtain suitable alternate housing, in

accordance with rules and regulations of the agency; and any such family, with the approval of the agency, may be permitted to continue to occupy the unit, subject to payment of a rent or carrying charge surcharge to the housing sponsor in accordance with a schedule of surcharges fixed by the agency. The housing sponsor shall pay the surcharge to the municipality granting tax exemption, but only up to an amount that together with payments made to the municipality in lieu of taxes and for any land taxes equals 25% of the total rents or carrying charges of the housing project for the current and any prior years that the project has been in operation.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

c. For projects on which the agency has made a loan and financed the loan with the proceeds of bonds issued prior to January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid into the housing finance fund securing the bonds issued to finance the project for the use of the agency; for projects financed on or after January 1, 1973, any remainder of the surcharge, or the total surcharge if tax exemption has not been granted, shall be paid to the agency.

d. Any family residing in a mutual housing project required to remove from the project because of excessive income as herein provided shall be discharged from liability on any note, bond or other evidence of indebtedness relating thereto and shall be reimbursed, in accordance with the rules of the agency, for all sums paid by the family to the housing sponsor on account of the purchase of stock or debentures as a condition of occupancy or on account of the acquisition of title for such purpose.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

e. The agency shall establish admission rules and regulations for any housing project financed in whole or in part by loans authorized hereunder which shall provide priority categories for persons displaced by urban renewal projects, highway programs or other public works, persons living in substandard housing, persons and families who, by reason of family income, family size or disabilities, have special needs, elderly persons and

families living under conditions violative of minimum health and safety standards.

The provisions of this subsection shall not apply to any housing project situated in a qualified municipality that is constructed, improved or rehabilitated on or after the date upon which the commissioner determines that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4).

f. Notwithstanding the provisions of subsection e. of this section, the Commissioner of Community Affairs, in consultation with the Adjutant General of Military and Veterans' Affairs, shall promulgate admission rules and regulations for any housing project, financed in whole or in part by loans authorized hereunder, to provide a housing preference for veterans and surviving spouses, as those terms are defined under subsection (h) of section 1 of P.L.1963, c.171 (C.54:4-8.10), who qualify for public housing assistance, and for the spouses of veterans who currently so qualify.

C.40A:12A-20.1 Rules, regulations.

2. The Commissioner of Community Affairs, in consultation with the Adjutant General of Military and Veterans' Affairs, shall promulgate admission rules and regulations for public housing authorities and redevelopment agencies created pursuant to sections 17 and 21 of P.L.1992, c.79 (C.40A:12A-17 and C.40A:12A-21), and the Department of Community Affairs, when acting as a public housing authority, to provide a housing preference for veterans and surviving spouses, as those terms are defined under subsection (h) of section 1 of P.L.1963, c.171 (C.54:4-8.10), who qualify for public housing assistance, and for the spouses of veterans who currently so qualify.

3. This act shall take effect immediately.

Approved August 1, 2016.

CHAPTER 20

AN ACT concerning referrals for intraoperative monitoring services and amending P.L.1989, c.19.

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

1. Section 2 of P.L.1989, c.19 (C.45:9-22.5) is amended to read as follows:

C.45:9-22.5 Referral of patient by practitioner regulated.

2. a. A practitioner shall not refer a patient or direct an employee of the practitioner to refer a patient to a health care service in which the practitioner, or the practitioner's immediate family, or the practitioner in combination with the practitioner's immediate family has a significant beneficial interest; except that, in the case of a practitioner, a practitioner's immediate family, or a practitioner in combination with the practitioner's immediate family who had the significant beneficial interest prior to the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), and in the case of a significant beneficial interest in a health care service that provides lithotripsy or radiation therapy pursuant to an oncological protocol that was held prior to the effective date of this section of P.L.2009, c.24, the practitioner may continue to refer a patient or direct an employee to do so if that practitioner discloses the significant beneficial interest to the patient.

b. If a practitioner is permitted to refer a patient to a health care service pursuant to this section, the practitioner shall provide the patient with a written disclosure form, prepared pursuant to section 3 of P.L.1989, c.19 (C.45:9-22.6), and post a copy of this disclosure form in a conspicuous public place in the practitioner's office.

c. The restrictions on referral of patients established in this section shall not apply to:

(1) medical treatment or a procedure that is provided at the practitioner's medical office and for which a bill is issued directly in the name of the practitioner or the practitioner's medical office;

(2) renal dialysis;

(3) ambulatory surgery or procedures requiring anesthesia performed at a surgical practice registered with the Department of Health pursuant to subsection g. of section 12 of P.L.1971, c.136 (C.26:2H-12) or at an ambulatory care facility licensed by the Department of Health to perform surgical and related services or lithotripsy services, if the following conditions are met:

(a) the practitioner who provided the referral personally performs the procedure;

(b) the practitioner's remuneration as an owner of or investor in the practice or facility is directly proportional to the practitioner's ownership interest and not to the volume of patients the practitioner refers to the practice or facility;

(c) all clinically-related decisions at a facility owned in part by non-practitioners are made by practitioners and are in the best interests of the patient; and

(d) disclosure of the referring practitioner's significant beneficial interest in the practice or facility is made to the patient in writing, at or prior to the time that the referral is made, consistent with the provisions of section 3 of P.L.1989, c.19 (C.45:9-22.6); and

(4) medically-necessary intraoperative monitoring services rendered during a neurosurgical, neurological, or neuro-radiological surgical procedure that is performed in a hospital.

2. The Board of Medical Examiners shall adopt such rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to carry out the provisions of this act.

3. This act shall take effect immediately.

Approved August 1, 2016.

CHAPTER 21

AN ACT concerning land use planning nearby military installations, amending various parts of the statutory law, and supplementing Title 52 of the Revised Statutes.

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

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

C.40:55D-2 Purpose of the act.

2. Purpose of the act. It is the intent and purpose of this act:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

b. To secure safety from fire, flood, panic and other natural and man-made disasters;

c. To provide adequate light, air and open space;

d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;

k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;

l. To encourage senior citizen community housing construction;

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

n. To promote utilization of renewable energy resources;

o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;

p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and

q. To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.

2. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to read as follows:

C.40:55D-5 Definitions; M to O.

3.2. "Maintenance guarantee" means any security which may be accepted by a municipality for the maintenance of any improvements required by this act, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

"Major subdivision" means any subdivision not classified as a minor subdivision.

"Master plan" means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

"Mayor" means the chief executive of the municipality, whatever his official designation may be, except that in the case of municipalities governed by municipal council and municipal manager the term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

"Military facility" means any facility located within the State which is owned or operated by the federal government, and which is used for the purposes of providing logistical, technical, material, training, and any other support to any branch of the United States military.

"Military facility commander" means the chief official, base commander or person in charge at a military facility.

"Minor site plan" means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

"Minor subdivision" means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42).

"Municipality" means any city, borough, town, township or village.

"Municipal agency" means a municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act.

"Municipal resident" means a person who is domiciled in the municipality.

"Nonconforming lot" means a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

"Nonconforming structure" means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Noncontiguous cluster" means noncontiguous areas to be developed as a single entity according to a plan containing an area, or a section or sections thereof, to be developed for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the area, section, or sections, under conventional development, in exchange for the permanent preservation of another area, or a section or sections thereof, as common or public open space, or for historic or agricultural purposes, or a combination thereof.

"Office of Planning Advocacy" or "Office of Smart Growth" means the Office of State Planning established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201) and transferred to the Department of State pursuant to Governor Christie's Reorganization Plan No. 002-2011, effective August 28, 2011.

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S.40:27-5.

"Official map" means a map adopted by ordinance pursuant to article 5 of P.L.1975, c.291.

"Offsite" means located outside the lot lines of the lot in question but within the property, of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

"Off-tract" means not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

"Onsite" means located on the lot in question and excluding any abutting street or right-of-way.

"On-tract" means located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

"Open-space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land or support its use for recreation and conservation purposes.

3. Section 7.2 of P.L.1975, c.291 (C.40:55D-13) is amended to read as follows:

C.40:55D-13 Notice concerning master plan.

7.2. Notice concerning master plan. The planning board shall give:

(1) Public notice of a hearing on adoption, revision or amendment of the master plan; such notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality at least 10 days prior to the date of the hearing;

(2) Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a master plan involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing;

(3) Notice by personal service or certified mail to the Office of Planning Advocacy and to the county planning board in which the municipality

is situated, of (a) all hearings on the adoption, revision or amendment of the municipal master plan at least 10 days prior to the date of the hearing; such notice shall include a copy of any such proposed master plan, or any revision or amendment thereto; and (b) the adoption, revision or amendment of the master plan not more than 30 days after the date of such adoption, revision or amendment; such notice shall include a copy of the master plan or revision or amendment thereto;

(4) Notice by personal service or certified mail to the military facility commander of a military facility which has registered with the municipality pursuant to section 1 of P.L.2005, c.41 (C.40:55D-12.4) of (a) all hearings on the adoption, revision, or amendment of the municipal master plan at least 10 days prior to the date of the hearing; such notice shall include a copy of any such proposed master plan, or any revision or amendment thereto; and (b) the adoption, revision, or amendment of the master plan not more than 30 days after the date of such adoption, revision, or amendment; such notice shall include a copy of the master plan or revision or amendment thereto.

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

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

19. Preparation; contents; modification.

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

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (16):

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

(2) A land use plan element

(a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

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

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

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

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

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a municipality prepares a utility service plan element as a condition for adopting a development transfer ordinance pursuant to subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall address the provision of utilities in the receiving zone as provided thereunder;

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical

details of a development transfer program based on the provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

In the case of a municipality situated within the Highlands Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan, to the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

5. Section 2 of P.L.1995, c.249 (C.40:55D-62.1) is amended to read as follows:

C.40:55D-62.1 Notice of hearing on amendment to zoning ordinance.

2. Notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the master plan by the planning board pursuant to

section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given at least 10 days prior to the hearing by the municipal clerk to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within 200 feet in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within 200 feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.

In addition, the municipal clerk shall provide notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the master plan, to the Office of Planning Advocacy, and to any military facility commander who has registered with the municipality pursuant to section 1 of P.L.2005, c.41 (C.40:55D-12.4), at least 10 days prior to the hearing, by personal service or certified mail.

A notice pursuant to this section shall state the date, time and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office.

Notice shall be given to a property owner by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

The municipal clerk shall execute affidavits of proof of service of the notices required by this section, and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on

the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

6. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to read as follows:

C.40:55D-89 Periodic examination.

76. Periodic examination. The governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the Office of Planning Advocacy and the county planning board. A notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the municipality pursuant to section 1 of P.L.2005, c.41 (C.40:55D-12.4) and to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the military facility or municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination.

The reexamination report shall state:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

7. Section 1 of P.L.1985, c.398 (C.52:18A-196) is amended to read as follows:

C.52:18A-196 Findings, declarations.

1. The Legislature finds and declares that:
 - a. New Jersey, the nation's most densely populated State, requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve its natural resources, revitalize its urban centers, protect the quality of its environment, preserve the vitality of federal military facilities, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal;
 - b. Significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in the preparation of and adherence to sound and integrated plans;
 - c. It is of urgent importance that the State Development Guide Plan be replaced by a State Development and Redevelopment Plan designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation;
 - d. It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities, and to discourage development where it may: impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this State, or impair the viability of federal military facilities;
 - e. A cooperative planning process that involves the full participation of State, regional, county and local governments as well as representatives of federal military facilities and of other public and private sector interests will enhance prudent and rational development, redevelopment and conservation policies and the formulation of sound and consistent regional plans and planning criteria;
 - f. Since the overwhelming majority of New Jersey land use planning and development review occurs at the local level, it is important to provide local governments in this State with the technical resources and guidance necessary to assist them in developing land use plans and procedures which are based on sound planning information and practice, to assist local governments participating in a Department of Defense Joint Land Use Study,

and to facilitate the development of local plans and Joint Land Use Studies which are consistent with State and regional plans and programs and the needs of nearby military facilities;

g. An increasing concentration of the poor and minorities in older urban areas jeopardizes the future well-being of this State, and a sound and comprehensive planning process will facilitate the provision of equal social and economic opportunity so that all of New Jersey's citizens can benefit from growth, development and redevelopment;

h. An adequate response to judicial mandates respecting housing for low- and moderate-income persons requires sound planning to prevent sprawl and to promote suitable use of land;

i. Reductions in personnel and mission activities at military facilities have a direct, detrimental effect on this State. The Department of Defense considers the encroachment of civilian development upon a military facility when determining the future viability of the facility. Collaborative planning between military facility commanders and State, regional, county, and municipal officials can help protect an installation's military mission, as well as the public health, safety, quality of life, and economic stability of the civilian community; and

j. These purposes can be best achieved through the establishment of a State planning commission consisting of representatives from the executive and legislative branches of State government, local government, the general public and the planning community.

8. Section 4 of P.L.1985, c.398 (C.52:18A-199) is amended to read as follows:

C.52:18A-199 Duties of the commission.

4. The commission shall:

a. Prepare and adopt within 36 months after the enactment of P.L.1985, c.398 (C.52:18A-196 et al.), and revise and readopt at least every three years thereafter, the State Development and Redevelopment Plan, which shall provide a coordinated, integrated and comprehensive plan for the growth, development, renewal and conservation of the State and its regions and which shall identify areas for growth, agriculture, open space conservation and other appropriate designations;

b. Prepare and adopt as part of the plan a long-term Infrastructure Needs Assessment, which shall provide information on present and prospective conditions, needs and costs with regard to State, county and municipal capital facilities, including water, sewerage, transportation, solid

waste, drainage, flood protection, shore protection and related capital facilities;

c. Develop and promote procedures to facilitate cooperation and coordination among federal agencies, State agencies, regional entities, and local governments with regard to the development of plans, programs and policies which affect land use, environmental, capital and economic development issues;

d. Provide technical assistance to local governments and regional entities in order to encourage the use of the most effective and efficient planning and development review data, tools and procedures;

e. Periodically review federal, State, regional, and local government planning procedures and relationships and recommend to the Governor and the Legislature administrative or legislative action to promote a more efficient and effective planning process;

f. Review any bill introduced in either house of the Legislature which appropriates funds for a capital project and may study the necessity, desirability and relative priority of the appropriation by reference to the State Development and Redevelopment Plan, and may make recommendations to the Legislature and to the Governor concerning the bill;

g. Encourage military facility commanders and representatives of counties, municipalities, and of State and regional entities to maintain open lines of communication and to engage in long-term, strategic planning, including but not limited to Joint Land Use Studies, and to facilitate joint planning efforts; and

h. Take all actions necessary and proper to carry out the provisions of P.L.1985, c.398 (C.52:18A-196 et al.).

9. Section 6 of P.L.1985, c.398 (C.52:18A-201) is amended to read as follows:

C.52:18A-201 Office of Planning Advocacy.

6. a. There is established in the Department of the Treasury the Office of State Planning, which was renamed as the “Office of Planning Advocacy,” and transferred to the Department of State pursuant to Governor Christie’s Reorganization Plan No. 002-2011, effective August 28, 2011. The director of the office shall be appointed by and serve at the pleasure of the Governor. The director shall supervise and direct the activities of the office and shall serve as the secretary and principal executive officer of the State Planning Commission.

b. The Office of Planning Advocacy shall assist the commission in the performance of its duties and shall:

(1) Publish an annual report on the status of the State Development and Redevelopment Plan which shall describe the progress towards achieving the goals of the plan, the degree of consistency achieved among municipal, county, regional, and State plans, and plans of military facilities, the capital needs of the State, and progress towards providing housing where such need is indicated;

(2) Provide planning service to other agencies or instrumentalities of State government, review the plans prepared by them, and coordinate planning to avoid or mitigate conflicts between plans;

(3) Provide advice and assistance to regional, county and local planning units;

(4) Review and comment on the plans of interstate agencies where the plans affect this State;

(5) Compile quantitative current estimates and Statewide forecasts for population, employment, housing and land needs for development and redevelopment; and

(6) Prepare and submit to the State Planning Commission, as an aid in the preparation of the State Development and Redevelopment Plan, alternate growth and development strategies which are likely to produce favorable economic, environmental and social results.

c. The director shall ensure that the responsibilities and duties of the commission are fulfilled, and shall represent the commission and promote its activities before government agencies, public and private interest groups and the general public, and shall undertake or direct such other activities as the commission shall direct or as may be necessary to carry out the purposes of P.L.1985, c.398 (C.52:18A-196 et al.).

d. With the consent of the commission, the director shall assign to the commission from the staff of the office at least two full-time planners, a full-time liaison to local and county governments and regional entities, and such other staff, clerical, stenographic and expert assistance as the director shall deem necessary for the fulfillment of the commission's responsibilities and duties.

e. The Office of Planning Advocacy shall assist the Military and Defense Economic Ombudsman in the performance of his duties and the director shall assign to the Military and Defense Economic Ombudsman, from the staff of the office, at least one full-time planner, a full-time liaison to local governments and regional and State entities, and such other staff,

clerical, stenographic, and expert assistance as the director shall deem necessary for the fulfillment of the ombudsman's responsibilities and duties.

10. Section 5 of P.L.2005, c.41 (C.52:18A-201.1) is amended to read as follows:

C.52:18A-201.1 Definitions; notification of land use plans.

5. a. As used in this section:

"military and defense economic ombudsman" means the military and defense economic ombudsman in the Department of State established pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. of 2015).

"military facility" means any facility located within the State which is owned or operated by the federal government, and which is used for the purposes of providing logistical, technical, material, training, and any other support to any branch of the United States military; and

"military facility commander" means the chief official, base commander or person in charge at a military facility.

b. (1) Whenever any State department, office, agency, authority, or commission proposes a plan that would impact the use of land within 3,000 feet in all directions of any military facility, it shall notify the Director of the Office of Planning Advocacy prior to finalizing its plan. The director shall contact the Military and Defense Economic Ombudsman and the appropriate military facility commander in order to solicit comments addressing any land use compatibility issues which may be of concern to the military and shall forward those comments to the appropriate State department, office, agency, authority, or commission. The State department, office, agency, authority, or commission shall not finalize its plan until it has reviewed any comments submitted by the military facility commander on its proposed plan.

(2) Whenever the Office of Planning Advocacy receives a notice under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) that would impact the use of land within 3,000 feet of any military facility, the director shall notify the Military and Defense Economic Ombudsman.

c. The Adjutant General of the Department of Military and Veterans' Affairs shall, within 30 days of the effective date of P.L.2005, c.41 (C.40:55D-12.4 et al.), forward a list of military facilities to the Director of the Office of State Planning. The director shall circulate the list to each State department, office, agency, authority or commission.

d. The Director of the Office of State Planning, upon receiving the list of military facilities from the Adjutant General, shall forthwith notify those municipalities and State departments, offices, agencies, authorities and commissions of the requirements of this section.

C.52:16A-120 Duties of military and defense economic ombudsman.

11. a. The Military and Defense Economic Ombudsman shall develop and maintain relationships with commanders of military installations located within the State and with the Office of Economic Adjustment in the Department of Defense for the purpose of reducing potential land use conflicts between military installations, the State, and regional, county and local planning units.

b. The Military and Defense Economic Ombudsman shall encourage military installation commanders and representatives of counties, municipalities, and of State and regional entities to maintain open lines of communication, engage in long-term, strategic planning, including but not limited to Joint Land Use Studies, and facilitate joint planning efforts.

12. This act shall take effect immediately but sections 9 through 11 shall remain inoperative until the date of enactment of P.L. , c. (pending before the Legislature as Assembly Bill No. 4723 of 2015).

Approved August 1, 2016.

CHAPTER 22

AN ACT establishing a nonpublic school pupil transportation pilot program and supplementing chapter 39 of Title 18A of the New Jersey Statutes.

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

C.18A:39-1d Definitions relative to nonpublic school pupil transportation pilot program.

1. a. As used in this section:

“Consortium” means a group of nonpublic schools which enroll pupils for whom an eligible district is required to provide transportation pursuant to N.J.S.18A:39-1 and which enter into an agreement to form a consortium for the purpose of participating in the pilot program established pursuant to this section.

“Eligible district” means a school district which in the most recent school year prior to the effective date of P.L.2016, c.22 (C.18A:39-1d), supplied transportation to more than 5,000 pupils residing in the school district in going to and from any remote school other than a public school pursuant to the provisions of N.J.S.18A:39-1.

b. The Commissioner of Education shall establish a three-year non-public school pupil transportation pilot program. Notwithstanding any section of law to the contrary, under the pilot program, a board of education of an eligible district shall disburse to the consortium an amount equal to the aid in-lieu-of transportation amount for each nonpublic school pupil who is attending a nonpublic school which is a part of the consortium and who is required to be transported by the eligible district pursuant to N.J.S.18A:39-1. The consortium shall assume the responsibilities of the eligible district under N.J.S.18A:39-1 for transporting to and from school the pupils for whom the consortium received an aid in-lieu-of transportation amount under the pilot program. If the per pupil cost of the lowest bid received exceeds the aid in-lieu-of transportation amount, then the parent or guardian of the student shall be eligible to receive the aid in-lieu-of transportation amount from the consortium for that school year. If after providing the required pupil transportation any of the disbursed funds remain unspent, the consortium, as it deems appropriate, may provide courtesy busing to pupils who are residents of the eligible district and are attending the nonpublic schools of the consortium. The consortium shall refund annually to the school district after the completion of the school year any unexpended funds received pursuant to the pilot program.

c. The commissioner shall designate one eligible district to participate in the pilot program. In order to participate in the pilot program, the eligible district shall:

(1) provide to the commissioner the necessary assurances that the consortium is capable of complying with the consortium’s pupil transportation responsibilities under the pilot program; and

(2) agree as a condition of participation in the pilot program to not provide any courtesy busing to nonpublic school pupils who reside in the eligible district.

d. The State monitor appointed pursuant to section 2 of P.L.2006, c.15 (C.18A:7A-55) shall annually enter into a contract with an independent entity to audit the implementation of the pilot program. The audit for the prior school year shall be submitted to the State monitor no later than December 1 of each year, and the State monitor shall transmit a copy of the audit to the Commissioner of Education. If a State monitor has not been ap-

pointed, then the board of education shall be responsible for carrying out the provisions of this subsection.

e. There shall be established an oversight committee to oversee the operations of the consortium in implementing the pilot program. The oversight committee shall consist of five members including: one member appointed by the State monitor if a State monitor has been appointed, or by the board of education if a State monitor has not been appointed; and four members appointed by the commissioner, one of whom shall represent a nonpublic school which is part of the consortium.

f. Two years following the establishment of the pilot program, the commissioner shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The report shall contain information on the implementation of the pilot program and shall include the commissioner's recommendation on the advisability of continuing the program and expanding the program Statewide.

g. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a manner that comports with the provisions of the State and federal Constitutions. The rules shall include, but need not be limited to, the process and schedule for the disbursement of funds by the eligible district to the consortium.

2. This act shall take effect immediately and shall first be applicable to the 2016-2017 school year.

Approved August 9, 2016.

CHAPTER 23

AN ACT concerning law enforcement practices and supplementing Title 52 of the Revised Statutes and Title 18A of the New Jersey Statutes, and amending P.L.1997, c.257.

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

C.52:17B-77.13 Development, identification of uniform cultural diversity training course materials, online tutorial.

1. a. The Department of Law and Public Safety shall develop or identify uniform cultural diversity training course materials and an online tutorial

that shall include instruction designed to promote positive interaction with, and community outreach to, all residents within a community, including residents of all racial, ethnic, and religious backgrounds and lesbian, gay, bisexual, and transgender individuals residing within the community. Components of the training course materials and online tutorial shall include, but not be limited to, instruction on:

(1) the various cultural communities and the effects of diversity on community relations within a community;

(2) appropriate methods by which an officer may interact with people of various cultures and religions in the community, with an emphasis on officer safety skills and conflict resolution techniques;

(3) best practices in law enforcement techniques when analyzing and solving local neighborhood problems, meeting with community groups, and working with citizens on crime prevention programs; and

(4) the impact that police diversity skills have on overall law enforcement effectiveness.

b. The Department of Law and Public Safety shall cause the training course materials and online tutorial developed or identified pursuant to subsection a. of this section to be made available to every State, county, and municipal law enforcement department in the State and to each campus police department at an institution of higher education in the State that appoints police officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) for use in providing officer training and information promoting community outreach efforts within the law enforcement department's community.

c. The Department of Law and Public Safety shall periodically assess the training course materials and online tutorial developed or identified pursuant to subsection a. of this section and update them where the department finds appropriate.

C.52:17B-77.14 Provision of in-service training.

2. Every State, county, and municipal law enforcement department in the State and every campus police department at an institution of higher education in the State that appoints police officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) may provide in-service training of its personnel utilizing the training course materials or online tutorial developed or identified by the Department of Law and Public Safety pursuant to section 1 of P.L.2016, c.23 (C.52:17B-77.13).

3. Section 2 of P.L.1997, c.257 (C.52:9DD-9) is amended to read as follows:

C.52:9DD-9 Duties of council.

2. It shall be the duty of the council:

- a. to develop policy proposals for the State and assist with coordinating efforts to promote prejudice reduction and prevent and deter crimes based upon the victim's race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability;
- b. to assist in diffusing tensions in communities affected by such crimes;
- c. to act as a clearinghouse for information and program ideas among the existing county human relations commissions;
- d. to assist the efforts of the county human relations commissions in relieving tensions within the community;
- e. to assist in providing training programs for members of the county human relations commissions and other interested community leaders;
- f. to develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability;
- g. to establish and maintain a listing of conflict resolution programs and experts to be available as a resource for communities in time of crisis;
- h. (Deleted by amendment, P.L.2016, c.23);
- i. to develop in conjunction with the Department of Education and the educational, civil rights and human relations communities educational programs intended to educate, encourage, develop, promote and strengthen respect for human rights and cultural diversity and prevent and combat racism, intolerance and bigotry;
- j. to assist local communities in establishing local human relations commissions;
- k. to assess changes in local demographics and assist communities in adapting to minority population shifts;
- l. to assist State, county and local government agencies with multicultural awareness programs;
- m. to require that the representatives from the county human relations commissions report back to the counties regarding the work and activities of the State council;
- n. to provide conciliation assistance and conduct all activities in confidence and without publicity; and
- o. to make recommendations to governmental entities 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 discrimina-

tion based on race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability.

4. This act shall take effect on the first day of the seventh month following enactment.

Approved August 9, 2016.

CHAPTER 24

AN ACT concerning the investment of State pension and annuity funds in companies that boycott Israel or Israeli businesses and supplementing P.L.1950, c.270 (C.52:18A-79).

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

C.52:18A-89.13 Findings, declarations relative to investment of State funds in companies boycotting Israel.

1. The Legislature finds and declares that:

Israel and the United States are allies sharing a common bond rooted in the values of freedom, democracy, and equal rights.

The State of New Jersey is committed to supporting Israel and maintaining the strong New Jersey-Israel relationship that has existed since the founding of the Jewish state in 1948, recognizing that the United States and Israel have mutually benefitted from being allies, including economic cooperation, which Congress has determined materially benefits the United States.

The State is deeply concerned about the Boycott, Divestment and Sanctions (BDS) effort to boycott Israeli goods, products, and businesses which is contrary to federal policy articulated in numerous laws.

The State and Israel have a long history of friendship based on economic, cultural, intellectual, and political cooperation and exchange, and the elected representatives of New Jersey recognize and support Israel's right to exist as a Jewish state.

More than \$1.3 billion in goods and services are traded annually between New Jersey and Israel, and the two trading partners continue to look for and find new opportunities to enhance cooperation and initiatives of mutual economic benefit.

Boycotts, divestments, and sanctions place economic and political pressure on business entities, and other organizations and institutions to influence their behavior against Israel.

It is fitting and appropriate that the State of New Jersey reaffirm its interest in viable trade and exchange with an ally of the United States and a vibrant economic partner of the State.

Economic cooperation and political reconciliation are necessary for building mutual trust and foundations for a lasting peace in the Middle East.

Both Israelis and Palestinians have the right to live safely and securely in their homes, free from fear and violence, with mutual recognition, trade, and normalization of relations as neighbors.

The strengthening of New Jersey-Israel cooperation recognizes the beneficial economic and technological value of that cooperation including for improving the competitive capabilities in global markets for both New Jersey and Israel.

Nationality-based boycott actions are often veiled discrimination, and it is against the public policy of New Jersey to support such discrimination.

Boycotts, such as those against Israel, do not make for effective business decision making, prevent a business from making the best use of the resources available to it and should be opposed as an impairment to the soundness of commercial contracting performance.

It is important to the economic well-being of New Jersey that persons or entities conducting commercial trade and doing business in the State do not engage in boycotts of a legitimate and viable partner with whom New Jersey can enjoy open trade contracting.

Therefore, it is in the best interest of this State that a statutory prohibition be enacted to prohibit the investment of public employee retirement funds in companies boycotting Israel.

C.52:18A-89.14 Investment in companies which boycott Israel prohibited.

2. a. Notwithstanding any provision of law to the contrary, no assets of any pension or annuity fund under the jurisdiction of the Division of Investment in the Department of the Treasury, or its successor, shall be invested in any company that boycotts the goods, products, or businesses of Israel, boycotts those doing business with Israel, or boycotts companies operating in Israel or Israeli-controlled territory. This section shall not apply to those boycotts organized by foreign governments pursuant to 50 U.S.C. s.4607(c). The activities of any company solely providing humanitarian aid to the Palestinian people through either a governmental or non-

governmental organization shall not render the company subject to the provisions of this act, P.L.2016, c.24 (C.52:18A-89.13 et seq.) unless it is also engaging in the prohibited boycotts or otherwise discriminating against goods, products, or businesses of Israel, or entities operating in Israel or Israeli-controlled territory.

b. The State Investment Council and the Director of the Division of Investment shall take appropriate action to sell, redeem, divest, or withdraw any investment held in violation of subsection a. of this section. This section shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed not later than 24 months following the effective date of this act.

c. Within 120 days after the effective date of this act, the Director of the Division of Investment shall file with the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report of all investments held as of the effective date that are in violation of subsection a. of this section. The State Investment Council and the Director of the Division of Investment shall use its best efforts to identify all companies that boycott Israel and these efforts shall include, but are not limited to, the following, as appropriate in the judgment of the State Investment Council and the Director of the Division of Investment:

(1) reviewing and relying on publicly available information regarding companies that boycott Israel, including information provided by non-profit organizations, research firms, and government entities;

(2) contacting other institutional investors that have divested from companies that boycott Israel; and

(3) retaining an independent research firm to identify companies that boycott Israel.

One year thereafter, and every subsequent year on the anniversary of the effective date of this act, the director shall report on all investments sold, redeemed, divested, or withdrawn in compliance with subsection b. of this section. The report shall provide a description of the progress that the division has made since the previous report and since the effective date of this act in implementing subsection b. of this section.

d. The members of the State Investment Council, jointly and individually, and State officers and employees involved therewith, shall be indemnified and held harmless by the State of New Jersey from all claims, demands, suits, actions, damages, judgments, costs, charges, and expenses, including court costs and attorney's fees, and against all liability, losses, and damages that these council members, and State officers and employees,

may sustain by reason of any decision to restrict, reduce, or eliminate investments pursuant to this act.

e. As used in this act, “humanitarian aid” means the provision of goods and services intended to relieve human suffering or to promote general welfare and health; “Boycott, Divestment, and Sanctions” (BDS) refers to the encouragement of boycotts, divestments and sanctions that place economic and political pressure on states, business entities, and other organizations and institutions to influence their behavior against Israel; “boycott” means engaging in actions that are intended to penalize, inflict economic harm on, or otherwise limit commercial relations with another state or nation; “divestment” means to sell, redeem, or withdraw all holdings of a company from the investment portfolio of another company or of a governmental entity; and “sanctions” means the attempts by national governments, multilateral organizations and other international bodies or their subdivisions to limit or ban trade or other relations with a state or nation.

f. The provisions of this act are severable. If any phrase, clause, sentence, provision or section is declared to be invalid or preempted by federal law or regulation, the validity of the remainder of this act shall not be affected thereby.

3. This act shall take effect immediately.

Approved August 16, 2016.

CHAPTER 25

AN ACT concerning the New Jersey Transit Corporation and persons with guide or service dogs, establishing procedures for complaints and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).

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

C.27:25-5b Regulations relative to guide or service dogs.

1. Any person with a disability accompanied by a guide or service dog or any guide or service dog trainer accompanied by a guide or service dog, when riding on any bus, train, or other form of transportation operated by or under contract to the New Jersey Transit Corporation, may keep such dog, appropriately controlled, in the person's immediate custody. The cor-

poration shall not deny to any person use of, or entry to, any vehicle used for public transportation services or any vehicle used for providing transportation to persons with a disability or to guide or service dog trainers because the person is accompanied by a guide or service dog, provided that the guide or service dog is appropriately controlled. As used in this section, the terms "disability," "guide dog," "guide or service dog trainer," and "service dog" shall have the same meaning as set forth in section 5 of P.L.1945, c.169 (C.10:5-5).

C.27:25-5c Access Link Customer Service Group.

2. a. The corporation shall designate an Access Link Customer Service Group to receive and act upon complaints from passengers with disabilities regarding Access Link service. The corporation shall provide for the establishment of procedures and methods by which such complaints shall be received, processed, and acted upon and for their resolution and settlement. The Access Link Customer Service Group shall, within 21 business days of the receipt of a complaint, respond in writing as to the disposition or status of the complaint. Any person who has not received a written response to a complaint within 21 business days may petition the New Jersey Transit General Manager of ADA Services for a hearing upon that complaint, under rules promulgated by the general manager for the hearing and disposition of such matters. As used in this section, "Access Link" means the paratransit service implemented by the corporation for purposes of complying with the "Americans with Disabilities Act of 1990," Pub.L.101-336 (42 U.S.C.s.12101 et seq.).

b. The corporation shall provide to each person using Access Link, at the time the person is determined to be qualified for Access Link service and at least once in each calendar year thereafter in which the person remains a user, information as to the procedure to be followed in making and pursuing complaints to the Access Link Customer Service Group or the New Jersey Transit General Manager of ADA Services pursuant to this section. The direct telephone number for the Access Link Customer Service Group shall be prominently displayed in all Access Link vehicles.

c. The New Jersey Transit General Manager of ADA Services shall report annually to the board, summarizing the Access Link Customer Service Group's activities for the preceding year, including the number of complaints received, the nature of the complaints, and the resolution of the complaints and setting forth any recommendations for changes which would improve transportation services for passengers with disabilities. The New Jersey Transit General Manager of ADA Services shall make a copy of the report publicly available on the corporation's website.

3. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 26

AN ACT concerning the accidental death benefit in the State Police Retirement System and the Police and Firemen's Retirement System and amending and supplementing P.L.1965, c.89 (C.53:5A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).

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

1. Section 3 of P.L.1965, c.89 (C.53:5A-3) is amended to read as follows:

C.53:5A-3 Definitions relative to the State Police Retirement System.

3. As used in this act:

a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him or on his behalf, standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.

b. "Annuity" means payments for life derived from the aggregate contributions of a member.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables recommended by the actuary as the board of trustees adopts and regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Board of trustees" or "board" means the board provided for in section 30 of this act.

f. "Child" means a deceased member's or retirant's unmarried child either (a) under the age of 18, or (b) 18 years of age or older and enrolled in a secondary school, or (c) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an

accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member's willful misconduct, or (d) of any age who, at the time of the member's or retirant's death, is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.

h. "Parent" means the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

i. (1) "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary. Such term includes the value of the member's maintenance allowance for this same period.

j. (1) "Final salary" means the average salary received by the member in the last 12 months of creditable service preceding his retirement or death. Such term shall not include the value of the member's maintenance allowance.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final salary" means the average annual salary for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary. Such term shall not include the value of the member's maintenance allowance.

k. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

l. "Medical board" means the board of physicians provided for in section 30 of this act.

m. "Member" means any full-time, commissioned officer, non-commissioned officer or trooper of the Division of State Police of the De-

partment of Law and Public Safety of the State of New Jersey enrolled in the retirement system established by this act.

n. "Pension" means payment for life derived from contributions by the State.

o. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees and regular interest.

p. "Regular interest" means interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the board of trustees shall not set the average percentage rate of increase applied to salaries below 6%.

q. "Retirant" means any former member receiving a retirement allowance as provided by this act.

r. "Retirement allowance" means the pension plus the annuity.

s. "State Police Retirement System of New Jersey," herein also referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and of the benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds invested, warrants for moneys drawn, and payments made and all of its cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

t. "Surviving spouse" means the person to whom a member or a retirant was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of the death of the member or retirant. The dependency of such a surviving spouse will be considered terminated by the marriage of, or establishment of a domestic partnership by, the surviving spouse subsequent to the member's or the retirant's death, except that in the event of the payment of accidental death benefits, pursuant to section 14 of P.L.1965, c.89 (C.53:5A-14), the dependency of such a surviving spouse or domestic partner will not be considered terminated by the marriage of, or establishment of a domestic partnership by, the surviving spouse subsequent to the member's death.

u. (1) "Compensation" for purposes of computing pension contributions means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday or shift.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "compensation" means the amount of base salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for services as a member as defined in this act, which is in accordance with established salary policies of the State for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday or shift.

v. "Veteran" means any person who has served in the United States Armed Forces and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to the retirement system:

(1) Vietnam conflict on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511 (d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90 days' service as herein provided;

(2) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987

or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(3) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(4) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(5) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(6) Operation Northern Watch and Operation Southern Watch, on or after August 27, 1992, or the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States

Secretary of Defense, whichever date of inception is earliest, who served in the theater of operation, including in the Arabian peninsula and the Persian Gulf, and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service, commencing on or before the date of termination of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of termination is the latest; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(7) Operation "Restore Hope" in Somalia, on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or Congress, whichever date is earliest, who has served in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before March 31, 1994; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided;

(8) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, on or after November 20, 1995, who served in such active service in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, commencing on or before June 20, 1998, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

(9) Operation "Enduring Freedom", on or after September 11, 2001, who served in a theater of operation and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided; and

(10) Operation "Iraqi Freedom", on or after the date the President of the United States or the United States Secretary of Defense designates as

the inception date of that operation, who served in Iraq or in another area in the region in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided.

2. Section 14 of P.L.1965, c.89 (C.53:5A-14) is amended to read as follows:

C.53:5A-14 Accidental death benefits; payment of health insurance premiums.

14. a. Upon the death of a member in active service as a result of:

(1) an accident met in the actual performance of duty at some definite time and place, or

(2) service in the reserve component of the Armed Forces of the United States or the National Guard in a federal active duty status, and such death was not the result of the member's willful negligence, an accidental death benefit shall be payable if a report of the accident is filed in the office of the Division of State Police within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

b. (1) Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to the surviving spouse a pension of 70% of final compensation or of adjusted final compensation, as appropriate, for the use of that spouse and children of the deceased, to continue for as long as the person qualifies as a "surviving spouse" for the purposes of this act. If there is no surviving spouse or in case the spouse dies, 70% of final compensation or of adjusted final compensation, as the case may be, will be payable to the member's surviving child or surviving children in equal shares.

If there is no surviving spouse or child, 25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.

As used in this paragraph, "adjusted final compensation" means the amount of final compensation or final compensation as adjusted, as the case may be, increased by the same percentage increase which is applied in any

adjustments of the compensation schedule of active members after the member's death and before the date on which the deceased member of the retirement system would have accrued 25 years of service under an assumption of continuous service, at which time the amount resulting from such increases shall become fixed and shall be the basis for adjustments pursuant to the Pension Adjustment Act, P.L.1958, c.143 (C.43:3B-1 et seq.). Any adjustments to final compensation or adjusted final compensation shall take effect at the same time as any adjustments in the compensation schedule of active members. The provisions of the Pension Adjustment Act shall not apply to any pension based upon adjusted final compensation other than the fixed pension in effect at the conclusion of the 25-year period.

(2) In the event of accidental death occurring in the first year of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the annual rate of compensation.

c. If there is no surviving spouse, child or parent, there shall be paid to any other beneficiary of the deceased member, his aggregate contributions at the time of death.

d. In no case shall the death benefits provided in subsection b. be less than that provided under subsection c.

e. In addition to the foregoing benefits payable under subsection a. or b., there shall also be paid in one sum to the member's beneficiary, an amount equal to 3 1/2 times final compensation.

f. (Deleted by amendment.)

g. (Deleted by amendment.)

h. In addition to the foregoing benefits, the State shall pay to the member's employer-sponsored health insurance program all health insurance premiums for the coverage of the member's surviving spouse and surviving children.

C.53:5A-14.3 Application in changes of definitions.

3. The change to the definition of "child" made pursuant to the amendment of section 3 of P.L.1965, c.89 (C.53:5A-3) by P.L.2016, c.26 and the adjustment in the benefit to a surviving child or children made pursuant to the amendment of section 14 of P.L.1965, c.89 (C.53:5A-14) by P.L.2016, c.26 shall apply to a benefit entitlement initially granted on or after January 1, 2016, and, if granted on or after that date but before the effective date of P.L.2016, c.26, still in effect on that effective date. The adjustment in benefits to a surviving child or children pursuant to the amendment of section 14 of P.L.1965, c.89 (C.53:5A-14) by P.L.2016, c.26 shall apply only for benefit payments made after the effective date of P.L.2016, c.26. No surviving child

of a deceased member of the retirement system shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the adjustment made pursuant to the amendment of section 14 of P.L.1965, c.89 (C.53:5A-14) by P.L.2016, c.26 had been applicable at the date of entitlement and the benefit that the surviving child has received from the date of entitlement to the effective date of P.L.2016, c.26.

4. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to read as follows:

C.43:16A-10 Accidental death benefits.

10. (1) Upon the death of a member in active service as a result of:

(a) an accident met in the actual performance of duty at some definite time and place, or

(b) service in the reserve component of the Armed Forces of the United States or the National Guard in a federal active duty status, and such death was not the result of the member's willful negligence, an accidental death benefit shall be payable if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

The provisions of this subsection shall also apply to a member who is a fireman and who dies as a result of an accident met in the actual performance of duty as a volunteer fireman in any municipality in the State, provided the member's death was not the result of the member's willful negligence.

(2) Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or widower a pension of 70% of the compensation, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member; if there is no surviving widow or widower or in case the widow or widower dies, 70% of such compensation will be payable to the member's surviving child or surviving children in equal shares.

If there is no surviving widow, widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to two surviving parents in equal shares.

In the event of accidental death occurring in the first year of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the annual rate of compensation.

(3) If there is no surviving widow, widower, child or dependent parent, there shall be paid to any other beneficiary of the deceased member, his aggregate contributions at the time of death.

(4) In no case shall the death benefit provided in subsection (2) be less than that provided under subsection (3).

(5) In addition to the foregoing benefits payable under subsection (2) or (3), there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated by written designation duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to 3 1/2 times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

(6) In addition to the foregoing benefits, the State shall pay to the member's employer-sponsored health insurance program all health insurance premiums for the coverage of the member's surviving widow or widower and dependent children.

C.43:16A-10.2 Adjustment to benefit.

5. The adjustment in the benefit to a surviving child or children made pursuant to the amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by P.L.2016, c.26 shall apply to a benefit entitlement initially granted on or after January 1, 2016, and, if granted on or after that date but before the effective date of P.L.2016, c.26, still in effect on that effective date. The adjustment in benefits to a surviving child or children pursuant to the amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by P.L.2016, c.26 shall apply only for benefit payments made after the effective date of P.L.2016, c.26. No surviving child of a deceased member of the retirement system shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the adjustment made pursuant to the amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by P.L.2016, c.26 had been applicable at the date of entitlement and the benefit that the surviving child has received from the date of entitlement to the effective date of P.L.2016, c.26.

6. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 27

AN ACT concerning the date of annual school district elections and creating the School District Annual Election Study Commission.

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

1. When the date of an annual school election has been moved pursuant to section 1 of P.L.2011, c.202 (C.19:60-1.1) to the first Tuesday after the first Monday in November from the third Tuesday in April for a school district, or a Type II school district with a board of school estimate, any petition filed or resolution adopted by a board of education or a municipal government, or action taken by a Type II school district with a board of school estimate, after June 1, 2016 but prior to May 31, 2018 pursuant to subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1) to move the election from the first Tuesday after the first Monday in November to the third Tuesday in April shall be invalid and without effect. No action shall be taken by any public employee or official after the effective date of P.L.2016, c.27 to effectuate or implement the purpose of such a petition, resolution, or action, including any proceeding in progress for the holding of an election in April for a school district or a Type II school district with a board of school estimate. Appropriate written notices shall be given to relevant boards of education, boards of school estimate, municipal governing bodies, and petition circulators by the appropriate board or governing body that a petition or resolution has been invalidated by this section.

2. a. There is established a School District Annual Election Study Commission. The purpose of the commission shall be to study: (1) the voter turnout data and the fiscal impact and cost savings of moving the date of the annual school election for school districts to the first Tuesday after the first Monday in November, to be held simultaneously with the general election; (2) the voter turnout estimates and implications and the fiscal impact and cost savings of moving the date of the annual school election for school districts from the first Tuesday after the first Monday in November to the third Tuesday in April; and (3) the implications of moving the annual election as described in (1) and (2) on proposed school budgets.

b. The commission shall consist of 10 members as follows:

Two members, to be appointed by the Governor, including the Secretary of State who shall serve ex officio, or the Secretary's designee;

Two members, to be appointed by the President of the Senate, including one member upon the recommendation of the New Jersey School Boards Association;

Two members, to be appointed by the Speaker of the General Assembly, including one member upon the recommendation of the New Jersey League of Municipalities;

Two members, to be appointed by the Minority Leader of the Senate, including one member upon the recommendation of the New Jersey Association of Election Officials; and

Two members, to be appointed by the Minority Leader of the General Assembly, including one member upon the recommendation of the New Jersey Association of Counties.

Vacancies in the membership of the commission shall be filled in the same manner provided for the original appointments.

c. All appointments to the commission shall be made not later than the 30th day after the effective date of this act. The commission shall convene its first meeting within 15 days following the date on which the majority of its members have been appointed.

The members of the commission shall select a chairperson and a vice-chairperson from among the membership.

A majority of the authorized membership of the commission shall constitute a quorum for the transaction of any business.

The chairperson may appoint a secretary who need not be a member of the commission. The Department of State shall provide professional and clerical support to the commission.

The members shall serve without compensation, but may be reimbursed for expenses incurred in the performance of their duties, except for the Secretary of State, within the limits of funds appropriated or made available for such a purpose.

The commission shall hold at least one public hearing in a place and at a time convenient for the participation of members of the public. The public hearing shall take place in a county in the central region of this State.

The commission shall also be entitled to call to its assistance and avail itself of the services of the employees of any State department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

d. The commission shall issue, within 10 months from the date of its first meeting, a final report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing its findings. Following the issuance of its final report, the commission shall convene at the call

of the chairperson to consider and respond to any written request submitted to it by a legislator or officer or employee of the Executive Branch of State government on any issue or item.

The commission shall expire six months after the date of issuance of its final report.

3. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 28

AN ACT concerning the School of Osteopathic Medicine at Rowan University and amending P.L.2012, c.45.

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

1. Section 8 of P.L.2012, c.45 (C.18A:64M-31) is amended to read as follows:

C.18A:64M-31 Certain functions, powers, duties, rights transferred to Rowan.

8. a. All functions, powers, duties, and rights of the University of Medicine and Dentistry of New Jersey, related directly or indirectly to the establishment, maintenance, and operation as to the School of Osteopathic Medicine, are hereby transferred and assigned to Rowan University. All of the University of Medicine and Dentistry of New Jersey's rights, title, and interest in the School of Osteopathic Medicine, its auxiliary and supporting institutions and the campus located in Stratford including, but not limited to, all associated fixed tangible assets, real property, building and all furniture, fixtures, equipment, and personal property contained therein, are hereby transferred to Rowan University and shall be devoted to the purposes of public higher education in the State in accordance with the terms of any gift, grant, trust, contract or other agreement with the State or any of its political subdivisions or with the United States or with any public body, department or any agency of the State or the United States or with any individual, firm or corporation.

Rowan University shall be obligated to take any such action as may be required to ensure that the School of Osteopathic Medicine maintains proper accreditation.

The facilities, equipment, and fixtures shared on the effective date of this act by the School of Osteopathic Medicine and other schools of the University of Medicine and Dentistry of New Jersey located on the Stratford campus shall continue to be shared until such time as the board of governors of Rutgers, The State University and the board of trustees of Rowan University reach an agreement on the shared use of facilities, equipment, and fixtures on the Stratford campus.

b. It is hereby stated and acknowledged that osteopathic medical education is critical to the health and welfare of the residents of the State. In order to preserve a strong osteopathic academic resource for the State, the School of Osteopathic Medicine shall maintain its own academic programs at the undergraduate and graduate medical education levels, separate and distinct from any other medical school, including without limitation, another medical school affiliated with the same university.

c. The School of Osteopathic Medicine shall maintain a principal clinical affiliation with at least one hospital, clinical affiliations with other hospitals deemed necessary by the school to fulfill its mission, and shall maintain the current faculty practice plan.

2. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 29

AN ACT authorizing certain local government entities to adopt policies for the payment of certain claims through the use of standard electronic funds transfer technologies, and supplementing chapter 5 of Title 40A of the New Jersey Statutes.

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

C.40A:5-16.5 Certain government entities authorized to adopt policies for payment of claims electronically; definitions.

1. a. Notwithstanding any laws, rules, or regulations to the contrary, the governing body of a local unit, board of education, or county college may

adopt policies, by ordinance or resolution, as appropriate, for the payment of claims pursuant to N.J.S.40A:5-17, N.J.S.18A:19-2, or other applicable law, through the use of one or more standard electronic funds transfer technologies in lieu of payment through the use of signed checks or warrants.

b. (1) Any policy adopted pursuant to subsection a. of this section shall explicitly list the forms of standard electronic funds transfer technologies that may be used by that local unit, board of education, or county college.

(2) A policy adopted pursuant to subsection a. of this section shall designate the chief financial officer of the local unit, board of education, or county college as being responsible for the oversight and administration of the disbursement policy and associated systems. The chief financial officer shall document and implement internal controls sufficient to ensure safe and proper use of the system and mitigate the potential for fraud and abuse.

c. As used in this section:

“Chief financial officer” means the official designated by the governing body to be responsible for the proper administration of the finances of the local unit, board of education, or county college under any statutes and such rules and regulations promulgated by any State agency as may pertain to the financial administration of the local unit, board of education, or county college.

“Governing body” means the board, body, or administrator, by whatever name it may be known, having charge of the finances of the local unit, board of education, or county college.

“Internal controls” mean fiscal and operational controls that ensure safe and proper use of a standard electronic funds transfer system and mitigate the potential for fraud and abuse.

“Local unit” means a local unit as defined in N.J.S.40A:5-2.

“Standard electronic funds transfer technologies” mean technologies that facilitate the transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, initiated by means such as, but not limited to, an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account, and incorporate, at a minimum, internal controls set forth in regulations promulgated by the Local Finance Board.

d. The Local Finance Board, in consultation with the Commissioner of Education and the Secretary of Higher Education, may adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), for the purpose of implementing the provisions of this act.

2. This act shall take effect on the first day of the eighth month following the date of enactment, except that the Local Finance Board, Commissioner of Education, and Secretary of Higher Education may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 18, 2016.

CHAPTER 30

AN ACT concerning environmental infrastructure projects, amending P.L.1985, c.334, P.L.2013, c.93, and P.L.1997, c.224, and repealing parts of the statutory law.

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

1. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust and, if applicable, the State, acting by and through the Department of Environmental Protection, by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) notwithstanding any provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the Director of the Division of Local Government Services in the Department of Community Affairs, and (3), notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust or the State, as the case may be, at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust or the State, as the case may be, and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust or the State, as the case may be, and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each guarantee by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after June 30, 2033.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Financing Program Fund or the trust may issue its bonds, notes or other obligations, including commercial paper issued through a competitive or negotiated process, in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the project priority list and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the project priority list and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, any administrative or legislative approvals.

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

Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-9.5), any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a short-term or temporary loan made pursuant to this subsection for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects shall mature no later than the last day of the 10th succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. 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 Project Priority List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year as provided in section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The trust may revise or supplement the Interim Financing Program Project Priority List no more than three times during the fiscal year and shall submit the revised list to the Legislature when the revisions are made. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Project Priority List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund. The trust may issue short-term or temporary loans pursuant to this subsection only if a project is listed on an Interim Financing Program Project Priority List that has been submitted to the Legislature. No funds may be disbursed pursuant to this section for project activities prior to a determination and certification, in writing, from the Department of Environmental Protection, that the project activities satisfy the provisions of P.L.1985, c.332 (C.58:11B-1 et seq.).

e. Notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authority law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project sponsors to evidence such loans, may, at the discretion of the trust and upon application by the project sponsor, bear interest at a variable rate determined pursuant to a methodology as may be established by the trust from time to time.

Further, notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authority law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, any short-term or tem-

porary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other obligations issued by project sponsors to evidence such short-term or temporary loans, except for loans for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects as provided in subsection d. of this section, shall mature no later than the last day of the third succeeding fiscal year following the date of issuance of such notes or other obligations, without payment by project sponsors of any portion of the principal thereof prior to maturity.

f. Any balances remaining in the Emergency Loan Fund established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1), the Planning and Design Fund established pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal Loan Fund established pursuant to section 5 of P.L.2009, c.103 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment Loan Fund established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall be transferred to the Interim Financing Program Fund, and any loan repayments to the trust of principal and interest or premium on loans made from those funds shall be credited to the Interim Financing Program Fund.

2. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to read as follows:

C.58:11B-9.5 "Disaster Relief Emergency Financing Program Fund."

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Disaster Relief Emergency Financing Program Fund") for the disaster relief emergency short-term or temporary loan program of the trust (hereinafter referred to as the "Disaster Relief Emergency Financing Program").

The Disaster Relief Emergency Financing Program Fund shall be credited with:

- (1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);
- (2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;
- (3) any interest earnings received on the moneys in the fund;
- (4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance emergency

short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program;

(5) the proceeds of any bonds, notes or other obligations that may be issued by the trust from time to time in any principal amounts as in the judgment of the trust shall be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program; and

(6) any other source of available funds that may be deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from (i) a revolving line of credit or other similar financial vehicle, or (ii) a commercial paper financing program, either through a competitive or negotiated process, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make emergency short-term or temporary Disaster Relief Emergency Financing Program loans to: (1) local government units to finance or refinance the costs incurred in the environmental planning and design associated with such wastewater treatment system projects, and wastewater treatment system projects, as applicable; or (2) local government units, public water utilities, or private persons to finance or refinance the costs incurred in the environmental planning and design of water supply projects, and water supply projects, as applicable.

Emergency short-term or temporary loans may be made upon the determination and certification in writing by the department that any such project is necessary and appropriate to: repair damages to a wastewater treatment system or water supply facility directly arising from an act of terrorism, seismic activity, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration; or mitigate the risk of future damage to a wastewater treatment system or water supply facility from an act of terrorism, seismic activity, or weather conditions comparable in scope and severity to the act of terrorism, seismic activi-

ty, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Project Priority List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. A project shall be eligible for emergency short-term or temporary loans pursuant to this section if it is identified on a Disaster Relief Emergency Financing Program Project Priority List no more than three years after the conditions that gave rise to a declaration by the Governor of a state of emergency. Any such short-term or temporary loan pursuant to the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, provided that the project is identified on the Disaster Relief Emergency Financing Program project priority list (hereinafter referred to as the "Disaster Relief Emergency Financing Program Project Priority List") no later than three years after the date of the declaration by the Governor of a state of emergency in the form provided to the Legislature by the Commissioner of Environmental Protection. However, a project may be eligible for funding pursuant to this section more than three years after the date of the declaration by the Governor of a state of emergency if the project was first included on a Disaster Relief Emergency Financing Program Project Priority List within three years after the date of the declaration by the Governor of a state of emergency and continues to be identified on the Disaster Relief Emergency Financing Program Project Priority List in the fiscal year in which the funding is issued. The Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. An environmental infrastructure project or a project sponsor thereof not identified on the Disaster Relief Emergency Financing Program Project Priority List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

d. The trust shall submit a report on the Disaster Emergency Financing Program to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) on or before January 15 of each year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The report shall identify the wastewater treatment system and water supply projects financed during the prior fiscal year through the program including a project description, the amount of the Disaster Relief Emergency Financing Program loan provided for each project, and the duration of each loan.

3. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to read as follows:

C.58:11B-20 Project priority, eligibility list.

20. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for wastewater treatment systems and shall establish the ranking criteria and funding policies for the projects therefor. The commissioner shall set forth an Interim Financing Program Project Priority List, hereinafter referred to as the "project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The project priority list may include any stormwater management or combined sewer overflow abatement project identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181.

The project priority list, which shall include for each wastewater treatment system the date each project is scheduled to be certified as ready for funding, shall be in conformance with applicable provisions of the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory or supplementary acts thereto, and State law, or in the case of a wastewater treatment system project for the reduction of lead in a publicly-owned facility, conformance with requirements established by the Department of Environmental Protection for those projects. The project priority list shall include a description of each project and its purpose, impact, cost, and construction schedule, and an explanation of the manner in which priorities were established. The priority system and project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the

date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The project eligibility list shall consist of project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any wastewater treatment system project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

4. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended to read as follows:

C.58:11B-20.1 Priority system for water supply projects; policies.

24. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for water supply projects and shall establish the ranking criteria and funding policies therefor. The commissioner shall set forth an Interim Financing Program Project Priority List, hereinafter referred to as the "project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The commissioner may include a water supply project on the project priority list if it meets the eligibility requirements for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, or in the case of a water supply project for the reduction of lead in a publicly-owned facility, the project meets the eligibility requirements established by the Department of Environmental Protection for those projects. The project priority list shall include a description of each project and an explanation of the manner in which priorities were established. The priority system and project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The project eligibility list shall consist of project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature. On or before July 1 of each year, the Legislature shall approve an appropriations act containing the project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific water supply projects, including the individual amounts therefor, on the list.

c. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any water supply project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act.

5. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to read as follows:

C.58:11B-21 Financial plan.

21. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the wastewater treatment system projects either on the Interim Financing Program Project Priority List, hereinafter referred to as the "project priority list," or the project eligibility list, approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a wastewater treatment system project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be de-

rived therefrom, and shall summarize the status of each wastewater treatment system project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned wastewater treatment system projects.

The financial plan shall identify the wastewater treatment system projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the wastewater treatment system projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) including a project description, the amount of the loan provided for each project, and the duration of each loan.

6. Section 25 of P.L.1997, c.224 (C.58:11B-21.1) is amended to read as follows:

C.58:11B-21.1 Submission of financial plan to Legislature.

25. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the water supply projects either on the Interim Financing Program Project Priority List, hereinafter referred to as the “project priority list,” or the project eligibility list, approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a water supply project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5

of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each water supply project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned water supply projects.

The financial plan shall identify the water supply projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the water supply projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) including a project description, the amount of the loan provided for each project, and the duration of each loan.

7. Section 27 of P.L.1997, c.224 (C.58:11B-22.2) is amended to read as follows:

C.58:11B-22.2 Submission of consolidated financial plan.

27. As an alternative to the individual annual submissions required by the provisions of sections 21 and 22 of P.L.1985, c.334 (C.58:11B-21 and 58:11B-22), sections 25 and 26 of P.L.1997, c.224 (C.58:11B-21.1 and C.58:11B-22.1) and subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), the trust may develop and submit to the Legislature a consolidated financial plan designed to implement the financing of the wastewater treatment system projects on the project priority list and project eligibility list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20), the water supply projects on the project priority list and project eligibility list approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), the water resources projects and wastewater treatment system projects on the water resources project and wastewater treatment system project priority list and project eligibility list developed pursuant to section 31 of P.L.2003, c.162 and any other environmental infrastructure projects approved by the Legislature.

Repealer.

8. The following sections are repealed:
Section 4 of P.L.2007, c.138 (C.58:11B-9.1);
Section 1 of P.L.2009, c.59 (C.58:11B-9.2);

Section 5 of P.L.2009, c.103 (C.58:11B-9.3);
Section 2 of P.L.2011, c.94 (C.58:11B-9.4); and
Section 1 of P.L.2014, c.28 (C.58:11B-9.6).
9. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 31

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and making an appropriation.

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), is authorized to expend the aggregate sum of up to \$409.35 million and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, section 1 of P.L.2010, c.62, section 1 of P.L.2011, c.95, section 1 of P.L.2012, c.38, section 1 of P.L.2013, c.94, section 1 of P.L.2014, c.26, and section 1 of P.L.2015, c.107 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

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

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

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

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

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

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P.L.2016, c.32 in connection with the project costs of a particular project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan as provided in subsection f. of section 7 of this act.

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

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 for the purposes of issuing loans or providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

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

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

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

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, section 10 of P.L.2010, c.62, section 10 of P.L.2011, c.95, section 10 of P.L.2012, c.38, section 10 of P.L.2013, c.94, section 10 of P.L.2014, c.26, section 10 of P.L.2015, c.107, and section 10 of P.L.2016, c.31 for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the unexpended balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of this act:

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

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

(3) "issuance expenses" means 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; and

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

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

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, and P.L.2016, c.31.

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

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Warren Township SA	S340964-01-1	\$75,000	\$100,000
North Hudson SA	S340952-20-1	\$675,000	\$900,000
Wanaque Valley RSA	S340780-04-1	\$750,000	\$1,000,000
Warren Township SA	S340964-02-1	\$75,000	\$100,000
Burlington Township	S340712-14-1	\$150,000	\$200,000
Ventnor City	S340667-02-1	\$3,750,000	\$5,000,000
Total projects:	6	\$5,475,000	\$7,300,000

(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 2015 and 2016 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

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

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

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Gloucester City	0414001-020-1	\$975,000	\$1,300,000
North Jersey District Water Supply Comm.	1613001-017-1	\$1,125,000	\$1,500,000
Total Projects:	2	\$2,100,000	\$2,800,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amount certified by the chairman of the trust in State fiscal years 2015 and 2016 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

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

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 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., e. or f. of section 7 or section 8 of this act.

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

4. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2017 Clean Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Camden County MUA	S340640-15	\$6,825,000	\$9,100,000
Jersey City MUA	S340928-15	\$30,300,000	\$40,400,000
Elizabeth City	S340942-18	\$3,525,000	\$4,700,000
Ocean County UA	S340372-56	\$6,000,000	\$8,000,000
Bayshore RSA	S340697-05	\$21,150,000	\$28,200,000
Bayshore RSA	S340697-06	\$8,100,000	\$10,800,000
Atlantic County UA	S340809-27	\$2,400,000	\$3,200,000
Middletown Township SA	S340097-04	\$15,675,000	\$20,900,000
Hoboken City	S340635-05	\$3,825,000	\$5,100,000
North Hudson SA	S340952-19	\$3,225,000	\$4,300,000
North Hudson SA	S340952-23	\$1,275,000	\$1,700,000
North Hudson SA	S340952-26	\$675,000	\$900,000
Cumberland County UA	S340550-07	\$937,500	\$1,250,000
Millville City	S340921-07	\$9,000,000	\$12,000,000
Passaic Valley SC	S340689-22	\$2,250,000	\$3,000,000
Passaic Valley SC	S340689-25	\$6,825,000	\$9,100,000
Jersey City MUA	S340928-21	\$9,000,000	\$12,000,000
Bergen County UA	S340386-17	\$7,500,000	\$10,000,000
Kearny MUA	S340259-07	\$4,875,000	\$6,500,000
Cumberland County UA	S340550-08	\$937,500	\$1,250,000
North Wildwood City	S340663-06	\$10,350,000	\$13,800,000
Willingboro MUA	S340132-08	\$1,350,000	\$1,800,000
Ocean County UA	S340372-57	\$2,100,000	\$2,800,000
Perth Amboy City	S340435-15	\$1,500,000	\$2,000,000
Rockaway Valley RSA	S340821-06	\$4,875,000	\$6,500,000
Gloucester Township MUA	S340364-13	\$975,000	\$1,300,000
South Monmouth RSA	S340377-03	\$2,250,000	\$3,000,000
South Monmouth RSA	S340377-04	\$1,200,000	\$1,600,000
South Monmouth RSA	S340377-05	\$2,550,000	\$3,400,000
Washington Township MUA	S340930-03	\$1,725,000	\$2,300,000
Washington Township MUA	S340930-04	\$825,000	\$1,100,000
Montclair Township	S340837-03	\$1,125,000	\$1,500,000
Ocean Township SA	S340750-12	\$3,000,000	\$4,000,000
Pine Hill MUA	S340274-05	\$1,275,000	\$1,700,000

Oradell Borough	S340835-04	\$1,125,000	\$1,500,000
Ocean Township	S340112-07	\$1,875,000	\$2,500,000
Long Beach Township	S340023-06	\$3,750,000	\$5,000,000
Hillsborough Township	S340099-02	\$1,200,000	\$1,600,000
Burlington County	S340818-07	\$1,725,000	\$2,300,000
Carteret Borough	S340939-09	\$6,450,000	\$8,600,000
Hammonton Town	S340927-09	\$3,450,000	\$4,600,000
Sea Girt Borough	S340468-01	\$2,625,000	\$3,500,000
Ventnor City	S340667-03	\$1,200,000	\$1,600,000
Somerville Borough	S342013-01	\$13,050,000	\$17,400,000
Total Projects:	44	\$215,850,000	\$287,800,000

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2017 Drinking Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
Hammonton Town	0113001-011	\$1,425,000	\$1,900,000
Saddle Brook Township	0257001-002	\$1,350,000	\$1,800,000
Bordentown City	0303001-006	\$1,125,000	\$1,500,000
Bordentown City	0303001-007	\$2,100,000	\$2,800,000
Pemberton Township	0329004-004	\$900,000	\$1,200,000
Willingboro MUA	0338001-009	\$5,250,000	\$7,000,000
East Orange Water Commission	0705001-011	\$7,275,000	\$9,700,000
Newark City	0714001-015	\$8,850,000	\$11,800,000
Washington Township MUA	0818004-009	\$600,000	\$800,000
Washington Township MUA	0818004-010	\$1,425,000	\$1,900,000
Washington Township MUA	0818004-011	\$1,200,000	\$1,600,000
Washington Township MUA	0818004-012	\$150,000	\$200,000
Washington Township MUA	0818004-014	\$675,000	\$900,000
Clinton Town	1005001-009	\$900,000	\$1,200,000
Hightstown Borough	1104001-007	\$300,000	\$400,000
Hightstown Borough	1104001-008	\$150,000	\$200,000
Pennington Borough	1108001-001	\$900,000	\$1,200,000
Milltown Borough	1214001-004	\$1,875,000	\$2,500,000
Middlesex Water Company	1225001-016	\$4,275,000	\$5,700,000
Middlesex Water Company	1225001-023	\$5,550,000	\$7,400,000
Berkeley Township MUA	1505004-007	\$525,000	\$700,000
Berkeley Township MUA	1505004-008	\$2,625,000	\$3,500,000

Jackson Township MUA	1511001-010	\$4,425,000	\$5,900,000
Jackson Township MUA	1511001-011	\$1,125,000	\$1,500,000
Little Egg Harbor MUA	1516001-003	\$3,450,000	\$4,600,000
Little Egg Harbor MUA	1516001-500	\$750,000	\$1,000,000
Ocean Township	1520001-007	\$975,000	\$1,300,000
Ocean Gate Borough	1521001-001	\$600,000	\$800,000
Stafford Township	1530004-018	\$1,800,000	\$2,400,000
Stafford Township	1530004-019	\$1,350,000	\$1,800,000
Manchester Utilities Authority	1603001-014	\$1,500,000	\$2,000,000
North Jersey District Water Supply Comm.	1613001-033	\$3,000,000	\$4,000,000
North Shore Water Association	1904004-002	\$337,500	\$450,000
Lake Glenwood Village	1922010-008	\$675,000	\$900,000
Rahway City	2013001-007	\$13,650,000	\$18,200,000
Rahway City	2013001-008	\$2,025,000	\$2,700,000
Total Projects:	36	\$85,087,500	\$113,450,000

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 0% and 75% of the total allowable loan amount, and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 of this act, and up to 100% of the total allowable loan amount for projects certified by the Department of Environmental Protection pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

5. In accordance with and subject to the provisions of sections 5, 6, and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for

the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

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

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

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

c. The loan shall be repaid within a period not to exceed 30 years of the making of the loan;

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

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

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

The eligibility lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2017, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

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

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

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

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

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

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L.2016, c.32 in connection with the project costs of the project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, or P.L.2016, c.31, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

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

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed from repayments of loans deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, the sum of \$500,000,000 consisting of:

(1) The unexpended balance of \$200,000,000 currently on deposit in the special fund (hereinafter referred to as the "Interim Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appro-

appropriated to the trust for such purpose pursuant to section 12 of P.L.2004, c.109, less any Interim Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act; and

(2) such other amounts to be deposited in the Interim Financing Program Fund, in an aggregate amount that does not exceed at any time, the amount appropriated, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Project Priority List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Project Priority List shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly at least once each fiscal year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

c. The trust may issue market rate interest short-term temporary loans for wastewater treatment and water supply projects on the Interim Financing Program Project Priority List for the reduction of lead in publicly-owned facilities otherwise ineligible to receive funding for that purpose pursuant to subsection a. of this section.

11. a. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

(1) sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief

Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof. Any projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

b. The Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. Any environmental infrastructure project or the project sponsor thereof not identified in the Disaster Relief Emergency Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

12. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the trust shall not be required to adopt rules and regulations governing the making of Disaster Relief Emergency Financing Program loans, Planning and Design Financing loans, or Equipment Loan Program loans.

13. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 32

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

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund" established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2016 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

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

(3) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as 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.

(4) There is appropriated to the Department of Environmental Protection from the "Loan Origination Fee Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), and any repayments of loans and interest therefrom, such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) There is appropriated to the Department of Environmental Protection from the "Drinking Water State Revolving Fund" established pursuant to section 1 of P.L.1998, c.84 an amount equal to the federal fiscal year 2016 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996,"

Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

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

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

(6) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Clean Water State Revolving Fund, including the balances from the Federal Disaster Relief Appropriations Act, and any repayments of loans and interest therefrom, for the purposes of clean water project loans and providing the State match as available on or before June 30, 2017, as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), and any repayments of loans and interest therefrom, as available on or before June 30, 2017, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), and any repayments of loans and interest therefrom, as available on or before June 30, 2017, for the purposes of clean water project loans and providing the State match as required or will be required for the award of

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

(9) There is appropriated to the Department of Environmental Protection the unappropriated balances from the “2003 Water Resources and Wastewater Treatment Fund” established pursuant to subsection a. of section 19 of the “Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003” (P.L.2003, c.162), and any repayments of loans and interest therefrom, as available on or before June 30, 2017, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(10) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund, including the balances from the Disaster Relief Appropriations Act of 2013, for the purposes of drinking water project loans and any repayments of loans and interest therefrom, that are or may become available on or before June 30, 2017.

(11) There is appropriated to the Department of Environmental Protection such sums as may be needed from loan repayments and interest earnings from the “Water Supply Fund” established pursuant to section 14 of the “Water Supply Bond Act of 1981” (P.L.1981, c.261) for the “Drinking Water State Revolving Fund Match Accounts” contained within that fund for the purpose of providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(12) There is appropriated to the Department of Environmental Protection from the “Interim Financing Program Fund” created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be or become available on or before June 30, 2017, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Safe Drinking Water Act.

(13) There is appropriated to the Department of Environmental Protection from the “Disaster Relief Emergency Financing Program Fund” created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Drinking

Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as 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.

(14) There is appropriated to the Department of Environmental Protection from the "Loan Origination Fee Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), and any repayments of loans and interest therefrom, such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as 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.

(15) There is appropriated to the Department of Environmental Protection such sums as may be received by the Department of Community Affairs as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as anticipated and upon availability on or before June 30, 2017, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act, respectively.

(16) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2017, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(17) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2017, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as required or will be required for the award of the capitalization

grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(18) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2017, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(19) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, and P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2017, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(20) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "2003 Water Resources and Wastewater Treatment Fund" and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2016, c.31, as available on or before June 30, 2017, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

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

b. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, up to the individual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, and except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 7 of this act, provided:

(1) a maximum of \$3 million in principal forgiveness loans shall be issued to Barnegat Bay Watershed environmental infrastructure projects as provided in subsection a. of section 3 of this act, wherein principal forgiveness shall be a minimum of 25 percent of the fund loan amount per project sponsor;

(2) a maximum of \$60 million shall be issued to finance clean water redevelopment projects as provided in subsection a. of section 3 of this act;

(3) a maximum of \$3 million in principal forgiveness loans shall be issued as provided in subsection a. of section 3 of this act, addressing combined sewer overflow abatement projects, including projects that use practices that restore natural hydrology through infiltration, evapotranspiration, or the usage or harvesting of stormwater, wherein principal forgiveness loans shall be a minimum of 25 percent of the fund loan amount per project in an amount not to exceed \$1 million of principal forgiveness per project sponsor; and

(4) those projects listed in subsection a. of section 2 of this act and subsection a. of section 3 of this act that were previously identified in P.L.2015, c.108 are granted continued priority status and shall be subject to the provisions of P.L.2015, c.108, provided such projects receive short-term funding prior to June 30, 2017.

c. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of 30 percent of the 2016 Drinking Water State Revolving Fund loans not to exceed \$5 million may be issued as provided in subsection b. of section 3 of this act for drinking water systems, as follows:

(a) up to \$500,000 of Drinking Water State Revolving Fund loans shall be available for drinking water systems serving up to 500 residents wherein principal forgiveness shall be 100 percent of the total loan amount;

(b) any unexpended funds available pursuant to subparagraph (a) of this paragraph shall be available for drinking water systems serving populations greater than 500 residents and up to 10,000 residents wherein principal forgiveness shall not exceed \$500,000 in aggregate when accounting for the principal forgiveness loans issued pursuant to subparagraph (a) of this paragraph, and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed \$1 million per project sponsor.

Loans for drinking water systems serving 500 or fewer residents shall be given the highest priority, followed by systems serving between 501 to 10,000 residents; and

(c) any unexpended funds available pursuant to subparagraphs (a) and (b) of this paragraph shall be available for municipally-owned drinking water systems needing treatment for a national primary drinking water contaminant or a State-regulated primary contaminant wherein the principal forgiveness shall not exceed 20 percent of the total loan amount not to exceed \$2 million per project sponsor.

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act. Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4 or 5 of this act.

(2) Those projects listed in subsection b. of section 2 of this act and subsection b. of section 3 of this act that were previously identified in P.L.2015, c.108 are granted continued priority status and shall be subject to the provisions of P.L.2015, c.108 provided such projects receive short-term funding prior to June 30, 2016.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102, sections 1 and 2 of P.L.2010, c.63, sections 1 and 2 of P.L.2011, c.93, sections 1 and 2 of P.L.2012, c.43, sections 1 and 2 of P.L.2013, c.95, sections 1 and 2 of P.L.2014, c.25, and sections 1 and 2 of P.L.2015, c.108, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, section 6 of P.L.2007, c.139, section 6 of P.L.2008, c.68, section 7 of P.L.2009, c.102, section 6 of P.L.2010, c.63, section 6 of P.L.2011, c.93, section 6 of P.L.2012, c.43, section 6 of P.L.2013, c.95, section 6 of P.L.2014, c.25, and section 6 of P.L.2015, c.108, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein

during State fiscal year 2015 and State fiscal year 2016 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

e. The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a. of section 3 of this act for clean water projects and subsection b. of section 3 of this act for drinking water projects, in a manner consistent with the Federal Disaster Relief Appropriations Act, up to the individual amounts indicated, except that any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4, 5, or 7 of this act, provided:

(1) a maximum of \$140 million shall be provided for Sandy financing loans for clean water and \$30 million for drinking water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster; and

(2) a maximum of \$10 million shall be provided in the form of principal forgiveness loans for drinking water projects to provide auxiliary power to publicly-owned facilities affected by Storm Sandy.

f. For the purposes of this act:

"Base financing" means zero interest loans provided by the Department of Environmental Protection from moneys made available for the purposes of this act from any source other than funds received pursuant to the Federal Disaster Relief Appropriations Act, related State matching funds, and interest earned thereon.

"Federal Disaster Relief Appropriations Act" means the "Disaster Relief Appropriations of 2013" (Pub.L.113-2), and any amendatory and supplementary acts thereto.

"Sandy financing" or "Sandy funding" means grants, zero interest loans or principal forgiveness loans provided by the Department of Environmental Protection from funds made available to the State for clean water projects, clean water project match, drinking water projects or drinking water project match pursuant to the Federal Disaster Relief Appropriations Act.

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project

sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Warren Township SA	S340964-01-1	\$75,000	\$100,000
North Hudson SA	S340952-20-1	\$675,000	\$900,000
Wanaque Valley RSA	S340780-04-1	\$750,000	\$1,000,000
Warren Township SA	S340964-02-1	\$75,000	\$100,000
Burlington Township	S340712-14-1	\$150,000	\$200,000
Ventnor City	S340667-02-1	\$3,750,000	\$5,000,000
Total projects:	6	\$5,475,000	\$7,300,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 7 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2015 and 2016 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

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

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

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Gloucester City	0414001-020-1	\$975,000	\$1,300,000
North Jersey District Water Supply Comm.	1613001-017-1	\$1,125,000	\$1,500,000
Total Projects:	2	\$2,100,000	\$2,800,000

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to section 6 of this act and the loan amount certified by the Commissioner of Environmental Protection in State fiscal year 2015 and 2016 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

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

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

3. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2017 Clean Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Camden County MUA	S340640-15	\$6,825,000	\$9,100,000
Jersey City MUA	S340928-15	\$30,300,000	\$40,400,000
Elizabeth City	S340942-18	\$3,525,000	\$4,700,000
Ocean County UA	S340372-56	\$6,000,000	\$8,000,000
Bayshore RSA	S340697-05	\$21,150,000	\$28,200,000
Bayshore RSA	S340697-06	\$8,100,000	\$10,800,000
Atlantic County UA	S340809-27	\$2,400,000	\$3,200,000
Middletown Township SA	S340097-04	\$15,675,000	\$20,900,000
Hoboken City	S340635-05	\$3,825,000	\$5,100,000
North Hudson SA	S340952-19	\$3,225,000	\$4,300,000
North Hudson SA	S340952-23	\$1,275,000	\$1,700,000
North Hudson SA	S340952-26	\$675,000	\$900,000
Cumberland County UA	S340550-07	\$937,500	\$1,250,000
Millville City	S340921-07	\$9,000,000	\$12,000,000

Passaic Valley SC	S340689-22	\$2,250,000	\$3,000,000
Passaic Valley SC	S340689-25	\$6,825,000	\$9,100,000
Jersey City MUA	S340928-21	\$9,000,000	\$12,000,000
Bergen County UA	S340386-17	\$7,500,000	\$10,000,000
Kearny MUA	S340259-07	\$4,875,000	\$6,500,000
Cumberland County UA	S340550-08	\$937,500	\$1,250,000
North Wildwood City	S340663-06	\$10,350,000	\$13,800,000
Willingboro MUA	S340132-08	\$1,350,000	\$1,800,000
Ocean County UA	S340372-57	\$2,100,000	\$2,800,000
Perth Amboy City	S340435-15	\$1,500,000	\$2,000,000
Rockaway Valley RSA	S340821-06	\$4,875,000	\$6,500,000
Gloucester Township MUA	S340364-13	\$975,000	\$1,300,000
South Monmouth RSA	S340377-03	\$2,250,000	\$3,000,000
South Monmouth RSA	S340377-04	\$1,200,000	\$1,600,000
South Monmouth RSA	S340377-05	\$2,550,000	\$3,400,000
Washington Township MUA	S340930-03	\$1,725,000	\$2,300,000
Washington Township MUA	S340930-04	\$825,000	\$1,100,000
Montclair Township	S340837-03	\$1,125,000	\$1,500,000
Ocean Township SA	S340750-12	\$3,000,000	\$4,000,000
Pine Hill MUA	S340274-05	\$1,275,000	\$1,700,000
Oradell Borough	S340835-04	\$1,125,000	\$1,500,000
Ocean Township	S340112-07	\$1,875,000	\$2,500,000
Long Beach Township	S340023-06	\$3,750,000	\$5,000,000
Hillsborough Township	S340099-02	\$1,200,000	\$1,600,000
Burlington County	S340818-07	\$1,725,000	\$2,300,000
Carteret Borough	S340939-09	\$6,450,000	\$8,600,000
Hammonton Town	S340927-09	\$3,450,000	\$4,600,000
Sea Girt Borough	S340468-01	\$2,625,000	\$3,500,000
Ventnor City	S340667-03	\$1,200,000	\$1,600,000
Somerville Borough	S342013-01	\$13,050,000	\$17,400,000
Total Projects:	44	\$215,850,000	\$287,800,000

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2017 Drinking Water Project Eligibility List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Hammonton Town	0113001-011	\$1,425,000	\$1,900,000
Saddle Brook Township	0257001-002	\$1,350,000	\$1,800,000
Bordentown City	0303001-006	\$1,125,000	\$1,500,000

Bordentown City	0303001-007	\$2,100,000	\$2,800,000
Pemberton Township	0329004-004	\$900,000	\$1,200,000
Willingboro MUA	0338001-009	\$5,250,000	\$7,000,000
East Orange Water Commission	0705001-011	\$7,275,000	\$9,700,000
Newark City	0714001-015	\$8,850,000	\$11,800,000
Washington Township MUA	0818004-009	\$600,000	\$800,000
Washington Township MUA	0818004-010	\$1,425,000	\$1,900,000
Washington Township MUA	0818004-011	\$1,200,000	\$1,600,000
Washington Township MUA	0818004-012	\$150,000	\$200,000
Washington Township MUA	0818004-014	\$675,000	\$900,000
Clinton Town	1005001-009	\$900,000	\$1,200,000
Hightstown Borough	1104001-007	\$300,000	\$400,000
Hightstown Borough	1104001-008	\$150,000	\$200,000
Pennington Borough	1108001-001	\$900,000	\$1,200,000
Milltown Borough	1214001-004	\$1,875,000	\$2,500,000
Middlesex Water Company	1225001-016	\$4,275,000	\$5,700,000
Middlesex Water Company	1225001-023	\$5,550,000	\$7,400,000
Berkeley Township MUA	1505004-007	\$525,000	\$700,000
Berkeley Township MUA	1505004-008	\$2,625,000	\$3,500,000
Jackson Township MUA	1511001-010	\$4,425,000	\$5,900,000
Jackson Township MUA	1511001-011	\$1,125,000	\$1,500,000
Little Egg Harbor MUA	1516001-003	\$3,450,000	\$4,600,000
Little Egg Harbor MUA	1516001-500	\$750,000	\$1,000,000
Ocean Township	1520001-007	\$975,000	\$1,300,000
Ocean Gate Borough	1521001-001	\$600,000	\$800,000
Stafford Township	1530004-018	\$1,800,000	\$2,400,000
Stafford Township	1530004-019	\$1,350,000	\$1,800,000
Manchester Utilities Authority	1603001-014	\$1,500,000	\$2,000,000
North Jersey District Water Supply Comm.	1613001-033	\$3,000,000	\$4,000,000
North Shore Water Association	1904004-002	\$337,500	\$450,000
Lake Glenwood Village	1922010-008	\$675,000	\$900,000
Rahway City	2013001-007	\$13,650,000	\$18,200,000
Rahway City	2013001-008	\$2,025,000	\$2,700,000
Total Projects: 36		\$85,087,500	\$113,450,000

c. The Department of Environmental Protection is authorized to adjust the allowable Department of Environmental Protection loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount and loan amounts to less than 25% to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

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

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

b. The estimated Department of Environmental Protection allowable loan amount shall not exceed 75% of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsections a. and b. of section 2 of this act, and in subsections a. and b. of section 3 of this act, provided that:

(1) for clean water loans to municipalities that do not satisfy the New Jersey Environmental Infrastructure Trust credit policy but are subject to State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), the Department of Environmental Protection allowable loan amount shall be up to 100% of the total allowable loan amount not to exceed a total of \$10,000,000 for all such loans;

(2) for clean water and drinking water loans to municipalities receiving funding under the United States Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Program (CDBG-DR) the Department of Environmental Protection allowable loan amount shall be up to 100% of the total allowable loan amount; and

(3) for loans to drinking water systems serving 500 or fewer residents the Department of Environmental Protection allowable loan amount shall be 100% of the total allowable loan amount not to exceed a total of \$500,000 for all such loans. The loan amount for supplemental loans shall not exceed that percentage of the allowable project cost of the project's initial program loan; and

(4) for loans to communities in a combined sewer overflow sewershed sponsoring construction projects that reduce or eliminate excessive infiltration, inflow, or extraneous flows, the Department of Environmental Protection allowable loan amount shall be up to 100% of the total allowable loan amount;

c. The loan shall be repaid within a period not to exceed 30 years of the making of the loan; and

d. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the New Jersey Environmental Infrastructure Trust pursuant to P.L.2016, c.31,

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

(1) The commissioner has certified that the project is in compliance with the provisions of Title X, Chapter 7 of the Federal "Disaster Relief Appropriations Act of 2013" (Pub.L.113-2), and any amendatory and supplementary acts thereto; and

(2) 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 total amount of Sandy financing loans received by any project sponsor for drinking water projects listed in subsection b. of section 3 of this act shall not exceed \$15 million of which not more than \$4.5 million of the principal may be forgiven. In the event a project sponsor's individual loan needs exceed \$15 million, the borrower may select which of its projects it will seek funding pursuant to this section, and the borrower may seek a loan for excess costs in a base financing loan. In the event that additional Sandy funding becomes available because project sponsors do not close on loans or the project sponsors loan requests are less than originally applied for, the loan not to exceed amount may be increased to the extent needed to assure full utilization of Sandy funding for drinking water projects, provided:

(1) the loan shall be repaid within a period not to exceed 30 years of the making of the loan;

(2) the loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2016, c.31 prior to June 30, 2017; and

(3) 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.2016, c.31 prior to June 30, 2017, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

6. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2017, 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.

7. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2), or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the estimated total allowable loan amount. The commissioner is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the Department of Environmental Protection's guidance for asset management, emergency response, flood protection, and auxiliary power.

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

9. 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.

10. a. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003

Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, 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.2016, c.31, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the Clean Water State Revolving Fund pursuant to section 1 and 2 of P.L. 2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63, P.L.2011, c.93, P.L.2012, c.43, P.L.2013, c.95, P.L.2014, c.25, P.L.2015, c.108, or P.L.2016, c.32 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107 or P.L.2016, c.31, and to secure the administrative fees

payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

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

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

12. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans and interest deposited in any account, on or before June 30, 2017, including the "Clean Water State Revolving Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

13. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), funds from the Federal Disaster Relief Appropriations Act, Pub.L.113-2, deposited in any account including the Clean Water State Revolving Fund, the "Water Supply Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust certifies to the Commis-

sioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

14. This act shall take effect immediately.

Approved August 18, 2016.

CHAPTER 33

AN ACT concerning the operation of New Jersey Transit Corporation trains and supplementing Title 27 of the Revised Statutes.

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

C.27:25-5.20 Findings, declarations relative to operation of trains.

1. The Legislature finds and declares that:
 - a. It is necessary to prohibit a person whose driver's license is suspended or revoked from operating a train in this State in order to eliminate or reduce an essentially local safety hazard;
 - b. This prohibition is not incompatible with a law, regulation, or order of the United States Government; and
 - c. The prohibition does not impose an unreasonable burden on interstate commerce.

C.27:25-5.21 Person with suspended driver's license prohibited from operating a train.

2. A person whose driver's license is suspended or revoked for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), or a law of a substantially similar nature in another jurisdiction shall not operate, during the period of suspension or revocation, a locomotive or train provided by the New Jersey Transit Corporation, or any public or private entity under contract to the corporation.

3. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 34

AN ACT establishing the Hunterdon–Somerset Flood Advisory Task Force.

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

1. a. There is established the “Hunterdon–Somerset Flood Advisory Task Force.” The purpose of the task force shall be to review past flooding events within Hunterdon and Somerset counties from flooding of the Delaware River and the Raritan River and their respective tributaries, and recommend measures to reduce future impacts resulting from flooding on residents, businesses, and local government units in the Delaware River and Raritan River basins.

b. The task force shall seek to identify both short-term and long-term recommendations to enhance flood mitigation efforts and emergency response planning, and streamline requirements that may impede post-flooding recovery. The task force shall review the status and effectiveness of the emergency response plans for Hunterdon and Somerset counties and the municipalities located therein. In reviewing the circumstances surrounding flooding within Hunterdon and Somerset counties from the Delaware River and the Raritan River and their respective tributaries in recent years, the task force shall identify ways to minimize damage in the future, including consideration of the purchase of properties that have been damaged by storms or storm-related flooding, that appear likely to incur such damage, or that may buffer or protect other lands from such damage.

c. The task force shall call upon the Federal Emergency Management Agency and request the participation of a representative from that agency to serve on the task force, as a non-voting member, to provide information on the current status of flood mitigation efforts in the State.

d. In conducting its business, the task force may consider the “Report on Delaware River Flood Mitigation,” issued on August 22, 2006 by the New Jersey Flood Mitigation Task Force. The Hunterdon–Somerset Flood Advisory Task Force may also look at the efforts of the Passaic River Basin Flood Task Force and the Passaic River Basin Flood Advisory Commission to see if any of the research and recommendations concerning the Passaic River basin may be applicable to address issues within the Delaware River and Raritan River basins. The task force may also consult with experts in the public or private sector on any aspect of its mission.

2. a. The task force shall consist of 11 members as follows:

(1) the Commissioner of Environmental Protection, or the commissioner's designee;

(2) the Director of the State Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety, or the director's designee;

(3) two mayors who represent municipalities located in the Delaware River basin;

(4) two mayors who represent municipalities located in the Raritan River basin;

(5) one representative from the Hunterdon County Office of Emergency Management;

(6) one representative from the Somerset County Office of Emergency Management;

(7) one representative from the Millstone and Raritan Rivers Flood Control Commission; and

(8) two members of the public who shall be individuals with relevant expertise in the areas of engineering, flood mitigation, public planning, environmental protection, or related issues.

b. The members set forth in paragraphs (3) through (8) of subsection a. of this section shall be appointed by the Governor within 30 days after the date of enactment of this act. Any vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

c. The task force shall organize as soon as may be practicable after the appointment of its members, and shall select a chairperson from among its members and a secretary who need not be a member of the task force.

d. The task force shall meet regularly as it may determine, and shall also meet at the call of the chairperson of the task force or a majority of the membership.

e. A majority of the membership of the task force shall constitute a quorum for the transaction of task force business. Action may be taken and motions and resolutions adopted by the task force at any meeting thereof by the affirmative vote of a majority of the membership of the task force in attendance at the meeting.

f. Members of the task force 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.

g. The task force shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county, or municipal depart-

ment, authority, board, bureau, commission, agency as it may require and as may be available to it for the purpose of carrying out its duties under this act.

h. The Department of Environmental Protection shall provide primary staff support to the task force.

3. The task force shall prepare and submit a final report, including its findings, conclusions, and recommendations, to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within one year after its organization. Copies of the report shall be posted on the Internet website of the Department of Environmental Protection, and printed copies of the report shall be provided to the public upon request and free of charge.

4. This act shall take effect immediately and shall expire on the 30th day after the task force submits the final report required pursuant to section 3 of this act.

Approved August 31, 2016.

CHAPTER 35

AN ACT regulating autocycles, amending R.S.39:1-1, P.L.1967, c.237, and P.L.1972, c.70, and supplementing Title 39 of the Revised Statutes.

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

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

Words and phrases defined.

39:1-1. As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature:

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width.

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the chief administrator when operated in response to an emergency call.

"Autocycle" means a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passen-

ger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes.

"Automobile" includes all motor vehicles except motorcycles.

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel.

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

"Car pool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less.

"Chief Administrator" or "Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L.2003, c.13 (C.39:2A-4).

"Commissioner" means the Commissioner of Transportation of this State.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Crosswalk" means that part of a highway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.

"Curb extension" or "bulbout" means a horizontal extension of the sidewalk into the street which results in a narrower roadway section.

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business.

"Deputy Chief Administrator" means the deputy chief administrator of the commission.

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Flammable liquid" means any liquid having a flash point below 200 degrees Fahrenheit, and a vapor pressure not exceeding 40 pounds.

"Gross weight" means the combined weight of a vehicle and a load thereon.

"High occupancy vehicle" or "HOV" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden.

"Inside lane" means the lane nearest the center line of the roadway.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another.

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

"Leased limousine" means any limousine subject to regulation in the State which:

a. Is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

"Leased motor vehicle" means any motor vehicle subject to registration in this State which:

a. Is offered for rental or lease, without a driver, to be operated by the lessee, his agent or servant, for purposes other than the transportation of passengers for hire; and

b. Is leased or rented for a period of one year or more following registration.

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway; and includes any highway designated as a "freeway" or "parkway" by authority of law.

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads.

"Low-speed vehicle" means a four-wheeled low-speed vehicle, as defined in 49 CFR s.571.3(b), whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 CFR s.571.500.

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the chief administrator.

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles.

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

"Mid-block crosswalk" means a crosswalk located away from an intersection, distinctly indicated by lines or markings on the surface.

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc. or said motor is rated at no more than 1.5 brake horsepower or is powered

by an electric drive motor and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

"Motorcycle" includes motorcycles, autocycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Motorized scooter" means a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards and other vehicles with motors not manufactured in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer. This term shall not include: electric personal assistive mobility devices, motorized bicycles or low-speed vehicles; or motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness.

"Motorized skateboard" means a skateboard that is propelled otherwise than by muscular power.

"Motorized wheelchair" means any motor-driven wheelchair utilized to increase the independent mobility, in the activities of daily living, of an individual who has limited or no ambulation abilities, and includes mobility scooters manufactured specifically for such purposes and designed primarily for indoor use.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Operator" means a person who is in actual physical control of a vehicle or street car.

"Outside lane" means the lane nearest the curb or outer edge of the roadway.

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pedestrian" means a person afoot.

"Person" includes natural persons, firms, copartnerships, associations, and corporations.

"Pneumatic tire" means every tire in which compressed air is designed to support the load.

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

"Recreation vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway.

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. The term shall include such ridesharing arrangements known as car pools and van pools.

"Right-of-way" means the privilege of the immediate use of the highway.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively.

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for the transportation of children to or from school for secular or religious education, which complies with the regulations of the New Jersey Motor Vehicle Commission affecting school buses, including "School Vehicle Type I" and "School Vehicle Type II" as defined below:

"School Vehicle Type I" means any vehicle designed to transport 16 or more passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the New Jersey Motor Vehicle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School Vehicle Type II" means any vehicle designed to transport less than 16 passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education. Such vehicle shall comply with the regulations of the New Jersey Motor Vehi-

cle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency.

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the chief administrator and in accordance with law.

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school.

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipper" means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle. In the case of a sealed ocean container, "shipper" shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container.

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line.

"Sign." See "Official traffic control devices."

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible.

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Street" means the same as highway.

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality.

"Stop," when required, means complete cessation from movement.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Suburban business or residential district" means that portion of highway and the territory contiguous thereto, where within any 1,320 feet along

that highway there is land in use for business or residential purposes and that land occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway.

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed.

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Van pooling" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

C.39:3-10.34 Registration of autocycle as motorcycle; rules, regulations.

2. a. An autocycle shall be registered as a motorcycle pursuant to R.S.39:3-4.

b. A person shall not be required to hold a motorcycle license or a motorcycle endorsement to operate an autocycle if the person holds a basic driver's license to operate a motor vehicle pursuant to R.S.39:3-10.

c. A person shall not drive, operate, or ride as a passenger in an autocycle without: (1) sitting on a seat; (2) properly using a safety seat belt; and

(3) wearing a securely fitted protective helmet pursuant to section 6 of P.L.1967, c.237 (C.39:3-76.7) if required.

d. A person operating an autocycle shall not permit a child to be a passenger in the autocycle if the child would be required to be secured in a child passenger restraint system, pursuant to section 1 of P.L.1983, c.128 (C.39:3-76.2a).

e. An owner or registered owner of an autocycle registered or principally garaged in this State shall maintain motor vehicle liability insurance coverage pursuant to section 1 of P.L.1972, c.197 (C.39:6B-1), personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), and uninsured motorist coverage pursuant to section 14 of P.L.1972, c.70 (C.39:6A-14).

f. The chief administrator shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to implement this act. The chief administrator may include information on autocycles in the commission's driver's manual and on its Internet website.

3. Section 2 of P.L.1967, c.237 (C.39:3-76.3) is amended to read as follows:

C.39:3-76.3 Motorcycles, height of handle bar grips.

2. No person shall operate on a public highway a motorcycle on which the handle bar grips are higher than the shoulder height of the operator when seated. For the purposes of this section, a motorcycle shall not include an autocycle.

4. Section 6 of P.L.1967, c.237 (C.39:3-76.7) is amended to read as follows:

C.39:3-76.7 Protective helmets.

6. a. A person shall not operate or ride upon a motorcycle unless the person is wearing a securely fitted protective helmet of a size proper for that person and of a type approved by the chief administrator. A helmet shall be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The chief administrator is authorized and empowered to adopt rules and regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder. For the purposes of this section, a motorcycle shall not include an autocycle that is completely

enclosed or any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering.

b. The chief administrator shall not assess motor vehicle points for the failure of a motorcycle operator or rider to wear a protective helmet.

5. Section 8 of P.L.1967, c.237 (C.39:3-76.9) is amended to read as follows:

C.39:3-76.9 Wind screen; goggles, face shields not necessary.

8. The provisions of section 7 of P.L.1967, c.237 (C.39:3-76.8) with respect to goggles and face shields shall not apply to the operator of a motorcycle equipped with a wind screen or an autocycle that meets the specifications established by the chief administrator.

6. Section 14 of P.L.1972, c.70 (C.39:6A-14) is amended to read as follows:

C.39:6A-14 Compulsory uninsured motorist coverage.

14. Every owner or registrant of an automobile or autocycle registered or principally garaged in this State shall maintain uninsured motorist coverage as provided in P.L.1968, c.385 (C.17:28-1.1).

7. This act shall take effect immediately, except that subsection a. of section 2 of P.L.2016, c.35 (C.39:3-10.34) shall remain inoperative until six months following the date of enactment, provided, however, that the Chief Administrator of the New Jersey Motor Vehicle Commission may take such anticipatory actions as may be necessary for the timely implementation of the provisions of that subsection.

Approved August 31, 2016.

CHAPTER 36

AN ACT concerning sterile syringe access programs, amending P.L.2006, c.99.

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

1. Section 2 of P.L.2006, c.99 (C.26:5C-26) is amended to read as follows:

C.26:5C-26 Findings, declarations relative to sterile syringe access programs.

2. The Legislature finds and declares that:
 - a. Injection drug use is one of the most common methods of transmission of HIV, hepatitis C, and other bloodborne pathogens;
 - 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;
 - 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 establish 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.

2. Section 3 of P.L.2006, c.99 (C.26:5C-27) is amended to read as follows:

C.26:5C-27 Operation of sterile syringe access program.

3. The Commissioner of Health shall establish a program to permit a municipality to operate a sterile syringe access program in accordance with the provisions of P.L.2006, c.99 (C.26:5C-25 et seq.), as amended by P.L.2016, c.36. 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 P.L.2006, c.99 (C.26:5C-25 et seq.), and consistent with the rules adopted at N.J.A.C.8:63-1.1 et seq., effective April 9, 2007.

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 P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36;

(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 P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36, 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 linkage of sterile syringe access programs to: (a) health care facilities and programs that may provide appropriate health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services to consumers participating in a sterile syringe access program; and (b) housing assistance programs, career and employment-related counseling programs, and education counseling programs that may provide appropriate ancillary support services to consumers participating in a sterile syringe access 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 (9) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36; and

(5) maintain a record of the data reported to the commissioner by sterile syringe access programs pursuant to paragraph (11) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36.

b. The commissioner shall be authorized to accept funding as may be made available from the private sector to effectuate the purposes of P.L.2006, c.99 (C.26:5C-25 et seq.), as amended by P.L.2016, c.36.

3. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to read as follows:

C.26:5C-29 Reports to Governor, Legislature.

5. a. (1) The Commissioner of Health shall report to the Governor and, pursuant to section 2 of P.L.1991, 164 (C.52:14-19.1), the Legislature, no later than one year after the effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) 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), as amended by P.L.2016, c.36, and shall include in that report the data provided to the commissioner by each sterile syringe access program pursuant to paragraph (11) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36.

(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. (Deleted by amendment, P.L.2016, c.36)

c. The commissioner shall prepare a detailed analysis of the sterile syringe access programs, and 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 annually. The analysis shall include, but not be limited to:

(1) any increase or decrease in the spread of HIV, hepatitis C and other bloodborne 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. (Deleted by amendment, P.L.2016, c.36).

4. Section 8 of P.L.2006, c.99 (C.2C:36-6a) is amended to read as follows:

C.2C:36-6a Possession of hypodermic syringe, needle under 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), as amended by P.L.2016, c.36, 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.

5. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 37

AN ACT concerning inmate telephone charges and supplementing Title 30 of the Revised Statutes.

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

C.30:4-8.11 "Private correctional facility" defined.

1. For the purposes of this act, "private correctional facility" means any private facility detaining persons pursuant to any intergovernmental service agreement or other contract with any federal, State, or county agency, including but not limited to United States Immigration and Customs Enforcement, and including any private facility authorized under the provisions of P.L.1999, c.243 (C.30:4-91.9 et seq.).

C.30:4-8.12 Telephone service contracts for inmates.

2. a. All telephone service contracts for inmates in State or county correctional facilities shall be subject to the procurement provisions set forth in chapter 34 of Title 52 of the Revised Statutes and chapter 11 of Title 40A of the New Jersey Statutes; provided, however, the State Treasurer or appropriate person on behalf of the county or private correctional facility shall contract with the qualified vendor whose rate shall not exceed 11 cents per minute for domestic debit, prepaid, and collect calls and who does not bill

to any party any service charge or additional fee exceeding the per minute rate, including, but not limited to, any per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge, or refund fee.

b. A State, county, or private correctional facility shall not accept or receive a commission or impose a surcharge for telephone usage by inmates in addition to the charges imposed by the telephone service provider. For the purposes of this section, “commission” means any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, or technology allowance. A commission or surcharge shall not include any product or the like that is related to the completion of voice-only calls, inmate telephone service maintenance, the analysis of telephone records and related financial data for investigative or other purposes, or security enhancements, including, but not limited to, voice recognition software, text analytics, or aggregate data analytical software.

c. Telephone services made available through a prepaid or collect call system established pursuant to section 3 of this act may include international calls; provided however, that if international calls are included in the telephone services made available for inmates, those calls shall be made available at reasonable rates subject to Federal Communications Commission rules and regulations, but not to exceed 25 cents per minute.

C.30:4-8.13 Availability of collect call system for inmates.

3. a. The Department of Corrections, each county correctional facility, and each private correctional facility shall make available either a prepaid or collect call system, or a combination thereof, for telephone services for inmates.

b. Under a prepaid system, funds may be deposited into an inmate account in order to pay for telephone calls, provided that nothing in this section shall require the department, county, or private correctional facility to provide or administer a prepaid system.

c. The provider of the inmate telephone service, as an additional means of payment, shall permit the recipient of inmate collect calls to establish an account with that provider in order to deposit funds for advance payment of those collect calls.

d. For the purposes of this section, a “collect call system” means a call system pursuant to which recipients are billed for the cost of an accepted telephone call initiated by an inmate.

C.30:4-8.14 Rules, regulations.

4. The department shall establish rules and regulations or departmental procedures to ensure that any inmate telephone call system established by

this act provides reasonable security measures to preserve the safety and security of each State and county correctional facility, staff member, and person outside a facility who may receive inmate telephone calls.

5. This act shall take effect immediately and section 2 shall apply to any new or renewal contract for inmate telephone services in effect on or after the date of enactment; provided however that section 3 of this act shall remain inoperative until the first day of the fourth month after the date of enactment.

Approved August 31, 2016.

CHAPTER 38

AN ACT concerning the calculation of net premiums on certain policies of life insurance for the purposes of certain assessments on insurers and amending P.L.1995, c.156 and P.L.1983, c.320.

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

C.17:1C-20 Certification of expenses incurred, apportionment.

1. Section 2 of P.L.1995, c.156 (C.17:1C-20) is amended to read as follows:

2. a. The Director of the Division of Budget and Accounting in the Department of the Treasury shall, on or before August 15 in each year, ascertain and certify to the Commissioner of Banking and Insurance by category the total amount of expenses incurred by the State in connection with the administration of the special functions of the Division of Insurance in the Department of Banking and Insurance relative to the financial regulation, supervision and monitoring of insurers and health maintenance organizations during the preceding fiscal year. Those expenses shall include, in addition to the direct cost of personal service, the cost of maintenance and operation, the cost of employee benefits and the workers' compensation paid for and on account of personnel, rentals for space occupied in State-owned or State-leased buildings and all other direct and indirect costs of the administration of those functions of the department, as well as any amounts remaining uncollected from the special purpose apportionment of the previous fiscal year. Certification made pursuant to this subsection shall be made by the Director of the Division of Budget and Accounting in consid-

eration of revenues paid by insurers and health maintenance organizations pursuant to all other special purpose assessments made pursuant to applicable law in effect on the effective date of this act.

b. (1) Upon receipt of the certification made by the Director of the Division of Budget and Accounting pursuant to subsection a. of this section, but no later than September 1 in each year following the close of the previous fiscal year, the commissioner shall issue, in accordance with the provisions of this section, a special purpose apportionment for the amount of the expenses incurred by, or on behalf of, the department for those special purposes recognized in this act.

(2) Special purpose apportionments made pursuant to this section shall be distributed among all of the companies engaged in business pursuant to subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.), subtitle 3 of Title 17B of the New Jersey Statutes (N.J.S.17B:17-1 et seq.), and P.L.1973, c.337 (C.26:2J-1 et seq.), in this State in the proportion that the net written premiums received by each of them for such insurance written or renewed on risks, in this State during the calendar year immediately preceding, bears to the sum total of all such net written premiums received by all companies writing that insurance or coverage within the State during that calendar year, as reported.

"Net written premiums received" means gross direct premiums written, less return premiums thereon and dividends credited or paid to policyholders as reported on the company's annual financial statement. For the purpose of calculating the apportionment amount for companies engaged in business pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), "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). In determining the apportionment amount pursuant to this section, the net written premiums received by a company, other than a domestic insurer as defined in subsection a. of N.J.S.17B:17-7 that sells life insurance as defined in N.J.S.17B:17-3, including annuities as defined in N.J.S.17B:17-5, shall not exceed \$100,000,000 on any one contract of insurance.

For the purpose of calculating the special purpose apportionment, any such premium excluded from the reporting of "net written premiums received" by virtue of the preceding sentence shall be allocated among those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3 to be included with the "net written premiums received" reported by those companies. Such excluded premium shall be allocated among those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3, on a

pro rata basis based on the proportion that the net written premiums received by each of them for insurance written or renewed on risks in this State during the calendar year immediately preceding bears to the sum total of all such net written premiums received by those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3, within the State during that calendar year.

c. For the purposes of this section, no company shall be required to pay a special purpose apportionment which exceeds .10 percent of its net written premiums received during the calendar year immediately preceding.

d. The commissioner shall certify the amount of the special purpose apportionment issued to each company. Each company shall remit the amount so certified and apportioned to it to the department in accordance with the procedures established in this act. Amounts collected by the department shall be used for reimbursement to the State for expenses incurred in connection with the special functions of the Division of Insurance relative to the financial regulation, supervision and monitoring of insurers and health maintenance organizations, provided that the amount collected for those expenses shall not exceed the amount appropriated by the Legislature for those expenses.

2. Section 8 of P.L.1983, c.320 (C.17:33A-8) is amended to read as follows:

C.17:33A-8 Bureau of Fraud Deterrence.

8. a. (1) There is established in the Department of Banking and Insurance the Bureau of Fraud Deterrence. The bureau shall assist the commissioner in administratively investigating allegations of insurance fraud in consultation with the Office of the Insurance Fraud Prosecutor in accordance with subsection a. of section 9 of P.L.1983, c.320 (C.17:33A-9), and implementing programs to prevent insurance fraud and abuse. When so required by the commissioner and the Attorney General, the bureau shall cooperate with the Attorney General in the investigation and prosecution of criminal violations.

(2) In order to achieve administrative efficiencies, and notwithstanding the provisions of section 33 of P.L.1998, c.21 (C.17:33A-17), all civil investigators in the Office of the Insurance Fraud Prosecutor, other than those assigned to the Case Screening, Litigation and Analytical Support Unit, and those additional administrative and clerical support personnel as may be mutually agreed to by the commissioner and the Attorney General, shall be transferred to the Bureau of Fraud Deterrence in the Department of Banking and Insurance. Personnel transferred from the Office of the Insurance

Fraud Prosecutor in the Department of Law and Public Safety to the Department of Banking and Insurance pursuant to this paragraph shall be transferred with all tenure rights and any rights or protections provided by Title 11A of the New Jersey Statutes or other applicable statute, and any pension law or retirement system, as provided in the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. The commissioner shall appoint the full-time supervisory and investigative personnel of the bureau, including the assistant commissioner, who, except as provided in subsections a. and d. of this section, shall hold their employment at the pleasure of the commissioner without regard to the provisions of Title 11A of the New Jersey Statutes and shall receive such salaries as the commissioner from time to time designates, and who shall be qualified by training and experience to perform the duties of their position.

c. When so requested by the commissioner, the Attorney General may assign one or more deputy attorneys general to assist the bureau in the performance of its duties.

d. The commissioner shall also appoint the clerical and other staff necessary for the bureau to fulfill its responsibilities under this act. The personnel shall be employed subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes.

e. The commissioner shall appoint an insurance fraud advisory board consisting of eight representatives from insurers doing business in this State. The members of the board shall serve for two year terms and until their successors are appointed and qualified. The members of the board shall receive no compensation. The board shall advise the commissioner with respect to the implementation of this act, when so requested by the commissioner.

f. The Director of the Division of Budget and Accounting in the Department of the Treasury shall, on or before September 1 in each year, ascertain and certify to the commissioner the total amount of expenses incurred by the State in connection with the administration of this act during the preceding fiscal year, which expenses shall include, in addition to the direct cost of personal service, the cost of maintenance and operation, the cost of retirement contributions made and the workers' compensation paid for and on account of personnel, rentals for space occupied in State owned or State leased buildings and all other direct and indirect costs of the administration thereof.

g. The commissioner shall, on or before October 15 in each year, apportion the amount so certified to him among all of the companies writing the class or classes of insurance described in Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.), and Subtitle 3 of Title 17B of the

New Jersey Statutes (N.J.S.17B:17-1 et seq.), within this State in the proportion that the net premiums received by each of them for such insurance written or renewed on risks within this State during the calendar year immediately preceding, as reported to him, bears to the sum total of all such net premiums received by all companies writing that insurance within the State during the year, as reported, except that no one company shall be assessed for more than 5% of the amount apportioned. The commissioner shall certify the sum apportioned to each company on or before November 15 next ensuing. Each company shall pay the amount so certified as apportioned to it to the Department of Banking and Insurance on or before December 31 next ensuing, and the sum paid shall be paid into the State Treasury in reimbursement to the State for the expenses paid.

“Net premiums received” means gross premiums written, less return premiums thereon and dividends credited or paid to policyholders except that, in determining the apportionment amount pursuant to this section, the net premiums received by a company, other than a domestic insurer as defined in subsection a. of N.J.S.17B:17-7 that sells life insurance as defined in N.J.S.17B:17-3, including annuities as defined in N.J.S.17B:17-5, shall not exceed \$100,000,000 on any one contract of insurance.

For the purpose of calculating the apportionment amount pursuant to this subsection, any such premium excluded from the reporting of “net premiums received” by virtue of the preceding sentence shall be allocated among those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3, to be included with the “net premiums received” reported by those companies. Such excluded premium shall be allocated among those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3, on a pro rata basis based on the proportion that the net written premiums received by each of them for insurance written or renewed on risks in this State during the calendar year immediately preceding bears to the sum total of all such net written premiums received by those domestic insurers as defined in subsection a. of N.J.S.17B:17-7 that sell life insurance as defined in N.J.S.17B:17-3, within the State during that calendar year.

h. (Deleted by amendment, P.L.2010, c.32).

3. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 39

AN ACT concerning veterans' organizations and certain nonprofit corporation filing fees and supplementing Title 15A of the New Jersey Statutes.

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

C.15A:4-6 Certain veterans' organizations exempt from annual report filing fee.

1. A veterans' organization which organizes as a corporation under the "New Jersey Nonprofit Corporation Act," N.J.S.15A:1-1 et seq., shall be exempt from paying the annual report filing fee required pursuant to subsection f. of N.J.S.15A:15-1, when filing the annual report required pursuant to N.J.S.15A:4-5.

As used in this section, "veterans' organization" means the American Legion, Veterans of Foreign Wars, or other veterans' organizations chartered under federal law, or any service foundation of such an organization recognized in its bylaws.

2. This act shall take effect six months after the date of enactment.

Approved August 31, 2016.

CHAPTER 40

AN ACT establishing a task force to study certain jewelry transactions and reporting systems.

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

1. a. There is established a task force to be known as the "Secondhand Valuables Transaction Reporting Task Force." The purpose of the task force shall be to study and make recommendations on programs and systems to identify and track secondhand and used jewelry and precious metals acquired through theft and other deceptive practices in order to recover the jewelry and precious metals, return them to their rightful owners, and reduce attempts to steal and quickly sell jewelry and precious metals for liquid assets. The programs and systems to be evaluated shall include, but not be

limited to, any program or system used by State, county, or municipal law enforcement before the date of enactment of P.L.2016, c.40.

The recommendations of the task force shall include a recommendation as to whether a uniform electronic State or county-wide program or system would improve reporting, tracking, and enforcement of laws concerning secondhand and used jewelry, watch, and precious metal transactions. In making this recommendation, consideration shall be given to the benefits and drawbacks for buyers, sellers, and law enforcement. The task force shall also make a recommendation with regard to implementing an industry-wide program or system in this State for all retailers involved in buying or selling secondhand jewelry, watches, or precious metals, including pawnbrokers and auctioneers.

b. The task force shall consist of 11 members, as follows:

(1) the Attorney General or a designee, who shall serve ex officio;

(2) the Superintendent of the New Jersey State Police, or a designee, who shall serve ex officio;

(3) three county prosecutors, who shall each represent a county in the northern, central, and southern regions of the State, as recommended by the County Prosecutors' Association of New Jersey;

(4) three municipal law enforcement officers, who shall each represent a municipality in the northern, central, and southern regions of the State, appointed by the Governor upon the recommendation of the New Jersey State Association of Chiefs of Police; and

(5) three public members, appointed by the Governor. One public member shall be a jewelry retailer, wholesaler, or smelter in the business of purchasing used or secondhand jewelry; one public member shall be a person in the business of buying precious metals, registered pursuant to section 2 of P.L.1981, c.96 (C.51:6A-2); and one public member shall be a licensed pawnbroker.

c. All appointments to the task force shall be made within 60 days after the effective date of this act. Recommendations by the County Prosecutors' Association of New Jersey shall be submitted to the Attorney General, in writing, within 45 days after the effective date of this act. Recommendations by the New Jersey State Association of Chiefs of Police shall be submitted to the Governor, in writing, within 45 days after the effective date of this act. Vacancies shall be filled in the same manner as the original appointments.

d. The Attorney General shall serve as the chair and the superintendent shall serve as vice chair of the task force. The chair shall appoint a secretary who need not be a member of the task force.

e. The members of the task force shall serve without compensation but may be reimbursed, within the limits of funds made available to the task force, for necessary travel expenses incurred in the performance of their duties.

f. The chair shall call an initial meeting of the task force within 30 days of the appointment of a majority of its members and hold hearings at the times and in the places it may deem appropriate and necessary to fulfill its charge.

g. 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. The task force may seek the advice of experts as deemed appropriate by the membership of the task force.

h. The task force shall issue a report of its findings and recommendations, which shall be submitted to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), no later than six months after the initial meeting of the task force, pursuant to subsection f. of this section.

2. This act shall take effect immediately and shall expire upon submission of the task force's report to the Governor and Legislature pursuant to subsection h. of section 1 of this act.

Approved August 31, 2016.

CHAPTER 41

AN ACT concerning driver testing and amending R.S.39:3-10.

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

1. R.S.39:3-10 is amended to read as follows:

Licensing of drivers; classification.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include a test of the applicant's vision, the applicant's ability to understand traffic control devices, the applicant's knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, the applicant's knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and of the laws and ordinary usages of the road. No person shall sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

No person shall sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test

for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of such vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop,

in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The commission shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle

defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.

c. (Deleted by amendment, P.L.1999, c.28).

d. All motor vehicles not included in classifications a. and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which such license was issued.

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement: \$18.

Omnibus or school bus endorsement: \$18.

Basic driver's license: \$18.

The commission shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the commission's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted such a permit or license, but no defect of the applicant shall debar the applicant from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

As used in this section:

“Parking sensors” means proximity sensors which use either electromagnetic or ultrasonic technology and are designed to alert the driver to obstacles while parking.

“Rear visibility system” means devices or components installed on a motor vehicle at the time of manufacture that allow a forward facing driver to view a visual image of the area directly behind the vehicle.

2. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 42

AN ACT concerning prescription medications and supplementing Title 45 of the Revised Statutes.

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

C.45:14-57.1 Re-dispensing of prescription medications under certain circumstances.

1. a. In the event that a pharmacy prepares a prescription medication that is abandoned by a patient, or a long-term care pharmacy does not dispense a prescription medication to a patient in a long-term care facility, the medication may be re-dispensed by the pharmacy in a manner consistent with regulations promulgated by the Board of Pharmacy, provided that the medication was maintained under proper storage conditions to ensure its integrity, and has remained under the exclusive control and custody of the pharmacy and the patient’s long-term care facility at all times. The medication shall not be dispensed to patients later than one year from the date the medication was originally prepared for dispensing. A re-dispensed medication shall be marked with the same use-by date found on the medication when it was originally prepared for dispensing. Nothing in this section shall be construed to modify dispensing requirements and practices related to a prescription drug that can only be dispensed to a patient registered with the

manufacturer of that drug, in accordance with requirements established by the federal Food and Drug Administration.

b. For purposes of this section, a prescription medication shall be considered to be abandoned when a prescription is prepared and made available for dispensing by the pharmacy but is not dispensed to the patient for whom it was prepared within two weeks.

2. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 43

AN ACT concerning disclosure of those holding interest in certain business organizations bidding for public contracts and amending P.L.1977, c.33.

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

1. Section 1 of P.L.1977, c.33 (C.52:25-24.2) is amended to read as follows:

C.52:25-24.2 Submission of statement required for bidding on public contracts.

1. No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of any public funds, by the State, or any county, municipality or school district, or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board, or commission which exercises governmental functions, unless prior to the receipt of the bid or accompanying the bid, of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's

stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.

2. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 44

AN ACT concerning outdoor enclosures at animal facilities and supplementing Title 4 of the Revised Statutes.

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

C.4:19-15.14a Animal facilities, use of artificial turf in outdoor enclosures.

1. Notwithstanding the provisions of section 14 of P.L.1941, c.151 (C.4:19-15.14) and any rule or regulation adopted pursuant thereto to the contrary, the surfaces of an outdoor animal enclosure of a kennel, pet shop, shelter, or pound may be constructed of artificial turf.

2. This act shall take effect immediately.

Approved August 31, 2016.

CHAPTER 45

AN ACT concerning expulsions and suspensions for young students, supplementing chapter 37 of Title 18A of the New Jersey Statutes, and amending P.L.1995, c.426.

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

C.18A:37-2a Conditions for suspension, expulsion of certain students.

1. a. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.).

b. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in grades kindergarten through two in a school district or charter school shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others.

c. Notwithstanding the provisions of N.J.S.18A:37-2 or any other provision of law to the contrary, a student who is enrolled in preschool in a school district or charter school shall not be suspended, and shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” P.L.1995, c.127 (C.18A:37-7 et seq.).

C.18A:37-2b Early detection and prevention program.

2. A school district or charter school shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students, which may include, but need not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection and prevention program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

3. Section 9 of P.L.1995, c.426 (C.18A:36A-9) is amended to read as follows:

C.18A:36A-9 Withdrawal, expulsion from charter school.

9. A student may withdraw from a charter school at any time. Except as otherwise provided in section 1 of P.L.2016, c.45 (C.18A:37-2a), a student may be expelled from a charter school based on criteria determined by the board of trustees, which are consistent with the provisions of N.J.S.18A:37-2, and approved by the commissioner as part of the school's charter. Any expulsion shall be made upon the recommendation of the charter school principal, in consultation with the student's teachers.

4. This act shall take effect in the first full school year following the date of enactment.

Approved September 6, 2016.

CHAPTER 46

AN ACT concerning substance abuse instruction for public school students and supplementing P.L.1987, c.389 (C.18A:40A-1 et seq.).

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

C.18A:40A-2.1 Substance abuse instruction, review of curriculum; report.

1. a. The Department of Education, in consultation with the Division of Addiction Services in the Department of Human Services, shall review the Core Curriculum Content Standards in Comprehensive Health and Physical Education to ensure that guidance for substance abuse instruction incorporates the most recent evidence-based standards and practices.

b. Within 120 days of the effective date of this act, the department shall issue a written report to the Governor, to the State Board of Education, and to the Legislature as provided under section 2 of P.L.1991, c.164 (C.52:14-19.1), with its determination on whether the Core Curriculum Content Standards in Comprehensive Health and Physical Education adequately incorporate the most recent evidence-based standards and practices pursuant to subsection a. of this section. If the department determines that the Core Curriculum Content Standards in Comprehensive Health and Physical Education need to be revised, it shall propose the revisions to the State board within 12 months of the report's submission.

2. This act shall take effect immediately.

Approved September 6, 2016.

CHAPTER 47

AN ACT concerning State tuition aid grant recipients and supplementing chapter 71B of Title 18A of the New Jersey Statutes.

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

C.18A:71B-19.1 Provision of certain information by certain institutions.

1. An institution of higher education and a proprietary degree-granting institution shall annually provide the Higher Education Student Assistance Authority with detailed information on the graduation rates of State tuition aid grant recipients. In the case of a county college, the college shall also provide the authority with the transfer rates of the State tuition aid grant recipients. An institution shall provide the information in such form as determined by the authority.

The authority shall post the information provided by each institution for public inspection on its website.

2. This act shall take effect immediately.

Approved September 6, 2016.

CHAPTER 48

AN ACT concerning the implementation of a Response to Intervention framework by school districts and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

C.18A:6-135 Development, establishment of Response to Intervention framework.

1. a. The Commissioner of Education shall develop and establish an initiative to support and encourage the use of a Response to Intervention framework by school districts to promote the achievement of all students.

The initiative shall include dissemination of information and guidance to school districts regarding the development and effective implementation of a Response to Intervention framework as a methodology to identify struggling learners, maximize student achievement, and reduce behavioral problems. The initiative shall also include dissemination of information and guidance to school districts regarding the effective use of a Response to Intervention framework as a methodology to identify students with specific learning disabilities in accordance with the “Individuals with Disabilities Education Act,” 20 U.S.C. s.1400 et seq. The information and guidance provided to school districts shall make clear that a Response to Intervention framework is not a substitute for classification of a student as eligible for special education and related services if the student requires classification.

b. The commissioner shall ensure that a Response to Intervention framework implemented by a school district includes, at a minimum, the following elements:

- (1) high quality research-based instruction in the general education setting;
- (2) universal screening procedures to identify students at risk for poor learning outcomes or behavioral challenges;
- (3) multiple levels of evidence-based interventions that are progressively more intense, based on the student’s responsiveness; and
- (4) continuous monitoring of student progress.

c. The commissioner shall make available technical assistance and training to assist school districts in the implementation of a Response to Intervention framework.

2. This act shall take effect immediately.

Approved September 6, 2016.

CHAPTER 49

AN ACT concerning security aid for nonpublic school students and supplementing chapter 58 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:58-37.8 Short title.

1. This act shall be known and may be cited as the "Secure Schools for All Children Act."

C.18A:58-37.9 Definitions relative to security aid for nonpublic school students.

2. As used in this act:

"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub.L.88-352, (42 U.S.C. s.2000d et seq.).

"Support limit" means the maximum amount which may be appropriated each year for the purposes of this act for each student enrolled full-time in nonpublic schools of the State.

C.18A:58-37.10 Provision of security services.

3. A board of education of a school district in which a nonpublic school is located shall within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the students who are enrolled full-time in the nonpublic school with security services, equipment, or technology to help ensure a safe and secure school environment.

C.18A:58-37.11 Annual conference.

4. a. The superintendent of schools of each school district in which a nonpublic school is located shall confer annually with the chief school administrator of each of the nonpublic schools to:

(1) advise the nonpublic school of the limit of funds available pursuant to this act;

(2) agree upon the security services, equipment, or technology to be provided to the students of the nonpublic school, within the limit of the funds that are available; and

(3) agree on the date when the board of education will meet to approve how the security services, equipment, or technology will be provided to the students of the nonpublic school.

b. In the event that the superintendent of schools and the chief school administrator of the nonpublic school are unable to agree regarding the security services, equipment, or technology to be provided for a safe and secure school environment, the executive county superintendent shall be consulted to determine the security services, equipment, or technology to be provided. The decision of the executive county superintendent shall be final.

C.18A:58-37.12 Support limit.

5. a. The support limit for the 2016-2017 school year shall be \$75. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in the consumer price index for the New York and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor.

b. On or before November 5 of each year, each board of education shall forward to the Commissioner of Education an estimate of the cost of providing, during the next school year, the security services, equipment, or technology required pursuant to this act and the number of students attending nonpublic schools located within the district as of the last school day of October of the current school year. The commissioner shall provide State aid to each school district in an amount equal to the number of nonpublic school students within the district identified by the district on or before November 5 multiplied by the State support limit. In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year, but not later than December 1 of the following school year.

c. If in any year, the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.

C.18A:58-37.13 Immunity from civil liability.

6. A school district and a nonpublic school and their employees shall be immune from civil liability in the provision of security services, equipment, or technology pursuant to the provisions of this act, except for actions that constitute gross negligence or willful misconduct.

C.18A:58-37.14 Rules.

7. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a manner that comports with the provisions of the State and federal Constitutions, including a list of allowable expenditures for security services, equipment, or technology to ensure a safe and secure school environment for nonpublic school students.

8. This act shall take effect immediately and shall first apply to the 2016-2017 school year.

Approved September 6, 2016.

CHAPTER 50

AN ACT concerning the contracting process at public institutions of higher education, amending P.L.1996, c.16, and supplementing chapter 64, chapter 64A, chapter 64E, and chapter 64M 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:64-63.1 State college, university authorized to participate in cooperative pricing system.

1. a. A State college or university is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. A State college or university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

C.18A:64A-25.11a County college authorized to participate in cooperative pricing system.

2. a. A county college is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. A county college may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

C.18A:64E-18.1 New Jersey Institute of Technology authorized to participate in cooperative pricing system.

3. a. The New Jersey Institute of Technology is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

C.18A:64M-9.2 Rowan University authorized to participate in cooperative pricing system.

4. a. Rowan University is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

5. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read as follows:

C.52:34-6.2 Cooperative purchasing agreements with other states for purchase of goods, services; rules, regulations.

7. a. Notwithstanding the provisions of any other law to the contrary except the provisions of R.S.30:4-95, and as an alternative to the procedures concerning the awarding of public contracts provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the Division of Purchase and Property in

the Department of the Treasury may enter into cooperative purchasing agreements with one or more other states, or political subdivisions thereof, for the purchase of goods and services. A cooperative purchasing agreement shall allow the jurisdictions which are parties thereto to standardize and combine their requirements for the purchase of a particular good or service into a single contract solicitation which shall be competitively bid and awarded by one of the jurisdictions on behalf of jurisdictions participating in the contract.

b. (1) The director may elect to purchase goods or services through a contract awarded pursuant to a cooperative purchasing agreement whenever the director determines this to be the most cost-effective method of procurement. Prior to entering into any contract to be awarded or already awarded through a cooperative purchasing agreement, the director shall review and approve the specifications and proposed terms and conditions of the contract.

(2) The director may also elect to purchase goods or services through a contract awarded pursuant to a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process, in which other states participate, whenever the director determines this to be the most cost-effective method of procurement. Prior to entering into any contract to be awarded through a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process, the director shall review and approve the specifications and proposed terms and conditions of the contract.

(3) Notwithstanding any other law to the contrary, any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available. Prior to making purchases or contracting for services, the contracting unit shall determine that the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

For purposes of this paragraph, "contracting unit" means any county, municipality, special district, school district, fire district, State college or university, public research university, county college, or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any district, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of

local government, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services.

c. The director may solicit bids and award contracts on behalf of this State and other jurisdictions which are parties to a cooperative purchasing agreement provided that the agreement specifies that each jurisdiction participating in a contract is solely responsible for the payment of the purchase price and cost of purchases made by it under the terms of any contract awarded pursuant to the agreement.

d. The director may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

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

Approved September 6, 2016.

CHAPTER 51

AN ACT concerning tax credits under the Economic Redevelopment and Growth Grant program, and amending P.L.2009, c.90.

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

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

C.52:27D-489f Payment to developer from State.

6. a. Up to the limits established in subsection b. of this section and in accordance with a redevelopment incentive grant agreement, beginning upon the receipt of occupancy permits for any portion of the redevelopment project, or upon any other event evidencing project completion as set forth in the incentive grant agreement, the State Treasurer shall pay to the developer incremental State revenues directly realized from businesses operating at the site of the redevelopment project from the following taxes: the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132

(C.54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed on sewerage and water corporations pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.), those tariffs and charges imposed by electric, natural gas, telecommunications, water and sewage utilities, and cable television companies under the jurisdiction of the New Jersey Board of Public Utilities, or comparable entity, except for those tariffs, fees, or taxes related to societal benefits charges assessed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), any charges paid for compliance with the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), transitional energy facility assessment unit taxes paid pursuant to section 67 of P.L.1997, c.162 (C.48:2-21.34), and the sales and use taxes on public utility and cable television services and commodities, the tax derived from net profits from business, a distributive share of partnership income, or a pro rata share of S corporation income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the tax derived from a business at the site of a redevelopment project that is required to collect the tax pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), the tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) from the purchase of furniture, fixtures and equipment, or materials for the remediation, the construction of new structures at the site of a redevelopment project, the hotel and motel occupancy fee imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), or the portion of the fee imposed pursuant to section 3 of P.L.1968, c.49 (C.46:15-7) derived from the sale of real property at the site of the redevelopment project and paid to the State Treasurer for use by the State, that is not credited to the "Shore Protection Fund" or the "Neighborhood Preservation Nonlapsing Revolving Fund" ("New Jersey Affordable Housing Trust Fund") pursuant to section 4 of P.L.1968, c.49 (C.46:15-8). Any developer shall be allowed to assign their ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization may make an application on behalf of a developer which meets the requirements for the tax credit, or a group of non-qualifying developers, such that these will be considered a unified project for the purposes of the incentives provided under this section.

b. (1) Up to an average of 75 percent of the projected annual incremental revenues or 85 percent of the projected annual incremental revenues in a Garden State Growth Zone may be pledged towards the State portion of an incentive grant.

(2) In the case of a qualified residential project or a project involving university infrastructure, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then in lieu of an incentive grant based on the incremental revenues, the developer shall be awarded tax credits equal to the full amount of the incentive grant.

(3) In the case of a mixed use parking project, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then, in lieu of an incentive grant based on the incremental revenues, the developer shall be awarded tax credits equal to the full amount of the incentive grant.

The value of all credits approved by the authority pursuant to paragraphs (2) and (3) of this subsection shall not exceed \$718,000,000, of which:

(a) \$250,000,000 shall be restricted to qualified residential projects within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties, of which \$175,000,000 of the credits shall be restricted to the following categories of projects: (i) qualified residential projects located in a Garden State Growth Zone located within the aforementioned counties; and (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties; (iii) and \$75,000,000 of the credits shall be restricted to qualified residential projects in municipalities with a 2007 Municipal Revitalization Index of 400 or higher as of the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within the aforementioned counties;

(b) \$290,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in urban transit hubs that are commuter rail in nature that otherwise do not qualify under subparagraph (a) of this paragraph; (ii) qualified residential projects located in Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph; (iii) mixed use parking projects located in urban transit hubs or Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph, provided however, an urban transit hub shall be allocated no more than \$25,000,000 for mixed use parking projects; (iv) qualified residential projects which are disaster recovery projects that otherwise do not qualify under subparagraph (a) of this paragraph; (v) qualified residential projects in SDA municipalities located in Hudson County that were award-

ed State Aid in State Fiscal Year 2013 through the Transitional Aid to Localities program and otherwise do not qualify under subparagraph (a) of this paragraph; (vi) \$25,000,000 of credits shall be restricted to mixed use parking projects in Garden State Growth Zones which have a population in excess of 125,000 and do not qualify under subparagraph (a) of this paragraph; and (vii) \$40,000,000 of credits shall be restricted to qualified residential projects that include a theater venue for the performing arts and do not qualify under subparagraph (a) of this paragraph, which projects are located in a municipality with a population of less than 100,000 according to the latest federal decennial census, and within which municipality is located an urban transit hub and a campus of a public research university, as defined in section 1 of P.L.2009, c.308 (C.18A:3B-46);

(c) \$87,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in distressed municipalities, deep poverty pockets, highlands development credit receiving areas or redevelopment areas, otherwise not qualifying pursuant to subparagraph (a) or (b) of this paragraph; and (ii) mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph, and which are used by an independent institution of higher education, a school of medicine, a nonprofit hospital system, or any combination thereof; provided, however, that \$20,000,000 of the \$87,000,000 shall be allocated to mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph;

(d) (i) \$16,000,000 shall be restricted to qualified residential projects that are located within a qualifying economic redevelopment and growth grant incentive area otherwise not qualifying under subparagraph (a), (b), or (c) of this paragraph; and

(ii) an additional \$50,000,000 shall be restricted to qualified residential projects which, as of the effective date of P.L.2016, c.51, are located in a city of the first class with a population in excess of 270,000, are subject to a Renewal Contract for a Section 8 Mark-Up-To-Market Project from the United States Department of Housing and Urban Development, and for which an application for the award of tax credits under this subsection was submitted prior to January 1, 2016; and

(e) \$25,000,000 shall be restricted to projects involving university infrastructure.

(f) For subparagraphs (a) through (d) of this paragraph, not more than \$40,000,000 of credits shall be awarded to any qualified residential project in a deep poverty pocket or distressed municipality and not more than \$20,000,000 of credits shall be awarded to any other qualified residential project. The developer of a qualified residential project seeking an award of

credits towards the funding of its incentive grant shall submit an incentive grant application prior to July 1, 2016 and if approved after September 18, 2013, the effective date of P.L.2013, c.161 (C.52:27D-489p et al.) shall submit a temporary certificate of occupancy for the project no later than July 28, 2019. The developer of a mixed use parking project seeking an award of credits towards the funding of its incentive grant pursuant to subparagraph (c) of this paragraph and if approved after the effective date of P.L.2015, c.217, shall submit a temporary certificate of occupancy for the project no later than July 28, 2021. Applications for tax credits pursuant to this subsection relating to an ancillary infrastructure project or infrastructure improvement in the public right-of-way, or both, shall be accompanied with a letter of support relating to the project or improvement by the governing body or agency in which the project is located. Credits awarded to a developer pursuant to this subsection shall be subject to the same financial and related analysis by the authority, the same term of the grant, and the same mechanism for administering the credits, and shall be utilized or transferred by the developer as if the credits had been awarded to the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-209.3) for qualified residential projects thereunder. No portion of the revenues pledged pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) shall be subject to withholding or retainage for adjustment, in the event the developer or taxpayer waives its rights to claim a refund thereof.

(4) A developer may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, if the developer is awarded a tax credit pursuant to paragraph (2) or paragraph (3) of this subsection, covering one or more years, in lieu of the developer being allowed any amount of the credit against the tax liability of the developer. The tax credit transfer certificate, upon receipt thereof by the developer from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, to any other person who may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate provided to the developer shall include a statement waiving the developer's right to claim that amount of the credit against the taxes that the developer has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this paragraph shall not be exchanged for consideration received by the developer of less than 75 percent of the transferred credit amount before considering any further discounting to present value that may be permitted.

Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the developer who originally applied for and was allowed the credit.

c. All administrative costs associated with the incentive grant shall be assessed to the applicant and be retained by the State Treasurer from the annual incentive grant payments.

d. The incremental revenue for the revenues listed in subsection a. of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the State redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. The municipality is authorized to collect any information necessary to facilitate grants under this program and remit that information in order to assist in the calculation of incremental revenue.

2. This act shall take effect immediately.

Approved September 7, 2016.

CHAPTER 52

AN ACT concerning the curtailment of certain bus and rail services and amending P.L.1979, c.150.

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

1. Section 8 of P.L.1979, c.150 (C.27:25-8) is amended to read as follows:

C.27:25-8 Corporation not public utility, authority relative to fares, services; notice, public hearing.

8. a. The corporation or any subsidiary thereof shall not be considered a public utility as defined in R.S.48:2-13, and except with regard to subsection c. of this section, subsection b. of R.S.48:3-38, section 2 of P.L.1989, c.291 (C.27:25-15.1), and R.S.48:12-152, the provisions of Title 48 of the Revised Statutes shall not apply to the corporation or any subsidiary thereof.

b. The authority hereby given to the corporation pursuant to section 6 of P.L.1979, c.150 (C.27:25-6) with respect to fares and service, shall be exercised without regard or reference to the jurisdiction formerly vested in the Department of Transportation regarding rates and rate schedules under R.S.48:2-21; discontinuance, curtailment, or abandonment of service under R.S.48:2-24; and the issuance of a certificate of public convenience and necessity under R.S.48:4-3, and transferred to the New Jersey Motor Vehicle Commission by P.L.2003, c.13 (C.39:2A-1 et al.). The New Jersey Motor Vehicle Commission shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the corporation and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the New Jersey Motor Vehicle Commission or its predecessors; provided, however, that a private entity shall not be required to restore any service discontinued or any fare changed during the existence of a contractual relationship with the corporation, unless the New Jersey Motor Vehicle Commission shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of P.L.1979, c.150 (C.27:25-1 et seq.), all vehicles used by any public or private entity pursuant to contract authorized by P.L.1979, c.150 (C.27:25-1 et seq.), and all vehicles operated by the corporation directly, shall be subject to the jurisdiction of the department with respect to maintenance, specifications, and safety to the same extent that jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. Before implementing any fare increase for any motorbus regular route or rail passenger services, or any curtailment or abandonment of those services, the corporation shall hold a public hearing in the area affected during evening hours, except that the corporation shall not be required to hold a public hearing for a change in service that does not: (1) increase fares; (2) eliminate a current motorbus regular route or any rail passenger service; or (3) change the time of a motorbus regular route or rail passenger service by more than two hours from the corporation's currently adopted schedule or timetable, so long as these services are provided at least three times daily, excluding holidays. Notice of the hearing shall be given by the corporation at least 15 days prior to the hearing to the governing body of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; the

notice shall also be posted at least 15 days prior to the hearing in prominent places on the railroad cars and buses serving the routes to be affected.

e. Notice of its intent to discontinue, curtail, or abandon any motorbus regular route service or rail passenger service shall be given by the corporation to the governing body of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected at least 45 days prior to implementation of the change in service.

2. This act shall take effect immediately.

Approved September 14, 2016.

CHAPTER 53

AN ACT concerning medical marijuana and amending P.L.2009, c.307.

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

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

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

3. As used in this act:

"Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a patient's debilitating medical condition.

"Certification" means a statement signed by a physician with whom a qualifying patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to apply for registration for the medical use of marijuana.

"Commissioner" means the Commissioner of Health.

"Debilitating medical condition" means:

(1) one of the following conditions, if resistant to conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; post-traumatic stress disorder; or glaucoma;

(2) one of the following conditions, if severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome results from the condition or treatment thereof: positive status for human immunodeficiency virus; acquired immune deficiency syndrome; or cancer;

(3) amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease;

(4) terminal illness, if the physician has determined a prognosis of less than 12 months of life; or

(5) any other medical condition or its treatment that is approved by the department by regulation.

"Department" means the Department of Health.

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

"Medical marijuana alternative treatment center" or "alternative treatment center" means an organization approved by the department to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of this act. This term shall include the organization's officers, directors, board members, and employees.

"Medical use of marijuana" means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying patient as authorized by this act.

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

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

"Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a patient's debilitating medical condition, provided, however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical marijuana or consultation solely for that purpose.

"Primary caregiver" or "caregiver" means a resident of the State who:

- a. is at least 18 years old;
- b. has agreed to assist with a registered qualifying patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying patient's physician;
- c. has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date of this act and was for a violation of federal law related to possession or sale of marijuana that is authorized under this act;

d. has registered with the department pursuant to section 4 of this act, and has satisfied the criminal history record background check requirement of section 4 of this act; and

e. has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the department.

"Qualifying patient" or "patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.

"Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or primary caregiver.

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

2. This act shall take effect immediately.

Approved September 14, 2016.

CHAPTER 54

AN ACT authorizing issuance of a special horse racing permit for steeplechase races and allowing wagering thereon, 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.5:5-38.2 Issuance of special horse racing permit for certain special steeplechase races, wagering, simulcasting.

1. a. Notwithstanding the provisions of section 1 of P.L.1949, c.26 (C.5:5-39.1) or any other law to the contrary, the commission may grant a special permit, to a permit holder in good standing authorized to conduct running races in this State, for the holding or conducting of a special steeplechase race meeting at a location other than a racetrack, provided that the special steeplechase race meeting is conducted in conjunction with an organization that has experience conducting steeplechase races pursuant to section 54 of P.L.1940, c.17 (C.5:5-74), and provided that the special steeplechase race meeting is recognized by the National Steeplechase and Hunt

Association. A special permit granted pursuant to this subsection shall be subject to the jurisdiction of the commission.

b. The commission may grant only one special permit pursuant to subsection a. of this section per calendar year, which shall be valid only for the calendar year in which it is issued. Any running race permit holder in good standing may apply for the special permit. The number of racing days authorized pursuant to the special permit shall not exceed two days in a calendar year. Any racing day that is run pursuant to the special permit shall count toward the total number of racing days allotted to the running race permit holder.

c. A permit holder that is granted a special permit pursuant to this section shall keep and maintain separate books and records for the special steeplechase race meeting to the same extent as is required of a permit holder and shall file such report and audits as may otherwise be required on or before such date as the commission may designate.

d. Sums in the parimutuel pools shall be distributed as if the special steeplechase race meeting is held at the location for which the special permit holder holds a running race permit, as provided in chapter 5 of Title 5 of the Revised Statutes, except that the special permit holder may enter into a contractual agreement with the organization with which the permit holder is conducting the special steeplechase race meeting providing for the distribution of money that would otherwise statutorily be distributed to the permit holder.

e. Notwithstanding the provisions of any other law to the contrary, simulcasting of a special running race meeting authorized by this section shall be conducted as if the special running race meeting is held at the location for which the special permit holder holds a running race permit, except that the special permit holder may also transmit the simulcast signal to the racetrack for which the special permit holder holds a running race permit. The simulcasting within this State of a special running race meeting authorized by this section shall not require the consent of any horsemen's organization and shall be made available at the industry standard rate. Upon application to and approval by the commission, the holder of a special permit granted pursuant to subsection a. of this section may transmit simulcast horse races of the special running race meeting to any facility outside of New Jersey with which the special permit holder has entered into an agreement.

f. Notwithstanding the provisions of section 1 of P.L.1949, c.26 (C.5:5-39.1), the conduct of a steeplechase race meeting as provided under this section, which shall not exceed two days in a calendar year, shall not require approval by the legal voters of the county or the municipality where the race is to be held, but the governing body of the municipality may object to the issuance of the special permit in accordance with this subsection. Prior to

granting a special permit pursuant to subsection a. of this section, the commission shall provide written notice to the governing body of the municipality where the special steeplechase race meeting is to be held. The governing body may object to the issuance of the special permit by passing a resolution within 30 days of receipt of the notice and by transmitting a copy of the resolution to the commission, in which case the special permit shall not be issued. If the governing body does not object by passing a resolution within 30 days of receipt of the notice, the commission may grant the special permit.

2. This act shall take effect immediately.

Approved September 14, 2016.

CHAPTER 55

AN ACT authorizing the establishment of county hospital authorities, amending and supplementing P.L.2006, c.46, and amending P.L.1971, c.198 and P.L.1999, c.440.

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

1. Section 1 of P.L.2006, c.46 (C.30:9-23.15) is amended to read as follows:

C.30:9-23.15 Short title.

1. Sections 1 through 9 of P.L.2006, c.46 (C.30:9-23.15 et al.), and section 7 of P.L.2016, c.55 (C.30:9-23.24) shall be known and may be cited as the " Local Hospital Authority Law."

2. Section 3 of P.L.2006, c.46 (C.30:9-23.17) is amended to read as follows:

C.30:9-23.17 Definitions relative to local hospital authorities.

3. For the purposes of this act:

"Acquisition" means the receiving, 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.

"Authority" or "local hospital authority" means a municipal hospital authority or a county hospital authority created pursuant to section 4 of P.L.2006, c.46 (C.30:9-23.18).

"Bonds" means bonds issued by an authority pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.).

"Chief executive officer of the county" means the county executive or the president of the board of chosen freeholders, as appropriate to the form of government of a county.

"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 P.L.2006, c.46 (C.30:9-23.15 et al.).

"County" means a county that, by ordinance or resolution, as appropriate, creates a county hospital authority pursuant to section 4 of P.L.2006, c.46 (C.30:9-23.18).

"County hospital" means a hospital that is owned , operated, or maintained by or on behalf of a county or by or on behalf of a county hospital authority, which hospital makes available at least 800 beds for long term care, acute care, or behavioral health care patients, or any combination thereof.

"Governing body" means a governing body as defined in the "Local Fiscal Affairs Law," N.J.S.40A:5-1 et seq.

"Hospital" means an institution licensed and classified as a general hospital by the Commissioner of Health 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 management entity or entities hired by an authority to manage and operate a hospital, or any portion of a hospital.

"Notes" means notes issued by the authority pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.).

"Operate and maintain" means overseeing the management and operation of a hospital, or managing and operating a hospital; overseeing capital improvements and purchases of equipment related to the operation, maintenance, expansion, renovation, or rehabilitation of a hospital; and overseeing the provision of working capital for operation of a hospital, along with any required costs of issuing any bonds or notes therefor.

3. Section 4 of P.L.2006, c.46 (C.30:9-23.18) is amended to read as follows:

C.30:9-23.18 Creation of hospital authority.

4. a. (1) 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.

(2) The governing body of a county that owns a county hospital may create by ordinance or resolution as appropriate, a body corporate and politic to be known as the " County Hospital Authority," inserting the name of the county. The authority shall constitute an agency and instrumentality of the county creating it.

(3) A governing body of a city or county creating a local hospital 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:

(a) 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,

(b) 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

(c) 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 local hospital authority created pursuant to this section 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 a municipal hospital authority shall be to carry out an acquisition and to operate and maintain a hospital.

The sole purpose of a county hospital authority shall be to operate and maintain a county hospital. Nothing in P.L.2006, c.46 (C.30:9-23.15 et al.) or any other State statute or regulation shall require that a county hospital authority hold any facility license to accomplish any of the objectives of P.L.2006, c.46 (C.30:9-23.15 et al.) or for a hospital to be designated a “county hospital” or to prohibit the right to apply for a license by any operator. Further, nothing herein or any action taken in accordance with P.L.2006, c.46 (C.30:9-23.15 et al.) shall affect a county hospital’s designation or ability to operate, manage, or obtain reimbursement as a county hospital, as provided by New Jersey law.

c. Except as otherwise limited by P.L.2006, c.46 (C.30:9-23.15 et al.), the authority shall have power:

- (1) To finance and implement the acquisition of a hospital and to operate and maintain a hospital;
- (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 that 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, manage, operate, and maintain a hospital, or oversee the management and operation of a hospital, and let, award and enter into construction contracts, purchase orders and other contracts with respect to a hospital 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 there-

in and for things furnished or services rendered by the authority through a hospital;

(12) To function as the hospital governing body responsible for approving hospital-wide policy, establishing and enforcing 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 may be delegated or assigned to another entity, so long as the authority retains direct oversight over the 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, including 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, including through a joint venture, 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 P.L.2006, c.46 (C.30:9-23.15 et al.).

4. Section 5 of P.L.2006, c.46 (C.30:9-23.19) is amended to read as follows:

C.30:9-23.19 Governing board of authority.

5. a. A local hospital authority shall be governed by an 11-member board. The members shall be divided among four classes.

(1) The Class I member of a municipal hospital authority shall be the mayor of the city, or his designee, ex officio. The Class I member of a county hospital authority shall be the chief executive officer of the county, or his designee, ex officio.

(2) There shall be two Class II members of a local hospital authority, 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 or county.

(3) There shall be six Class III public members of a local hospital authority, at least four of whom shall be residents of the city or county, but none of whom shall be officers or employees of the city or county or of the manager.

(a) The Class III public members of a municipal hospital authority 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 of a municipal hospital authority 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.

(b) The Class III public members of a county hospital authority shall be appointed as follows: five members shall be appointed by the chief executive officer of the county, with the advice and consent of the board of chosen freeholders; and one member shall be appointed by the Governor. At least two of the five Class III members of a county hospital authority appointed by the chief executive officer of the county shall have special expertise as follows: one shall have extensive expertise in finance, and one shall have extensive expertise in organizational management. The Class III members of a county hospital authority appointed by the chief executive officer of the county shall serve for terms of five years and until their respective successors have been appointed and qualified; except that initially, 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 one for a term of five years. The Class III member of a county hospital authority

appointed by the Governor shall serve at the pleasure of the Governor, and shall be a physician who is licensed to practice medicine and surgery in the State and who is knowledgeable about, or has clinical experience in, the field of chemical dependency or addiction-oriented psychiatry.

(4) There shall be two nonvoting Class IV members of a local hospital authority. The Commissioner of Community Affairs shall appoint two individuals as nonvoting Class IV members.

(5) 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, in the case of a municipal authority, or in the office of the clerk to the board of chosen freeholders, in the case of a county authority.

5. Section 6 of P.L.2006, c.46 (C.30:9-23.20) is amended to read as follows:

C.30:9-23.20 Powers, duties of authority.

6. a. (1) A municipal 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.

(2) A county authority may exercise its powers and duties to manage, operate, and maintain a county hospital through a contract or contracts with a manager, which contract or contracts shall be entered into by competitive contracting pursuant to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

b. (1) The initial duration of a contract entered into pursuant to paragraph (1) of subsection a. of this section shall not exceed five years. A contract entered into pursuant to paragraph (1) of subsection a. of this section may be renewed for an additional period, not to exceed five years. A contract entered into pursuant to paragraph (1) of subsection a. of this section more than ten years from the date of the initial contract shall be negotiated as a new contract and not as a renewal contract.

(2) The initial duration of a contract entered into pursuant to paragraph (2) of subsection a. of this section shall not exceed the term provided for in subsection (47) of section 15 of P.L.1971, c.198 (C.40A:11-15).

c. A contract, or a renewal thereof, with a manager to manage and operate a hospital 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 an entity to manage and operate a hospital.

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 county or the agents of the city or county, 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 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 all contracts or other arrangements setting forth terms and conditions of employment for those positions shall be subject to the approval of the authority.

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 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.

6. Section 7 of P.L.2006, c.46 (C.30:9-23.21) is amended to read as follows:

C.30:9-23.21 Issuance of bonds, notes; contracts between local government and authority.

7. a. Bonds or notes issued under P.L.2006, c.46 (C.30:9-23.15 et al.) 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 local 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 local 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 or the county of any moneys theretofore expended for the purposes of the authority. In addition, the issuance of any bonds or other instruments by a local hospital authority shall be subject to the approval of the Local Finance Board in the Department of Community Affairs.

b. Contracts entered into between a city and an authority, or a county and an authority, pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.), may 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 either an ordinance of the governing body of the city, or an ordinance or resolution of the governing body of the county, 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 or clerk to the board of chosen freeholders, as appropriate, 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 or county 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 or county prior to authorization or execution thereof. Every such city or county 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 or county.

c. The city or county 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 or county authorizing bonds pursuant to P.L.2006, c.46 (C.30:9-23.15 et al.).

e. Notwithstanding any provision of P.L.2006, c.46 (C.30:9-23.15 et al.) 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.30:9-23.24 Authority may enter into contract with private entity.

7. a. (1) A county hospital authority may enter into a contract with a private entity, subject to subsection f. of this section, to be referred to as a public-private partnership agreement, that permits the private entity to assume full financial and administrative responsibility for a project, provided that the project is financed in whole or in part by the private entity and that the county or the county hospital authority retains full ownership of the land upon which the project is completed.

(2) As used in this section, "project" means the on-site construction, reconstruction, repair, alteration, improvement, extension, management, or operation of a building, structure, or facility of, or for the benefit of, a county hospital.

(3) A public-private partnership agreement may include an agreement under which a county hospital authority leases to a private entity, in whole or in part, the operation of a revenue-producing facility of a county hospital to which the county or the county hospital authority holds title, in exchange for up-front or structured financing by the private entity for the construction

of a building, structure, or facility of, or for the benefit of, the hospital. Under the lease agreement, the county or county hospital authority shall continue to hold title to the facility, and may continue to hold the license of the facility, and the private entity shall be responsible for the management, operation, and maintenance of the facility. A county or county hospital authority is permitted, in its discretion, to assign the right to apply for or acquire the license for the facility to the private entity, provided the county or county hospital authority obtains covenants and conditions from the private entity for the management, operation, or maintenance of the facility. The private entity shall receive some or all, as per the agreement, of the revenue generated by the facility and shall operate the facility in accordance with hospital standards. At the end of the lease term, subsequent revenue generated by the facility, along with management, operation, and maintenance responsibility, shall revert to the county or the county hospital authority.

b. (1) A private entity that assumes financial and administrative responsibility for a project pursuant to subsection a. of this section shall not be subject to the procurement and contracting requirements of any statute applicable to a county hospital authority, including the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). For the purposes of facilitating the financing of a project pursuant to subsection a. of this section, a public entity:

(a) may become the owner or lessee of the project or the lessee of the land, or both,

(b) may become the lessee of a revenue-producing facility to which the county or the county hospital authority holds title,

(c) may issue indebtedness in accordance with the public entity's enabling legislation, and

(d) notwithstanding any provision of law to the contrary, shall be empowered to enter into contracts with a private entity and its affiliates without being subject to the procurement and contracting requirements of any statute applicable to the public entity provided that the private entity has been selected by the county hospital authority pursuant to a solicitation of proposals or qualifications.

(2) For the purposes of this section, a public entity shall include the New Jersey Health Care Facilities Financing Authority, and any project undertaken pursuant to subsection a. of this section of which the authority becomes the owner or lessee, or which is situated on land of which the authority becomes the lessee, shall be deemed a "project" under the "New Jersey Health Care Facilities Financing Authority Law," P.L.1972, c.29 (C.26:2I-1 et seq.).

(3) As the carrying out of any project described pursuant to this section constitutes the performance of an essential public function, a project predominantly used in furtherance of the purposes of a county hospital authority undertaken pursuant to this section, provided it is owned by or leased to a public entity, non-profit business entity, foreign or domestic, or a business entity wholly owned by a non-profit business entity, shall at all times be exempt from property taxation and special assessments of the State, or any municipality, or other political subdivision of the State and, notwithstanding the provisions of section 15 of P.L.1974, c.80 (C.34:1B-15), section 2 of P.L.1977, c.272 (C.54:4-2.2b), or any other section of law to the contrary, shall not be required to make payments in lieu of taxes. The land upon which a project is located shall also at all times be exempt from property taxation. Further, the project and land upon which the project is located shall not be subject to the provisions of section 1 of P.L.1984, c.176 (C.54:4-1.10) regarding the tax liability of private parties conducting for profit activities on tax exempt land, or section 1 of P.L.1949, c.177 (C.54:4-2.3) regarding the taxation of leasehold interests in exempt property that are held by nonexempt parties.

c. The general contractor, construction manager, design-build team, or subcontractor for a project proposed in accordance with this section shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership hospital project.

d. (1) Projects proposed in accordance with this section shall be submitted to the New Jersey Health Care Facilities Financing Authority for its review and approval and, when practicable, are encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council.

(2) Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

e. A general contractor, construction manager, design-build team, or subcontractor shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership hospital project.

f. (1) All projects proposed in accordance with this section shall be submitted to the New Jersey Health Care Facilities Financing Authority for the authority's review and approval. The projects are encouraged, when practicable, to adhere to the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6).

(2) (a) In order for an application to be complete and considered by the authority, the application shall include, but not be limited to:

(i) a public-private partnership agreement between the county hospital authority and the private developer;

(ii) a full description of the project, including a description of any agreement for the lease of a revenue-producing facility related to the project;

(iii) the estimated costs and financial documentation for the project;

(iv) a timetable for completion of the project extending no more than five years after consideration and approval; and

(v) any other requirements that the authority deems appropriate or necessary.

(b) As part of the estimated costs and financial documentation for the project, the application shall contain a long-range maintenance plan and shall specify the expenditures that qualify as an appropriate investment in maintenance. The long-range maintenance plan shall be approved by the New Jersey Health Care Facilities Financing Authority pursuant to regulations promulgated by the authority that reflect national building maintenance standards and other appropriate building maintenance benchmarks.

(3) The authority shall review all completed applications, and request additional information as is needed to make a complete assessment of the project. No project shall be undertaken until final approval has been granted by the New Jersey Health Care Facilities Financing Authority; provided, however, that the authority shall retain the right to revoke approval if it determines that the project has deviated from the plan submitted pursuant to paragraph (2) of this subsection.

(4) The New Jersey Health Care Facilities Financing Authority may promulgate any rules and regulations necessary to implement this subsection, including provisions for fees to cover administrative costs.

g. Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons

furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

h. The provisions of P.L.2009, c.136 (C.52:18-42 et al.) shall not apply to any project carried out pursuant to this section.

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

C.40A:11-2 Definitions.

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

(1) "Contracting unit" means:

(a) Any county; or

(b) Any municipality; or

(c) Any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority, except as provided pursuant to P.L.2013, c.4, or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, 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, including functions exercised in relation to the administration and oversight of a tourism district located in a municipality in which authorized casino gaming occurs, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services.

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

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

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

"Contracting unit" shall not include an entity that has entered into a contract for management and operation services with a local 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 on behalf of, a county; or

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

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

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

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

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

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

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

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

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

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

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

(12) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

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

(14) "Municipal solid waste" means, as appropriate to the circumstances, all residential, commercial and institutional solid waste generated within the boundaries of a municipality; or the formal collection of such solid wastes or recyclable material in any combination thereof when collected through a system of routes by local government unit employees or under a contract administered by a local government unit.

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

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

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

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

(19) "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or ser-

vices, during the same contract year through a contract awarded by a contracting agent.

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

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

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

(23) "Competitive contracting" means the method described in sections 1 through 5 of P.L.1999, c.440 (C.40A:11-4.1 thru 40A:11-4.5) of contracting for specialized goods and services in which formal proposals are 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, pursuant to P.L.1971, c.198 (C.40A:11-1 et seq.) and who possesses a qualified purchasing agent certificate.

(31) "Quotation" means the response to a formal or informal request made by a contracting agent by a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the contracting agent.

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

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

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

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

(36) "Administrator" means a municipal administrator appointed pursuant to N.J.S.40A:9-136 and N.J.S.40A:9-137; a business administrator, a municipal manager or a municipal administrator appointed pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.); a municipal manager appointed pursuant to "the municipal manager form of

government law," R.S.40:79-1 et seq.; or the person holding responsibility for the overall operations of an authority that falls under the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

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

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

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

(40) "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the contracting unit for the vendor's right to operate a concession.

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

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

9. Section 1 of P.L.1999, c.440 (C.40A:11-4.1) is amended to read as follows:

C.40A:11-4.1 Purposes for which competitive contracting may be used by local units.

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, competitive contracting may be used by local contracting units in lieu of public bidding for procurement of specialized goods and services the price of which exceeds the bid threshold, for the following purposes:

a. The purchase or licensing of proprietary computer software designed for contracting unit purposes, which may include hardware intended for use

with the proprietary software. This subsection shall not be utilized for the purpose of acquiring general purpose computer hardware or software;

b. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of:

(1) the operation and management of a wastewater treatment system or a water supply or distribution facility of the type described in subsection (37) of section 15 of P.L.1971, c.198 (C.40A:11-15), provided that competitive contracting shall not be used as a means of awarding contracts pursuant to P.L.1985, c.37 (C.58:26-1 et al.) and P.L.1985, c.72 (C.58:27-1 et al.);

(2) the operation, management or administration of recreation or social service facilities or programs, which shall not include the administration of benefits under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), or under General Assistance;

(3) the operation, management or administration of data processing services; or

(4) the operation and management of a county hospital pursuant to the "Local Hospital Authority Law," P.L.2006, c.46 (C.30:9-23.15 et al.);

c. (Deleted by amendment, P.L.2009, c.4).

d. Homemaker--home health services;

e. Laboratory testing services;

f. Emergency medical services;

g. Contracted food services;

h. Performance of patient care services by contracted medical staff at county hospitals, correctional facilities and long-term care facilities;

i. At the option of the governing body of the contracting unit, any good or service that is exempt from bidding pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

j. Concessions;

k. The operation, management or administration of other services, with the approval of the Director of the Division of Local Government Services;

l. Maintenance, custodial, and groundskeeping services;

m. Consulting services;

n. Emergency medical billing services;

o. Property appraisal services;

p. Reassessment or revaluation services;

q. Grant writing services;

r. Animal control services.

Any purpose included herein shall not be considered by a contracting unit as an extraordinary unspecifiable service pursuant to subparagraph (ii) of paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5).

10. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for professional services pursuant to subparagraph (i) of paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) shall be awarded for a period not to exceed 12 consecutive months. Contracts may be awarded for longer periods of time as follows:

(1) Supplying of:

(a) (Deleted by amendment, P.L.1996, c.113.)

(b) (Deleted by amendment, P.L.1996, c.113.)

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P.L.1977, c.53.)

(3) The collection and disposal of municipal solid waste, the collection and disposition of recyclable material, or the disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The collection and recycling of methane gas from a sanitary landfill facility, for any term not exceeding 25 years, when the contract is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

(5) Data processing service, for any term of not more than seven years;

(6) Insurance, including the purchase of insurance coverages, insurance consulting or administrative services, claims administration services and including participation in a joint self-insurance fund, risk management

program or related services provided by a contracting unit insurance group, or participation in an insurance fund established by a local unit pursuant to N.J.S.40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years;

(7) Leasing or servicing of (a) automobiles, motor vehicles, machinery, and equipment of every nature and kind, for a period not to exceed five years, or (b) machinery and equipment used in the generation of electricity by a municipal shared services energy authority established pursuant to section 4 of P.L.2015, c.129 (C.40A:66-4), or a contracting unit engaged in the generation of electricity, for a period not to exceed 20 years; provided, however, a contract shall be awarded only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a company providing voice, data, transmission, or switching services for a term not exceeding five years;

(9) Any single project for the construction, reconstruction, or rehabilitation of any public building, structure, or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections and plan review services undertaken by private agencies pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not more than three years;

(12) (Deleted by amendment, P.L.2009, c.4).

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

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

(15) Leasing of motor vehicles, machinery, and other equipment primarily used to fight fires, for a term not to exceed ten years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services in the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utili-

ties, and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et al.), except that no approvals shall be required for those contracts otherwise exempted pursuant to subsection (30), (31), (34), (35) or (43) of this section. For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, or interconnections between existing water supply facilities, machinery and equipment and other property, real, personal, and mixed, acquired, constructed, or operated, or to be acquired, constructed, or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful, or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving, or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of resource recovery services by a qualified vendor, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the residual ash generated at a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation, or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, and the Department of Environmental Protection pursuant to P.L.1985, c.38 (C.13:1E-136 et al.); and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility con-

structed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production; and "residual ash" means the bottom ash, fly ash, or any combination thereof, resulting from the combustion of solid waste at a resource recovery facility;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities, and when the resource recovery facility is in conformance with a district solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et al.), except that no approvals shall be required for those contracts otherwise exempted pursuant to subsection (36) or (43) of this section. For the purposes of this subsection, "wastewater treatment services" means any services provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of goods or services for the purpose of lighting public streets, for a term not to exceed five years;

(21) The provision of emergency medical services for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of electricity, from a supplier of electricity subject to the jurisdiction of a federal regulatory agency, from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C. s.796, or from any supplier of electricity within any regional transmission organization or independent system operator or from an organization or operator or their successors, by a contracting unit engaged in the generation of electricity for retail sale, as of May 24, 1991, for a term not to exceed 40 years, or by a contracting unit engaged solely in the distribution of electricity for retail sale for a term not to exceed ten years, except that a contract with a contracting unit, engaged solely in the distribution of electricity for retail sale, in excess of ten years, shall require the written approval of the Director of the Division of Local Government Services. If the director fails to respond in writing to the contracting unit within 10 business days, the contract shall be deemed approved;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospital care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care, and fracture stabilization;

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

(27) The provision of transportation services to an elderly person, an individual with a disability, or an indigent person for any term of not more than three years. For the purposes of this subsection, "elderly person " means a person who is 60 years of age or older. "Individual with a disability" means a person of any age who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable, without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. "Indigent person " means a person of any age whose income does not exceed 100 percent of the poverty level, adjusted for family size, established and adjusted under section 673(2) of subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. s.9902 (2));

(28) The supplying of liquid oxygen or other chemicals, for a term not to exceed five years, when the contract includes the installation of tanks or other storage facilities by the supplier, on or near the premises of the contracting unit;

(29) The performance of patient care services by contracted medical staff at county hospitals, correction facilities, and long term care facilities, for any term of not more than three years;

(30) The acquisition of an equitable interest in a water supply facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or a contract entered into pursuant to the "County and Municipal Water Supply Act," N.J.S.40A:31-1 et seq., if the contract is entered into no later than January 7, 1995, for any term of not more than forty years;

(31) The provision of water supply services or the financing, construction, operation, or maintenance or any combination thereof, of a water supply facility or any component part or parts thereof, by a partnership or co-partnership established pursuant to a contract authorized under section 2 of P.L.1993, c.381 (C.58:28-2), for a period not to exceed 40 years;

(32) Laundry service and the rental, supply, and cleaning of uniforms for any term of not more than three years;

(33) The supplying of any product or the rendering of any service, including consulting services, by a cemetery management company for the maintenance and preservation of a municipal cemetery operating pursuant to the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq., for a term not exceeding 15 years;

(34) A contract between a public entity and a private firm pursuant to P.L.1995, c.101 (C.58:26-19 et al.) for the provision of water supply services may be entered into for any term which, when all optional extension periods are added, may not exceed 40 years;

(35) A contract for the purchase of a supply of water from a public utility company subject to the jurisdiction of the Board of Public Utilities in accordance with tariffs and schedules of charges made, charged or exacted or contracts filed with the Board of Public Utilities, for any term of not more than 40 years;

(36) A contract between a public entity and a private firm or public authority pursuant to P.L.1995, c.216 (C.58:27-19 et al.) for the provision of wastewater treatment services may be entered into for any term of not more than 40 years, including all optional extension periods;

(37) The operation and management of a facility under a license issued or permit approved by the Department of Environmental Protection, including a wastewater treatment system or a water supply or distribution facility,

as the case may be, for any term of not more than ten years. For the purposes of this subsection, "wastewater treatment system" refers to facilities operated or maintained for the storage, collection, reduction, disposal, or other treatment of wastewater or sewage sludge, remediation of groundwater contamination, stormwater runoff, or the final disposal of residues resulting from the treatment of wastewater; and "water supply or distribution facility" refers to facilities operated or maintained for augmenting the natural water resources of the State, increasing the supply of water, conserving existing water resources, or distributing water to users;

(38) Municipal solid waste collection from facilities owned by a contracting unit, for any term of not more than three years;

(39) Fuel for heating purposes, for any term of not more than three years;

(40) Fuel or oil for use in motor vehicles for any term of not more than three years;

(41) Plowing and removal of snow and ice for any term of not more than three years;

(42) Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities, or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract;

(43) A contract between the governing body of a city of the first class and a duly incorporated nonprofit association for the provision of water supply services as defined in subsection (16) of this section, or wastewater treatment services as defined in subsection (19) of this section, may be entered into for a period not to exceed 40 years;

(44) The purchase of electricity generated through class I renewable energy or from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contacting unit for any term not exceeding 25 years;

(45) The provision or performance of goods or services for the purpose of producing class I renewable energy or class II renewable energy, as those terms are defined in section 3 of P.L.1999, c.23 (C.48:3-51), at, or adjacent to, buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that a contract shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs;

(46) A power supply contract, as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), between a member municipality as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), and the municipal shared services energy authority established pursuant to the provisions of P.L.2015, c.129 (C.40A:66-1 et al.) to meet the electric power needs of its members, for the lease, operation, or management of electric generation within a member municipality's corporate limits and franchise area or the purchase of electricity, or the purchase of fuel for generating units for a term not to exceed 40 years; and

(47) A contract entered into pursuant to paragraph (2) of subsection a. of section 6 of P.L.2006, c.46 (C.30:9-23.20) between a county hospital authority and a manager for the management, operation, and maintenance of a hospital owned by the authority or the county for a term not to exceed 20 years, provided, however, that a contract entered into pursuant to paragraph (2) of subsection a. of section 6 of P.L.2006, c.46 (C.30:9-23.20) may be renewed for two additional periods, not to exceed five years each.

Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations: a. The contract shall be awarded by resolution of the governing body upon a finding by the governing body that the services are being performed in an effective and efficient manner; b. No contract shall be extended so that it runs for more than a total of five consecutive years; c. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and d. The terms and conditions of the contract remain substantially the same.

All multiyear leases and contracts entered into pursuant to this section, including any two-year or one-year extensions, except contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts for the provision or performance of goods or services or the supplying of equipment to promote energy conservation through the production of class I renewable energy or class II renewable energy authorized pursuant to subsection (45) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16), (30), (31), (34), (35), (37), or (43) above, contracts for

resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19), (36), (37), or (43) above, and contracts for the purchase of electricity or administrative or dispatching services related to the transmission of electricity authorized pursuant to subsection (24) above, contracts for the purchase of electricity generated from a power production facility that is fueled by methane gas authorized pursuant to subsection (44) above, and power supply contracts authorized pursuant to subsection (46) respectively, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services in the Department of Community Affairs shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), except that a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

11. This act shall take effect immediately.

Approved September 21, 2016.

CHAPTER 56

AN ACT concerning the financing and construction of transportation infrastructure in the State and amending various parts of the statutory law, supplementing Title 27 and 58 of the Revised Statutes, and repealing P.L.1997, c.142.

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

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

C.27:1B-3 Definitions.

3. The following words or terms as used in this act shall have the following meaning unless a different meaning clearly appears from the context:

"Act" means this New Jersey Transportation Trust Fund Authority Act of 1984 as amended and supplemented.

"Authority" means the New Jersey Transportation Trust Fund Authority created by section 4 of this act.

"Bonds" means bonds issued by the authority pursuant to the act and includes prior bonds and transportation program bonds.

"Circle of Mobility" means an essential group of related transit projects that include (1) the New Jersey Urban Core Project, as defined in section 3031 of the "Intermodal Surface Transportation Efficiency Act of 1991," Pub.L.102-240, and consisting of the following elements: Secaucus Transfer, Kearny Connection, Waterfront Connection, Northeast Corridor Signal System, Hudson River Waterfront Transportation System, Newark-Newark International Airport-Elizabeth Transit Link, a rail connection between Penn Station Newark and Broad Street Station, Newark, New York Penn Station Concourse, and the equipment needed to operate revenue service associated with improvements made by the project, and (2) the modification and reconstruction of the West Shore Line in Bergen County connected to Allied Junction/Secaucus Transfer Meadowlands Rail Center; the construction of a rail station and associated components at the Meadowlands Sports Complex; the modification and reconstruction of the Susquehanna and Western Railway, as defined and provided in section 3035 (a) of the "Intermodal Surface Transportation Efficiency Act of 1991"; the modification and reconstruction of the Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex and Warren Counties to the North Jersey Transportation Rail Centers; and commuter rail service in the central New Jersey region terminating at the proposed Lakewood Transportation Center in Ocean County or other location, as determined by the Board of the New Jersey Transit Corporation, pursuant to a resolution of the board providing for the achievement of a consensus among the interested parties as to the direction of the proposed rail line; provided, however, that this 2000 amendatory act shall not be construed as affecting any priorities which may have been assigned to any other project in the Circle of Mobility.

"Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

"Federal aid highway" means any highway within the State in connection with which the State receives payment or reimbursement from the federal government under the terms of Title 23, United States Code or any amendment, successor, or replacement thereof, for the purposes contained in the act.

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

"New Jersey Highway Authority" means the public corporation created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its successor.

"New Jersey Turnpike Authority" means the public corporation created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

"Notes" means the notes issued by the authority pursuant to the act.

"Permitted maintenance" means, in relation to public transportation projects and transportation projects, direct costs of work necessary for preserving or maintaining the useful life of public transportation projects and transportation projects, respectively, provided the work performed is associated with the acquisition, installation, and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the public transportation project or transportation project for not less than five years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis. This definition shall not apply to the term "maintenance" as used in the definition of "public highways." In relation to public highways, "permitted maintenance" means the direct costs of work necessary for preserving or maintaining the useful life of public highways, provided the work is not associated with the regular and routine maintenance of public highways and their components. The work shall ensure the useful life of the transportation project for not less than five years.

"Prior bonds" means bonds issued pursuant to the authorization contained in P.L.1995, c.108 and P.L.2006, c.3 and any bonds issued to refund such prior bonds.

"Public highways" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, bicycle and

pedestrian pathways and pedestrian and bicycle bridges traversing public highways and any facilities, equipment, property, rights of way, easements and interests therein needed for the construction, improvement, and maintenance of highways.

"Public transportation project" means, in connection with public transportation service, passenger stations, shelters and terminals, automobile parking facilities, ferries and ferry facilities, including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, and other necessary land-side improvements, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage, pedestrian walkways and bridges connecting to passenger stations and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbuses and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility, or property useful for or related to the provision of public transportation service.

"South Jersey Transportation Authority" means the public corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or its successor.

"State agency" means any office, department, board, commission, bureau, division, agency, or instrumentality of the State.

"Toll road authorities" means and includes the New Jersey Turnpike Authority, the New Jersey Highway Authority, or its successor, and the South Jersey Transportation Authority.

"Transportation program bonds" means bonds issued pursuant to the authorization contained in P.L.2012, c.13, P.L.2016, c.56, and any bonds issued to refund such transportation program bonds.

"Transportation project" means, in addition to public highways and public transportation projects, any equipment, facility or property useful or related to the provision of any ground, waterborne, or air transportation for the movement of people and goods including rail freight infrastructure, which equipment, facility, or property may be acquired by purchase or lease.

"Transportation system" means public highways, public transportation projects, other transportation projects, and all other surface, airborne, and waterborne methods of transportation for the movement of people and goods.

2. 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:

(1) 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, provided that for transportation program bonds or notes issued in anticipation of such transportation program bonds, only revenues dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds," may be used for such payment;

(2) In addition, the authority may issue notes, in anticipation of the issuance of the bonds, provided that the issuance of such notes shall be subject to the bonding limitations as provided in subsection i. of this section, and the payment of such notes if issued in anticipation of the issuance of transportation program bonds shall be paid solely from revenues dedicated pursuant to

the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds." The authority may also issue notes in anticipation of 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, the principal of or interest on which, or both, shall be payable out of the proceeds of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government for federal aid highways or public transportation systems. Such notes shall not be subject to the bonding limitations as provided in subsection i. of this section; and

(3) 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, provided that for any such agreements entered into in connection with transportation program bonds issued pursuant to the authorization contained in subsection i. of this section, or notes issued in anticipation of such transportation program bonds, only revenues dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds," may be used for such payment.

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 Title 12A of the New Jersey Statutes.

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 premium) 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 for transportation program bonds and agreements securing such transportation program bonds only from revenues dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds," 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. 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. Debt permitted for the fiscal year beginning July 1, 2006 may be incurred prior to July 1, 2006. The authority shall not issue transportation program bonds in excess of \$1,247,000,000 for the fiscal year beginning July 1, 2012, in excess of \$849,200,000 for the fiscal year beginning July 1, 2013, in excess of \$735,300,000 for the fiscal year beginning July 1, 2014, and in excess of \$626,800,000 for the fiscal year beginning July 1, 2015, except that (1) if that permitted amount of transportation program bonds, or any portion thereof, is not incurred in a fiscal year, it may be issued in a subsequent fiscal year and (2) 30 percent of the permitted amount of transportation program bonds for a fiscal year may be issued in the fiscal year preceding such fiscal year provided that (a) any transportation program bonds issued pursuant to this paragraph shall be deducted from the authorization for the fiscal year from which it was taken, and (b) the proceeds of any such transportation program bonds shall not be encumbered until the fiscal year from which the deduction of the authorization was taken pursuant to this paragraph. Transportation program bonds authorized to be issued for the fiscal year beginning July 1, 2012 may be issued prior to July 1, 2012. Commencing on the day that Assembly Concurrent Resolution No. 1 of 2015, a constitutional amendment to Article VIII, Section II, paragraph 4 of the New Jersey Constitution, takes effect, and ending June 30, 2024, the authority shall not issue transportation program bonds in excess of \$12,000,000,000. Any increase in this limitation

shall only occur if so provided for by law. In computing the foregoing limitation as to the amount of bonds the authority may issue, the authority may exclude any bonds, notes or other obligations, including subordinated obligations of the authority, issued for refunding purposes; except that, any premiums received in connection with the issuance of transportation program bonds shall count against any limitation as to the amount of transportation program bonds the authority may issue. The payment of debt service on transportation program bonds and any agreements issued in connection with such transportation program bonds shall be paid solely from revenues dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds."

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 semi-annual compounding and upon the prices paid to the authority by the initial purchasers of those refunding bonds.

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," which shall consist of three subaccounts entitled: "Transportation Trust Fund Account - Subaccount for Debt Service for Prior Bonds," "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds," and "Transportation Trust Fund Account - Subaccount for Capital Reserves." 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 the "Transportation Trust Fund Account - Subaccount for Debt Service for Prior Bonds" a portion of the revenues derived from the following, as determined by the treasurer, and to the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds" and "Transportation Trust Fund Account - Subaccount for Capital Reserves" only revenues dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, which are also derived under subsection a. of this section and from the petroleum products gross receipts and sales tax as set forth in subsection d. of this section:

a. An amount equivalent to all revenue derived from the collection of 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;

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 in any fiscal year.

The treasurer shall also credit to the "Transportation Trust Fund Account - Subaccount for Debt Service for Prior Bonds," 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 section 32 of P.L.1984, c.73 and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R.S.54:39-27 made by section 35 of P.L.1984, c.73 and by P.L.1987, c.460, and as amended by section 18 of P.L.1992, c.23, and repealed by section 56 of P.L.2010, c.22 and now imposed pursuant to section 3 of P.L.2010, c.22 (C.54:39-103), provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than \$20,000,000 and that the total amount credited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than \$30,000,000.

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 through the fiscal year commencing July 1, 2015; and in the fiscal year commencing July 1, 2016, an amount equivalent to all revenue derived from the sale of petroleum products pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.) and in each 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 - Subaccount for Debt Service for Prior Bonds," "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds," and "Transportation Trust Fund Account - Subaccount for Capital Reserves," 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, and further provided that the revenues deposited into the "Transportation Trust Fund Account - Subaccount for Debt Service for Transportation Program Bonds" and "Transportation Trust Fund Account - Subaccount for Capital Reserves" shall consist solely of revenues which are dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and subsections a. and d. of this section.

In the event that the amount of appropriations and other revenues made available to the authority are greater than the amount of appropriations and other revenues needed to meet the statutory purposes of the authority in a fiscal year, any of those additional amounts, which are dedicated pursuant to the New Jersey Constitution, including Article VIII, Section II, paragraph 4, and subsections a. and d. of this section, may be deposited into the "Transportation Trust Fund Account - Subaccount for Capital Reserves." Monies deposited in the "Transportation Trust Fund Account - Subaccount for Capital Reserves" shall be held in reserve as a means of ensuring the adequacy of funding to meet the future statutory needs of the authority, and may be transferred to the other subaccounts of the "Transportation Trust Fund Account" or to the "Special Transportation Fund" through appropriation by the Legislature for any statutory need of the authority.

4. 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 de-

partment, 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 pursuant 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, other than for permitted maintenance, 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. Funds expended for permitted maintenance may be appropriated as one item of appropriation and subject to allocation at the commissioner's discretion.

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 the commissioner 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 pro-

gram. 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 through the fiscal year beginning July 1, 2015 shall not exceed 13 percent of the total funds appropriated from the revenues and other nonfederal funds of the authority for those fiscal years, and shall not exceed \$208,000,000 for the fiscal year beginning July 1, 2016 and each fiscal year thereafter.

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.

j. Every project in which revenues or other funds of the authority are expended shall be included on a website created by the authority whose exclusive purpose shall be reporting on the status of State and federal projects and serving as a singular location for State and federal public documentation concerning those projects. The website shall document the status of each project, presented in tabular form outlining the budgeted amount, the amount spent and committed, and the amount necessary to complete each project. The website shall include a chart which compares the planned and actual quarterly and cumulative expenditures for each project. The website shall chronicle actions which have a bearing on the progress of projects, including, but not limited to, awards for legal, insurance, and engineering services, environmental review, public involvement and outreach, property acquisitions, and construction contracts. The website shall also include a description of any action by an external regulatory agency such as the Department of Environmental Protection, or any other party, which occurred during the reporting period that affected the cost or timely comple-

tion of any project in any manner. Information concerning each project shall be included and updated, at minimum, once per month.

k. There shall be a minimum appropriation from the revenues and other funds of the authority of \$25,000,000 each fiscal year, commencing with the fiscal year beginning July 1, 2016 for the design, construction, reconstruction, rehabilitation, land acquisition, and environmental mitigation of freight rail projects that: are significant to port commerce connectivity; eliminate rail freight missing links to port facilities; or upgrade freight rail trackage to a 286,000 pound load carrying capacity. The amount appropriated pursuant to this subsection shall be inclusive of all amounts annually appropriated for the New Jersey Rail Freight Assistance Program.

5. 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 reports of the commissioner, which shall include the Transportation Master Plan, Statewide Capital Investment Strategy, Annual Transportation Capital Program, Transportation Trust Fund Authority Financial Plan, and Five-Year Capital Plan, 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, 2015, the annual amount so reported by the commissioner for proposed projects shall not exceed \$1,600,000,000 exclusive of federal funds, and beginning with the reports due March 1, 2016, and on each succeeding March 1 thereafter through March 1, 2023, the amount so reported by the commissioner for proposed projects shall not exceed an aggregate \$16,000,000,000 over that eight year period.

b. For the fiscal year beginning on July 1, 2006 and for each fiscal year thereafter through the fiscal year beginning on July 1, 2011, 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. The total 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: \$1,247,000,000 for the fiscal year beginning on July 1, 2012; \$1,224,000,000 for the fiscal year beginning on July 1, 2013; \$1,225,000,000 for the fiscal year beginning on July 1,

2014; and \$1,247,000,000 for the fiscal year beginning on July 1, 2015. The total amount authorized to be appropriated from the revenues and other non-federal 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 an aggregate \$16,000,000,000 in total for the fiscal years beginning on July 1, 2016 through the fiscal year beginning on July 1, 2023.

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 Independent Authorities 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.

6. 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 Transportation 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 Independent Authorities 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, and vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency. 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, or vehicles operated on any other bus fuel approved by the United States Environmental Protection Agency. 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 submission 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 and municipality or municipalities within which they are to be located, a distinction between State and local projects, an identification number for each project that can be used to cross reference any project in the State's federal Statewide Transportation Improvement Program, the project phase of work, investment category, project sponsor, governmental entity with jurisdiction over the project and associated infrastructure, the amount estimated to be expended on each project in the year of appropriation, and an estimate of the total project cost. 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 operations 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.

7. Section 6 of P.L.2006, c.3 (C.27:1B-22.2) is amended to read as follows:

C.27:1B-22.2 Transportation 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 Transportation 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 nine 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, two of whom shall be experts that perform academic research in the areas of transportation and public transportation policy, planning, or engineering, and one of whom shall be an expert in the area of transportation capital finance. The remaining members shall be appointed by the Governor as follows: two upon the recommendation of the President of the Senate, one upon the recommendation of the Minority Leader of the Senate, two upon the recommendation of the Speaker of the General Assembly, and one upon the recommendation of the Minority Leader of the General Assembly. Each member shall have a professional background in passenger rail service, freight rail management, transportation capital planning, transportation and public transportation capital construction, federal transportation policy, State transportation policy, or transportation capital finance. 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 three members appointed upon the recommendations of the President of the Senate and the Minority Leader of the Senate and the three members appointed upon the recommendations 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; and further provided that any member serving on the effective date of P.L.2016, c.56 (C.27:1B-22.5 et al.) shall serve until the expiration of that member's term, notwithstanding the criteria for appointment established pursuant to P.L.2016, c.56 (C.27:1B-22.5 et al.). The Transportation Policy Review Board shall be deemed to be constituted immediately upon appointment and qualification in the manner provided in this section of at least five members.

The purpose of the board is to assure fiscal discipline through evaluating the financing of transportation; independently analyzing and reporting on the cost effectiveness of spending in the transportation capital program; conducting and commissioning research on best practices in the areas of transportation and public transportation construction, planning, finance, and engineering; providing policy recommendations to the Legislature on the best ways to organize the capital program and appropriate capital program funds; and preparing an annual State of Condition of Transportation Financing certification.

The board shall annually appear before the Senate Budget and Appropriations Committee, or its successor, and the Assembly Budget Committee, or its successor, and provide independent analysis of the transportation capital program, provide comments on the cost effectiveness of the program, evaluate the condition of the State transportation system, and identify needed infrastructure investments. The board shall annually appear before the Senate Transportation Committee, or its successor, and the Assembly Transportation and Independent Authorities Committee, or its successor, and report on best practices and cost savings in areas related to transportation and public transportation construction, planning, finance, infrastructure, and governance. The board shall also make itself available to the aforementioned budget and transportation committees to conduct research and provide recommendations on policy issues that those committees request of the board. The board shall issue an annual report on or before June 1 of each year which summarizes the work of the board for the prior year, evaluates the reports issued by the department pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22), and provides independent recommendations for administering the annual capital program.

The board shall be provided with a budget each year to be funded through the capital program, and the budget shall be sufficient to allow the board to commission independent research from academic and other experts in the area of research to be conducted, to avail itself of any professional or consultant services necessary to perform its functions, and to complete the reports and certifications required pursuant to this section.

The board may call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, task force, or agency as it may require and as may be available to it for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses necessary to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

The board shall submit reports to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) no later than April 1, 2017 concerning the taxation of motor vehicles that are powered by a fuel source that is not subject to the motor fuels tax pursuant to P.L.2010, c.22 (C.54:39-101 et seq.) or the petroleum products gross receipts tax pursuant to P.L.1990, c.42 (C.54:15B-1 et seq.), including, but not limited to electric vehicles and hydrogen fuel cell vehicles. The report required pursuant to this subsection shall include recommendations to the Legislature for a new system of taxation that mandates that all vehicles operating on the highways of this State contribute equitably to the cost of maintaining the State transportation system.

The State of Condition of Transportation Financing 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 commencing with the fiscal year beginning July 1, 2007 through the fiscal year beginning July 1, 2015 shall not exceed \$1,600,000,000 annually, and for the fiscal year beginning on July 1, 2016 through the fiscal year beginning on July 1, 2023 shall not exceed an aggregate \$16,000,000,000 over that eight-year period.

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 certification standard a. referencing therein a certification with regard to certification standards b. and c. 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 certification standard 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 certification standard b. of this section, or for the amount authorized to be appropriated for project costs pursuant to certification standard 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.

C.27:1B-22.5 Annual Transportation Capital Program Approval Committee.

8. a. There is hereby established in but not of the Department of Transportation, a body corporate and politic, with corporate succession, to be known as the Annual Transportation Capital Program Approval Committee. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the committee is hereby allocated within the Department of Transportation, but, notwithstanding that allocation, the committee shall be independent of any supervision or control by the department or by any body or officer thereof. The committee is

hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the committee of the powers conferred by P.L.2016, c.56 (C.27:1B-22.5 et al.) shall be deemed and held to be an essential governmental function of the State.

b. (1) The committee shall be comprised of four members. One member shall be the Commissioner of Transportation, or the commissioner's designee, who shall serve ex-officio, and the remaining three members shall be public members, each of whom is to be appointed by the Governor upon the joint recommendation of the President of the Senate and Speaker of the General Assembly; one of whom shall be a resident of Salem, Cumberland, Cape May, Atlantic, Gloucester, Camden, Burlington, or Ocean county; one of whom shall be a resident of Monmouth, Mercer, Middlesex, Hunterdon, Somerset, or Union county; and one of whom shall be a resident of Warren, Sussex, Essex, Passaic, Morris, Hudson, or Bergen county. Each public member shall serve a term of three years, which shall run from August 1, of the year of appointment until July 31 of the third year following appointment. The Annual Transportation Capital Program Approval Committee shall be deemed to be constituted immediately upon appointment and qualification in the manner provided in this section of the three public members.

(2) The purpose of the committee is to ensure that Legislative input is provided in the process of selecting the transportation capital projects to be funded annually through the Transportation Trust Fund Account pursuant to section 20 of P.L.1984, c.73 (C.27:1B-20), and to prepare an Annual Transportation Capital Program Approval Certification.

(3) Commencing with the fiscal year beginning July 1, 2017, the board shall submit to the Governor and the Legislature on an annual basis the Annual Transportation Capital Program Approval Certification referencing therein a certification attested to by all members of the committee that for the proposed projects of both the Department of Transportation and the New Jersey Transit Corporation included in the Annual Transportation Capital Program, required pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) and the list of projects proposed by the department for inclusion in the State budget to be appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority: (a) the projects were developed with input from each member of the committee; (b) that every member of the committee has been granted access to all available information of the department concerning each project; and that (c) each member of the committee approves the inclusion of each project in the Annual Transportation Capital Program and recommends that the project be included in the list of projects to be appropriated from the revenues and other

funds of the New Jersey Transportation Trust Fund Authority in the Annual Appropriations Act. The first annual certification required by this subsection shall be submitted to the Governor and the Legislature by March 1, 2017, after the certification has been approved by every member of the committee, and by March 1 of each year thereafter. The committee shall advise the authority on July 1, 2017 and on each succeeding July 1, if members of the committee have failed to unanimously approve the Annual Transportation Capital Program Approval Certification. If no Annual Transportation Capital Program Approval Certification has been approved for a fiscal year, the Legislature shall not make any appropriation from the revenues and other funds of the authority for the financing of transportation projects in that fiscal year until the certification has been unanimously approved. Prior to approval of the certification, appropriations shall only be made for existing projects and for debt service on authority bonds.

9. 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.

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 seven percent of the total amount appropriated pursuant to subsection d. of this section. This State aid shall be set aside prior to any formula allocations provided for in subsections c., d., e., f., and g. of this section, and shall be known as the "Local Aid Infrastructure Fund." In the fiscal year commencing July 1, 2016, any amount appropriated to the Local Aid Infrastructure Fund above \$7,500,000 shall be deposited into the State

Transportation Infrastructure Bank Fund, established pursuant to section 34 of P.L.2016, c.56 (C.58:11B-10.4).

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 each fiscal year commencing July 1, 2006 through the fiscal year commencing July 1, 2015, and \$400,000,000 for each fiscal year commencing July 1, 2016 and for each fiscal year thereafter, for the purposes provided herein and in subsections b., c., e., f., and g. of this section. (1) Of that appropriation, the commissioner shall allocate 37.5 percent of the total appropriation as State aid for municipalities pursuant to the provisions of subsection c. of this section, provided that \$5,000,000 for each fiscal year commencing July 1,

2006 through the fiscal year commencing July 1, 2015, and \$10,000,000 for each fiscal year commencing July 1, 2016 and for each fiscal year thereafter of the amount allocated as State aid for municipalities shall be set aside and sub-allocated 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 (C.52:27D-178 et seq.). (2) The commissioner shall allocate 37.5 percent of the total appropriation pursuant to the provisions of subsection e. of this section for the Local County Aid Program. (3) The commissioner shall allocate seven percent of the total appropriation pursuant to the provisions of subsection b. of this section for the "Local Aid Infrastructure Fund." (4) The commissioner shall allocate seven percent of the appropriation pursuant to the provisions of subsection f. of this section for the "Local Freight Impact Fund." (5) The remaining 11 percent of the appropriation shall be allocated pursuant to the provisions of subsection g. of this section for the "Local Bridges Fund."

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.

f. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at the commissioner's discretion, State aid to counties and municipalities for transportation projects that address the impacts of freight travel in local communities and on local transportation infrastructure, except that the amount to be appropriated for this program shall be seven percent of the total amount appropriated pursuant to subsection d. of this section. This State aid shall be set aside prior to any formula allocations provided for in subsections c., d., e., and g. of this section, and shall be known as the "Local Freight Impact Fund."

g. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law, allocate at the commissioner's discretion, State aid to counties and municipalities for transportation projects that address the condition of bridges under the jurisdiction of counties with an emphasis on repair and reconstruction of those with the greatest structural deficiencies, except that the amount to be appropriated for this program shall be 11 percent of the total amount appropriated pursuant to subsection d. of this section. This State

aid shall be set aside prior to any formula allocations provided for in subsections c., d., e., and f. of this section, and shall be known as the "Local Bridges Fund."

10. Section 1 of P.L.1985, c.334 (C.58:11B-1) is amended to read as follows:

C.58:11B-1 Title amended.

1. This act shall be known and may be cited as the "New Jersey Infrastructure Trust Act."

11. Section 2 of P.L.1985, c.334 (C.58:11B-2) is amended to read as follows:

C.58:11B-2 Findings, determinations.

2. a. The Legislature finds that the steady deterioration of older sewage and sewer systems and wastewater treatment plants endangers the availability and quality of uncontaminated water resources of the State, thereby posing a grave danger to the health, safety and welfare of the residents of the concerned communities and the State; that the construction, rehabilitation, operation, and maintenance of modern and efficient sewer systems and wastewater treatment plants are essential to protecting and improving the State's water quality; that in addition to protecting and improving water quality, adequate wastewater treatment systems are essential to economic growth and development; that many of the wastewater treatment systems in New Jersey must be replaced or upgraded if an inexorable decline in water quality is to be avoided during the coming decades; that the United States Congress in recognition of the crucial role wastewater treatment systems and plants play in maintaining and improving water quality, and with an understanding that the cost of financing and constructing these systems must be borne by local governments and authorities with limited sources of revenues, established in the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.) a program to provide local governments with grants for constructing these systems; that during the last several years the amount of federal grant money available to states and local governments for assistance in constructing and improving wastewater treatment systems has sharply diminished; that the current level of federal grant funding is inadequate to meet the cost of upgrading the State's wastewater treatment capacity to comply with State water quality standards; that the collective needs of the State and local governments for capital financing of wastewater treatment systems far exceed the sums of money presently avail-

able through revenue initiatives and State and federal aid programs; and that it is fitting and proper for the State to encourage local governments to undertake wastewater treatment projects through the establishment of a State mechanism to provide loans at the lowest reasonable interest rates and to guarantee or insure local capital improvement bonds.

b. The Legislature finds that stormwater runoff and combined sewer overflows are among the major sources of ocean pollution, contributing to beach closings; that combined sewer systems discharge untreated wastewater and stormwater into rivers, streams and coastal waters during wet weather, resulting in water pollution; that some combined sewer systems have deteriorated to the point that overflows occur regularly, even during dry weather; that many sewer systems are on inadequate repair and replacement programs, which may cause disturbances at sewage treatment plants; that many municipalities are under building moratoriums due to the inadequacy of their sewage and stormwater collection systems, which severely affect municipal budgets; and that large unmet capital expenses exist for combined sewer system separation and abatement projects.

The Legislature further finds that funding at the federal level for wastewater treatment, stormwater management and combined sewer system rehabilitation projects is insufficient; that State funds available for these projects are inadequate to meet current needs; that local revenues are insufficient to meet these expenses; and that additional funding at the State level is necessary to meet this financial obligation.

c. The Legislature finds that construction, rehabilitation, operation and maintenance of modern and efficient water supply facilities are essential to protecting and improving the State's water quality; that the citizens of this State, in recognition of the crucial role the construction of new and the upgrading of existing water supply facilities play in maintaining and augmenting the natural water resources of the State, and with an understanding that the cost of financing and constructing these systems is beyond the limited financial resource capabilities of local governments and authorities and must be subsidized by the State and repaid through a system of water supply user charges, approved the enactment of the "Water Supply Bond Act of 1981" (P.L.1981, c.261); that the water supply needs of the State are so great that the funds allocated for this purpose from the "Water Supply Fund" established by that 1981 bond act should be augmented and maximized, to the extent practicable, through the use of alternative methods of State financing to offset the costs of water supply projects and for the construction of new or the rehabilitation of antiquated or inadequate existing water supply facilities; that the United States Congress in recognition of the

essential role that safe drinking water plays in protecting the public health, and with an understanding that financing, constructing and maintaining water systems that meet the requirements of the "Safe Drinking Water Act," 42 U.S.C. s.300f et seq. exceed the financial and technical capacity of the operators of some water systems, has established in the "Safe Drinking Water Act Amendments of 1996," P.L.104-182, a program to provide public water systems with financial assistance to meet national primary drinking water regulations or to otherwise further the health protection objectives of the federal law and that the State must, in order to make use of the federal funds, provide State funds for the program; and therefore, State funding for the program is necessary to meet this financial obligation.

d. The Legislature finds that the transportation infrastructure of the State is among the most heavily used in the nation and has deteriorated in recent years, with parts of the highway system reaching the end of their useful lives.

e. The Legislature finds that capital projects for roadways and bridges are essential to protecting and improving the State's transportation system; that construction of new and the upgrading of existing roadways and bridges play a critical role in the transportation needs of the State, and with an understanding that the cost of financing and constructing these systems is beyond the limited financial resource capabilities of local governments and authorities and must be subsidized by the State and Federal government; that the United States Congress has established "State Infrastructure Bank" programs to provide funding for transportation systems (23 U.S.C. s.610) and that the State must, in order to make use of the federal funds, provide State funds for the program; and therefore, State funding for the program is necessary to meet this financial obligation.

f. The Legislature therefore determines that it is in the public interest to establish a State authority authorized to issue bonds, notes and other obligations and to establish any reserve funds necessary therefor, and to make loans to and guarantee debt incurred by local government units for environmental and transportation infrastructure projects.

12. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read as follows:

C.58:11B-3 Definitions.

3. As used in sections 1 through 27 of P.L.1985, c.334 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 22 and 34 through 38 of P.L.2016, c.56

(C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

"Bonds" means bonds issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

"Combined sewer overflow" means the discharge of untreated or partially treated stormwater runoff and wastewater from a combined sewer system into a body of water;

"Combined sewer system" means a sewer system designed to carry sanitary wastewater at all times, which is also designed to collect and transport stormwater runoff from streets and other sources, thereby serving a combined purpose;

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Cost" means the cost of all labor, materials, machinery and equipment, lands, property, rights and easements, financing charges, interest on bonds, notes or other obligations, plans and specifications, surveys or estimates of costs and revenues, engineering and legal services, and all other expenses necessary or incident to all or part of an environmental infrastructure project;

"Department" means the Department of Environmental Protection;

"Environmental infrastructure project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; or (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162;

"Federal infrastructure bank program" means the United States Department of Transportation State Infrastructure Bank Program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded;

"Local government unit" means (1) a State authority, county, municipality, municipal, county or regional sewerage or utility authority, municipal sewerage district, joint meeting, improvement authority, or any other political subdivision of the State authorized to construct, operate, and maintain wastewater treatment systems; (2) a State authority, district water supply commission, county, municipality, municipal, county or regional utilities authority, municipal water district, joint meeting, or any other political subdivision of the State authorized pursuant to law to operate or maintain a public water supply system or to construct, rehabilitate, operate, or maintain water supply facilities or otherwise provide water for human consump-

tion; or (3) a county, municipality, municipal, county or regional transportation authority, or any other political subdivision of the State authorized to construct, operate, and maintain public highways or transportation projects as defined pursuant to this section;

"Notes" means notes issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Onsite septic system ordinance or regulation" means an ordinance adopted by a municipality or county or regulation adopted by a regional planning agency establishing the requirements for construction, maintenance and repair of onsite wastewater treatment and disposal systems;

"Onsite wastewater treatment and disposal system" means an on-site system designed to treat and dispose of domestic sewage;

"Other assistance" means forms of financial assistance, in addition to loans, authorized by the New Jersey Infrastructure Bank from the State Transportation Infrastructure Bank Fund, including, but not limited to, use of funds to: provide credit enhancements; serve as a capital reserve for bond or other debt instrument financing; subsidize interest rates; ensure the issuance of letters of credit and credit instruments; finance purchase and lease agreements with respect to transit projects; and provide bond or other debt financing instrument security;

"Project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility, or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162; or (3) transportation project authorized pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Public highway" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, express bus roadways, bus pullouts and turn-arounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at-grade or not at-grade, bicycle and pedestrian pathways and pedestrian and bicycle bridges, and any property, rights of way,

easements and interests therein needed for the construction, improvement, and maintenance of highways;

"Public water utility" means any investor-owned water company or small water company;

"Small water company" means any company, purveyor or entity, other than a governmental agency, that provides water for human consumption and which regularly serves less than 1,000 customer connections, including nonprofit, noncommunity water systems owned or operated by a nonprofit group or organization;

"Stormwater management system" means any equipment, plants, structures, machinery, apparatus, management practices, or land, or any combination thereof, acquired, used, constructed, implemented or operated to prevent nonpoint source pollution, abate improper cross-connections and interconnections between stormwater and sewer systems, minimize stormwater runoff, reduce soil erosion, or induce groundwater recharge, or any combination thereof;

"Transportation project" means capital projects for public highways, approach roadways and other necessary land-side improvements, ramps, signal systems, roadbeds, transit lanes or rights of way, pedestrian walkways and bridges connecting to passenger stations and servicing facilities, bridges, and grade crossings;

"Trust" means the New Jersey Infrastructure Bank created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

"Wastewater" means residential, commercial, industrial, or agricultural liquid waste, sewage, septage, stormwater runoff, or any combination thereof, or other liquid residue discharged or collected into a sewer system or stormwater management system, or any combination thereof;

"Wastewater treatment system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed or operated by, or on behalf of, a local government unit for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the collection or treatment, or both, of stormwater runoff and wastewater, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, treatment plants and works, connections, outfall sewers, interceptors, trunk lines, stormwater management systems, and other personal property and appurtenances necessary for their use or operation; "wastewater treatment system" shall include a stormwater management system or a combined sewer system;

"Wastewater treatment system project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any wastewater treatment system that meets the requirements set forth in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21, and C.58:11B-22); or any work relating to any of the stormwater management or combined sewer overflow abatement projects identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181; or any work relating to the purposes set forth in section 6 of P.L.2003, c.162; or any work relating to any other project eligible for financing under the "Federal Water Pollution Control Act Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any amendatory or supplementary acts thereto;

"Water resources project" means any work related to transferring water between public water systems during a state of water emergency, to avert a drought emergency in all or any part of the State, to plan, design or construct interconnections of existing water supplies, or to extend water supplies to areas with contaminated ground water supplies;

"Water supply facilities" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part, by or on behalf of a public water utility, or by or on behalf of the State or a local government unit, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water, and for the preservation and protection of these resources and facilities, whether in public or private ownership, and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof;

"Water supply project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to water supply facilities that meets the requirements set forth in sections 24, 25, and 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-22.1); or any work relating to the purposes set forth in section 4 of P.L.1981, c.261; or any work relating to the purposes set forth in section

6 of P.L.2003, c.162; or any work relating to any other project eligible for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto.

13. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended to read as follows:

C.58:11B-4 "New Jersey Infrastructure Bank."

4. a. There is established in, but not of, the Department of the Treasury a body corporate and politic, with corporate succession, to be known as the "New Jersey Infrastructure Bank." The trust is constituted as an instrumentality of the State exercising public and essential governmental functions, no part of whose revenues shall accrue to the benefit of any individual, and the exercise by the trust of the powers conferred by the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), shall be deemed and held to be an essential governmental function of the State.

b. The trust shall consist of a 10 member board of directors composed of the State Treasurer, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Transportation, and the Commissioner of the Department of Environmental Protection, who shall be members ex officio; two people appointed by the Governor upon the recommendation of the President of the Senate, and two people appointed by the Governor upon the recommendation of the Speaker of the General Assembly, who shall serve during the two-year legislative term in which they are appointed; and two residents of the State appointed by the Governor with the advice and consent of the Senate, who shall serve for terms of four years, except that the first two appointed shall serve terms of two and three years respectively. Each appointed director shall serve until that director's successor has been appointed and qualified. A director is eligible for reappointment. Any vacancy shall be filled in the same manner as the original appointment, but for the unexpired term only.

With respect to those public members first appointed by the Governor, the appointment of each of the two members upon the advice and consent of the Senate shall become effective 30 days after their nomination by the Governor if the Senate has not given advice and consent on those nominations within that time period; the President of the Senate and the Speaker of the General Assembly each shall recommend to the Governor a public

member for appointment within 20 days following the effective date of P.L.1985, c.334 (C.58:11B-1 et seq.) and a public member for appointment within 20 days following the effective date of P.L.2016, c.56 and a recommendation made in this manner shall become effective if the Governor makes the appointment in accordance with the recommendation, in writing, within 10 days of the Governor's receipt thereof. In each instance where the Governor fails to make the appointment, the President of the Senate and the Speaker of the General Assembly shall make new recommendations subject to appointment by the Governor as determined in this section.

c. Each appointed director may be removed from office by the Governor for cause, upon the Governor's consideration of the findings and recommendations of an administrative law judge after a public hearing before the judge, and may be suspended by the Governor pending the completion of the hearing. Each director, before entering upon the director's duties, shall take and subscribe an oath to perform the duties of the director's office faithfully, impartially and justly to the best of the director's ability. A record of oaths shall be filed in the office of the Secretary of State.

d. The Governor shall designate one of the appointed members to be the chairperson and chief executive officer of the trust and the directors shall biannually elect a vice-chairperson from among the appointed directors. The chairperson shall serve as such for a term of two years and until a successor has been designated. A chairperson shall be eligible for one additional two-year term as chairperson. The directors shall elect a secretary and treasurer, who need not be directors, and the same person may be elected to serve as both secretary and treasurer.

The powers of the trust are vested in the directors in office from time to time and six directors shall constitute a quorum at any meeting. Action may be taken and motions and resolutions adopted by the trust by the affirmative majority vote of those directors present, but in no event shall any action be taken or motions or resolutions adopted without the affirmative vote of at least six directors. No vacancy on the board of directors of the trust shall impair the right of a quorum of the directors to exercise the powers and perform the duties of the trust.

e. Each director and the treasurer of the trust shall execute a bond to be conditioned upon the faithful performance of the duties of the director or treasurer in a form and amount as may be prescribed by the State Treasurer. Bonds shall be filed in the office of the Secretary of State. At all times thereafter, the directors and treasurer shall maintain these bonds in full effect. All costs of the bonds shall be borne by the trust.

f. The directors of the trust shall serve without compensation, but the trust shall reimburse the directors for actual and necessary expenses incurred in the performance of their duties. Notwithstanding the provisions of any other law to the contrary, no officer or employee of the State shall be deemed to have forfeited or shall forfeit the officer's or employee's office or employment or any benefits or emoluments thereof by reason of the officer's or employee's acceptance of the office of ex officio director of the trust or the ex officio director's services thereon.

g. Each ex officio director may designate an officer of the ex officio director's department to represent the ex officio director at meetings of the trust. Each designee may lawfully vote and otherwise act on behalf of the director for whom the person constitutes the designee. The designation shall be delivered in writing to the trust and shall continue in effect until revoked or amended in writing and delivered to the trust.

h. The trust may be dissolved by law; provided the trust has no debts or obligations outstanding or that provision has been made for the payment or retirement of these debts or obligations. The trust shall continue in existence until dissolved by act of the Legislature. Upon any dissolution of the trust, all property, funds and assets of the trust shall be vested in the State.

i. A true copy of the minutes of every meeting of the trust shall be forthwith delivered by and under the certification of the secretary thereof to the Governor and at the same time to the Senate and General Assembly. The time and act of this delivery shall be duly recorded on a delivery receipt. No action taken or motion or resolution adopted at a meeting by the trust shall have effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after a copy of the minutes has been delivered to the Governor, unless during the 10-day period the Governor shall approve all or part of the actions taken or motions or resolutions adopted, in which case the action or motion or resolution shall become effective upon the approval.

If, in the 10-day period, the Governor returns the copy of the minutes with a veto of any action taken by the trust or any member thereof at that meeting, the action shall be of no effect. The Senate or General Assembly shall have the right to provide written comments concerning the minutes to the Governor within the 10-day period, which comments shall be returned to the trust by the Governor with the Governor's approval or veto of the minutes.

The powers conferred in this subsection upon the Governor shall be exercised with due regard for the rights of the holders of bonds, notes and other obligations of the trust at any time outstanding, and nothing in, or done pursuant to, this subsection shall in any way limit, restrict or alter the

obligation or powers of the trust or any representative or officer of the trust to carry out and perform each covenant, agreement, or contract made or entered into by or on behalf of the trust with respect to its bonds, notes, or other obligations or for the benefit, protection or security of the holders thereof.

j. No resolution or other action of the trust providing for the issuance of bonds, refunding bonds, notes or other obligations shall be adopted or otherwise made effective by the trust without the prior approval in writing of the Governor and the State Treasurer. The trust shall provide the Senate and General Assembly with written notice of any request for approval of the Governor and State Treasurer at the time the request is made, and shall also provide the Senate and General Assembly written notice of the response of the Governor and State Treasurer at the time that the response is received by the trust.

14. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read as follows:

C.58:11B-5 Powers.

5. Except as otherwise limited by the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may:

a. Make and alter bylaws for its organization and internal management and, subject to agreements with holders of its bonds, notes or other obligations, make rules and regulations with respect to its operations, properties and facilities;

b. Adopt an official seal and alter it;

c. Sue and be sued;

d. Make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the exercise of its powers under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and subject to any agreement with the holders of the trust's bonds, notes or other obligations, consent to any modification, amendment or revision of any contract, lease or agreement to which the trust is a party;

e. Enter into agreements or other transactions with and accept, subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23), grants,

appropriations and the cooperation of the State, or any State agency, in furtherance of the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and do anything necessary in order to avail itself of that aid and cooperation;

f. Receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the conditions upon which that aid and those contributions may be made, including, but not limited to, gifts or grants from any department or agency of the State, or any State agency, for any purpose consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23);

g. Acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property, or any interest therein, in the exercise of its powers and the performance of its duties under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

h. Appoint and employ an executive director and any other officers or employees as it may require for the performance of its duties, without regard to the provisions of Title 11A of the New Jersey Statutes;

i. Borrow money and issue bonds, notes and other obligations, and secure the same, and provide for the rights of the holders thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

j. Subject to any agreement with holders of its bonds, notes or other obligations, invest moneys of the trust not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in any obligations, securities and other investments in accordance with the rules and regulations of the State Investment Council or as may otherwise

be approved by the Director of the Division of Investment in the Department of the Treasury upon a finding that such investments are consistent with the corporate purposes of the trust;

k. Procure insurance to secure the payment of its bonds, notes or other obligations or the payment of any guarantees or loans made by it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or against any loss in connection with its property and other assets and operations, in any amounts and from any insurers as it deems desirable;

l. Engage the services of attorneys, accountants, engineers, and financial experts and any other advisors, consultants, experts and agents as may be necessary in its judgment and fix their compensation;

m. (1) Make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, to finance the cost of wastewater treatment system projects or water supply projects and acquire and contract to acquire notes, bonds or other obligations issued or to be issued by any local government units to evidence the loans, all in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(2) Make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, to finance the cost of water supply projects in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(3) Make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, to finance the cost of onsite wastewater treatment and disposal systems or stormwater management systems in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(4) Make and contract to make loans and provide other assistance to one or more local government units or consortia thereof to finance the cost of transportation projects in accordance with the provisions of the federal infrastructure bank program and pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

n. Subject to any agreement with holders of its bonds, notes or other obligations, purchase bonds, notes and other obligations of the trust and hold the same for resale or provide for the cancellation thereof, all in ac-

cordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

o. (1) Charge to and collect from local government units, private persons or public water utilities any fees and charges in connection with the trust's loans, guarantees or other services, including, but not limited to, fees and charges sufficient to reimburse the trust for all reasonable costs necessarily incurred by it in connection with its financings and the establishment and maintenance of reserve or other funds, as the trust may determine to be reasonable. The fees and charges shall be in accordance with a uniform schedule published by the trust for the purpose of providing actual cost reimbursement for the services rendered;

(2) Any fees and charges collected by the trust pursuant to this subsection may be deposited and maintained in a special fund separate from any other funds held by the trust pursuant to section 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1), including the Emergency Loan Fund established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1), and shall be available for any corporate purposes of the trust, including the Emergency Financing Program pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1);

p. Subject to any agreement with holders of its bonds, notes or other obligations, obtain as security or to provide liquidity for payment of all or any part of the principal of and interest and premium on the bonds, notes and other obligations of the trust or for the purchase upon tender or otherwise of the bonds, notes or other obligations, lines of credit, letters of credit and other security agreements or instruments in any amounts and upon any terms as the trust may determine, and pay any fees and expenses required in connection therewith;

q. Provide to local government units any financial and credit advice as these local government units may request;

r. Make payments to the State from any moneys of the trust available therefor as may be required pursuant to any agreement with the State or act appropriating moneys to the trust; and

s. Take any action necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

15. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read as follows:

C.58:11B-6 Issuance of bonds, notes, other obligations.

6. a. Except as may be otherwise expressly provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may from time to time issue its bonds, notes, or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding, or refunding of the principal of, or interest or redemption premiums on, any bonds, notes, or other obligations issued by it, whether the bonds, notes, or other obligations or the interest or redemption premiums thereon to be funded or refunded have or have not become due, the establishment or increase of reserves or other funds to secure or to pay the bonds, notes, or other obligations or interest thereon and all other costs or expenses of the trust incident to and necessary to carry out its corporate purposes and powers.

b. Whether or not the bonds, notes or other obligations of the trust are of a form and character as to be negotiable instruments under the terms of Title 12A of the New Jersey Statutes, the bonds, notes and other obligations are made negotiable instruments within the meaning of and for the purposes of Title 12A of the New Jersey Statutes, subject only to the provisions of the bonds, notes and other obligations for registration.

c. Bonds, notes or other obligations of the trust shall be authorized by a resolution or resolutions of the trust and may be issued in one or more series and shall bear any date or dates, mature at any time or times, bear interest at any rate or rates of interest per annum, be in any denomination or denominations, be in any form, either coupon, registered or book entry, carry any conversion or registration privileges, have any rank or priority, be executed in any manner, be payable in any coin or currency of the United States which at the time of payment is legal tender for the payment of public and private debts, at any place or places within or without the State, and be subject to any terms of redemption by the trust or the holders thereof, with or without premium, as the resolution or resolutions may provide. A resolution of the trust authorizing the issuance of bonds, notes or other obligations may provide that the bonds, notes or other obligations be secured by a trust indenture between the trust and a trustee, vesting in the trustee any property, rights, powers and duties in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-

10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) as the trust may determine.

d. Bonds, notes or other obligations of the trust may be sold at any price or prices and in any manner as the trust may determine. Each bond, note or other obligation shall mature and be paid not later than 30 years for environmental infrastructure projects, and 31 years for transportation projects, from the effective date thereof, or the certified useful life of the project or projects to be financed by the bonds, whichever is less, or a shorter period of time as may be applicable to any companion loan issued pursuant to federal law or regulation.

All bonds of the trust shall be sold at the price or prices and in the 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.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) without obtaining the consent of any department, division, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things, other than those consents, proceedings, conditions or things which are specifically required by P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).

f. Bonds, notes or other obligations of the trust issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-

10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) shall not be a debt or liability of the State or of any political subdivision thereof other than the trust and shall not create or constitute any indebtedness, liability or obligation of the State or any political subdivision, but all these bonds, notes and other obligations, unless funded or refunded by bonds, notes or other obligations, shall be payable solely from revenues or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each bond, note and obligation shall contain on its face a statement to the effect that the trust is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and that neither the State, nor any political subdivision thereof, is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State, or any political subdivision thereof, is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations.

g. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the trust, shall not exceed (1) \$5,000,000,000 with respect to bonds, notes, or other obligations issued to finance the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), and (2) \$3,800,000,000 with respect to bonds, notes, or other obligations issued for all other purposes of the trust. In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the trust, which shall be issued for refunding purposes, whenever the refunding shall be determined to result in a savings.

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

(2) The Joint Budget Oversight Committee or its successor shall have the authority to approve or disapprove the sales of refunding bonds as included in each report submitted in accordance with paragraph (1) of this subsection. The committee shall notify the trust in writing of the approval or disapproval within 30 days of receipt of the report. Should the committee not act within 30 days of receipt of the report, the trust may proceed with the sale of the refunding bonds, provided that the sale of refunding bonds shall realize not less than three percent net present value debt service savings.

(3) No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee or its successor as set forth in paragraphs (1) and (2) of this subsection.

(4) Within 30 days after the sale of the refunding bonds, the trust shall notify the committee of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

(5) The committee shall review all information and reports submitted in accordance with this subsection and may, on its own initiative, make observations to the trust, or to the Legislature, or both, as it deems appropriate.

h. Each issue of bonds, notes, or other obligations of the trust may, if it is determined by the trust, be general obligations thereof payable out of any revenues, receipts or funds of the trust, or special obligations thereof payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds, notes or other obligations, and may be secured by one or more of the following:

(1) Pledge of revenues and other receipts to be derived from the payment of the interest on and principal of notes, bonds or other obligations issued to the trust by one or more local government units, and any other payment made to the trust pursuant to agreements with any local government units, or a pledge or assignment of any notes, bonds, or other obligations of any local government unit and the rights and interest of the trust therein;

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local government units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interest of the trust therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds, notes or other obligations;

(4) Pledge of the receipts to be derived from the payments of State aid, payable to the trust pursuant to section 12 of P.L.1985, c.334 (C.58:11B-12);

(5) A mortgage on all or any part of the property, real or personal, of the trust then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the trust by any person or entity, public or private, including one or more local government units and the rights and interest of the trust therein.

i. The trust shall not issue any bonds, notes or other obligations, or otherwise incur any additional indebtedness, on or after June 30, 2033.

j. (Deleted by amendment, P.L.1996, c.88).

16. Section 7 of P.L.1985, c.334 (C.58:11B-7) is amended to read as follows:

C.58:11B-7 Covenants.

7. In any resolution of the trust authorizing or relating to the issuance of any of its bonds, notes or other obligations, the trust, in order to secure the payment of the bonds, notes or other obligations and in addition to its other powers, may by provisions therein which shall constitute covenants by the trust and contracts with the holders of the bonds, notes or other obligations:

a. Secure the bonds, notes or other obligations as provided in section 6 of P.L.1985, c.334 (C.58:11B-6);

b. Covenant against pledging all or part of its revenues or receipts;

c. Covenant with respect to limitations on any right to sell, mortgage, lease or otherwise dispose of any notes, bonds or other obligations of local government units, or any part thereof, or any property of any kind;

d. Covenant as to any bonds, notes or other obligations to be issued by the trust, and the limitations thereon, and the terms and conditions thereof, and as to the custody, application, investment and disposition of the proceeds thereof;

e. Covenant as to the issuance of additional bonds, notes or other obligations of the trust or as to limitations on the issuance of additional bonds, notes or other obligations and on the incurring of other debts by it;

f. Covenant as to the payment of the principal of or interest on bonds, notes or other obligations of the trust, as to the sources and methods of payment, as to the rank or priority of the bonds, notes or other obligations with respect to any lien or security or as to the acceleration of the maturity of the bonds, notes or other obligations;

g. Provide for the replacement of lost, stolen, destroyed or mutilated bonds, notes or other obligations of the trust;

h. Covenant against extending the time for the payment of bonds, notes or other obligations of the trust or interest thereon;

i. Covenant as to the redemption of bonds, notes and other obligations by the trust or the holders thereof and privileges of exchange thereof for other bonds, notes or other obligations of the trust;

j. Covenant to create or authorize the creation of special funds or accounts to be held in trust or otherwise for the benefit of holders of bonds, notes and other obligations of the trust, or reserves for other purposes and as to the use, investment, and disposition of moneys held in those funds, accounts or reserves;

k. Provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and prescribe the events of default and terms and conditions upon which any or all of the bonds, notes or other obligations of the trust shall become or may be declared due and payable before maturity and the terms and conditions upon which the declaration and its consequences may be waived;

l. Vest in a trustee or trustees within or without the State any property, rights, powers and duties in trust as the trust may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds, notes or other obligations of the trust pursuant to section 18 of P.L.1985, c.334 (C.58:11B-18), including rights with respect to the sale or other disposition of notes, bonds or other obligations of local government units pledged pursuant to a resolution or trust indenture for the benefit of the holders of bonds, notes or other obligations of the trust and the right by suit or action to foreclose any mortgage pledged pursuant to the resolution or trust indenture for the benefit of the holders of the bonds, notes or other obligations, and to limit or abrogate the right of the holders of any bonds, notes or other obligations of the trust to appoint a trustee under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and to limit the rights, duties and powers of the trustee;

m. Pay the costs or expenses incident to the enforcement of the bonds, notes or other obligations of the trust or of the provisions of the resolution authorizing the issuance of those bonds, notes or other obligations or of any covenant or agreement of the trust with the holders of the bonds, notes or other obligations;

n. Limit the rights of the holders of any bonds, notes or other obligations of the trust to enforce any pledge or covenant securing the bonds, notes or other obligations; and

o. Make covenants other than or in addition to the covenants authorized by P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) of like or different character, and make covenants to do or refrain from doing any acts and things as may be necessary, or convenient and desirable, in order to better secure the bonds, notes or other obligations of the trust, or which, in the absolute discretion of the trust, would make the bonds, notes or other obligations more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

17. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

(4) The trust may make and contract to make loans and provide other assistance to a local government unit or consortia thereof to finance the cost of transportation projects pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the federally-funded subaccount is operated in accordance with the provisions of the federal infrastructure bank program.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust and, if applicable, the State, acting by and through the Department of Environmental Protection, by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) notwithstanding any provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the Director of the Division of Local Government Services in the Department of Community Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust or the State, as the case may be, at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust or the State, as the case may be, and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust or the State, as the case may be, and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project, water supply project, or transportation project which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical

data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after June 30, 2033.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Environmental Financing Program Fund or the trust may issue its bonds, notes or other obligations, including commercial paper issued through a competitive or negotiated process, in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including, without limitation, any administrative or legislative approvals.

The trust shall create and establish a special fund to be known as the "Interim Environmental Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Environmental Financing Program".

Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-9.5), any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Environmental Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a short-term or temporary loan made pursuant to this subsection for environmental planning and engineering design costs associated with long-term control

plans for combined sewer overflow projects shall mature no later than the last day of the 10th succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Environmental Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list to be known as the "Interim Environmental Financing Program Project Priority List" in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Environmental Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year as provided in section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The trust may revise or supplement the Interim Financing Program Project Priority List no more than three times during the fiscal year and shall submit the revised list to the Legislature when the revisions are made. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Environmental Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Financing Environmental Project Priority Fund. The trust may issue short-term or temporary loans pursuant to this subsection only if a project is listed on an Interim Environmental Financing Program Project Priority List submitted to the Legislature. No funds may be disbursed pursuant to this section for project activities prior to a determination and certification, in writing, from the Department of Environmental Protection, that the project activities satisfy the provision of P.L.1985, c.332 (C.58:11B-1 et seq.).

e. Notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and the obligations issued by project sponsors to evidence such loans, may, at the discretion of the trust and upon application by the project sponsor, bear interest at a variable rate determined pursuant to a methodology as may be established by the trust from time to time.

Further, notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, any short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other obligations issued by project sponsors to evidence such short-term or temporary loans, except for loans for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects as provided in subsection d. of this section, shall mature no later than the last day of the third succeeding fiscal year following the date of issuance of such notes or other obligations, without payment by project sponsors of any portion of the principal thereof prior to maturity.

f. Any balances remaining in the Emergency Loan fund established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1), the Planning and Design Fund established pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal Loan Fund established pursuant to section 5 of P.L.2009, c.103 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment Loan Fund established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall be transferred to the Interim Environmental Financing Program Fund, and any loan repayments to the trust of principal and interest or premium on loans made from those funds shall be credited to the Interim Environmental Financing Program Fund.

g. The trust shall create and establish a special fund to be known as the "Interim Transportation Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Transportation Financing Program."

Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Transportation Financing Program Fund or the trust may issue its bonds, notes or other obligations in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units or private persons for any transportation project included on the Department of Transportation Interim Transportation Financing Pro-

gram Project Eligibility List for the ensuing fiscal year and eligible for approval pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, any administrative or legislative approvals.

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Transportation Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Transportation Financing Program to any one or more of the project sponsors, for the respective projects thereof, only if a project is identified in the Department of Transportation Interim Transportation Financing Program Project Eligibility List to be known as the "Interim Transportation Financing Program Project Eligibility List" in the form provided to the Legislature by the Commissioner of Transportation.

The Interim Transportation Financing Program Project Eligibility List, including any revision thereof or supplement thereto, shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before July 1 of each year. The Interim Transportation Financing Program Project Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any transportation infrastructure project or the project sponsor thereof not identified in the Interim Transportation Financing Program Project Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Transportation Financing Program Fund. The trust may revise or supplement the Interim Transportation Financing Program Project Eligibility List no more than three times during the fiscal year, and shall submit the revised list to the Legislature when the revisions are made.

No funds may be disbursed pursuant to this section for project activities prior to the determination and certification in writing, from the Department

of Transportation, that the project activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).

18. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to read as follows:

C.58:11B-9.5 "Disaster Relief Emergency Financing Program Fund."

1. a. The trust shall create and establish a special fund to be known as the "Disaster Relief Emergency Financing Program Fund" for the disaster relief emergency short-term or temporary loan program of the trust to be known as the "Disaster Relief Emergency Financing Program."

The Disaster Relief Emergency Financing Program Fund shall be credited with:

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

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

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

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program;

(5) the proceeds of any bonds, notes or other obligations that may be issued by the trust from time to time in any principal amounts as in the judgment of the trust shall be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program; and

(6) any other source of available funds that may be deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from (i) a revolving line of credit or other similar financial vehicle, or (ii) a commercial paper financing program, either through a competitive or negotiated process, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance or refinance emer-

agency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may make emergency short-term or temporary Disaster Relief Emergency Financing Program loans to: (1) local government units to finance or refinance the costs incurred in the environmental planning and design associated with such wastewater treatment system projects, and wastewater treatment system projects, as applicable; or (2) local government units, public water utilities, or private persons to finance or refinance the costs incurred in the environmental planning and design of water supply projects, and water supply projects, as applicable.

Emergency short-term or temporary loans may be made upon the determination and certification in writing by the department that any such project is necessary and appropriate to: repair damages to a wastewater treatment system or water supply facility directly arising from an act of terrorism, seismic activity, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration; or mitigate the risk of future damage to a wastewater treatment system or water supply facility from an act of terrorism, seismic activity, or weather conditions comparable in scope and severity to the act of terrorism, seismic activity, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental Financing Program Project Priority List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. A project shall be eligible for emergency short-term or temporary loans pursuant to this section if it is identified on a Disaster Relief Emergency Financing Program Project Priority List no more than three years after the

conditions that gave rise to a declaration by the Governor of a state of emergency. Any such short-term or temporary loan pursuant to the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, provided that the project is identified on the Disaster Relief Emergency Financing Program project priority list to be known as the "Disaster Relief Emergency Financing Program Project Priority List" no later than three years after the date of the declaration by the Governor of a state of emergency in the form provided to the Legislature by the Commissioner of Environmental Protection. However, a project may be eligible for funding pursuant to this section more than three years after the date of the declaration by the Governor of a state of emergency if the project was first included on a Disaster Relief Emergency Financing Program Project Priority List within three years after the date of the declaration by the Governor of a state of emergency and continues to be identified on the Disaster Relief Emergency Financing Program Project Priority List in the fiscal year in which the funding is issued. The Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. An environmental infrastructure project or a project sponsor thereof not identified on the Disaster Relief Emergency Financing Program Project Priority List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

d. The trust shall submit a report on the Disaster Emergency Financing Program to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.54:14-19.1) on or before January 15 of each year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The report shall identify the wastewater treatment system and water supply projects financed during the prior fiscal year through the program including a project description, the amount of the Disaster Relief Emergency Financing Program loan provided for each project, and the duration of each loan.

19. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to read as follows:

C.58:11B-10 "Wastewater treatment system general loan fund."

10. The trust shall create and establish a special fund to be known as the "wastewater treatment system general loan fund."

Subject to the provisions of the legislation appropriating moneys to the trust, subject to any other provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) providing otherwise, and subject to agreements with the holders of bonds, notes and other obligations of the trust, the trust shall deposit into the wastewater treatment system general loan fund all revenues and receipts of the trust, including moneys received by the trust as payment of the principal of and the interest or premium on loans made from moneys in any wastewater treatment system fund or account held by the trust under P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and the earnings on the moneys in any wastewater treatment system fund or account of the trust, and all grants, appropriations, other than those referred to in section 11 of P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from any source, available for the making of loans to local government units. The amounts in the wastewater treatment system general loan fund shall be available for application by the trust for loans to local government units for the cost of wastewater treatment system projects, and for other corporate purposes of the trust related to wastewater treatment systems, subject to agreements with the holders of bonds, notes or other obligations of the trust.

20. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended to read as follows:

C.58:11B-10.1 "Water supply facilities general loan fund."

23. The trust shall create and establish a special fund to be known as the "water supply facilities general loan fund."

Subject to the provisions of the legislation appropriating moneys to the trust, subject to any other provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) providing otherwise, and subject to agreements with the holders of bonds, notes and other obligations of the trust,

the trust shall deposit into the water supply facilities general loan fund all revenues and receipts of the trust, including moneys received by the trust as payment of the principal of and the interest or premium on loans made from moneys in any fund or account held by the trust under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and the earnings on the moneys in any fund or account of the trust, and all grants, appropriations, other than those referred to in section 11 of P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from any source, available for the making of loans to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, for water supply projects. The amounts in the water supply facilities general loan fund shall be available for application by the trust for loans to local government units, public water utilities or any other person for the cost of water supply projects, and for other corporate purposes of the trust, subject to agreements with the holders of bonds, notes or other obligations of the trust.

21. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to read as follows:

C.58:11B-10.2 Department of Environmental Protection Loan Origination Fee Fund.

1. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the Department of Environmental Protection Loan Origination Fee Fund.

The Department of Environmental Protection Loan Origination Fee Fund shall be credited with:

- (1) moneys deposited into the fund as loan origination fees received by the Department of Environmental Protection and paid by project sponsors of wastewater treatment system projects or water supply projects financed under the New Jersey Environmental Infrastructure Financing Program; and
- (2) any interest accumulated on the amounts of the Department of Environmental Protection loan origination fees.

b. Moneys in the Department of Environmental Protection Loan Origination Fee Fund shall be used by the Department of Environmental Protection for administrative and operating expenses incurred by the department in administering the New Jersey Environmental Infrastructure Financing Program, except that the total amount utilized by the department for administrative and operating expenses in any fiscal year shall not exceed \$5,000,000. The amounts in the Department of Environmental Protection Loan Origina-

tion Fee Fund shall also be available for application by the department for State matching funds or loans to local government units for the cost of wastewater treatment system or water supply projects. Amounts in excess of revenue anticipation shall be carried forward into the following year.

c. As used in this section, "Department of Environmental Protection 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.

C.58:11B-10.3 Department of Transportation Loan Origination Fee Fund.

22. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the Department of Transportation Loan Origination Fee Fund.

The Department of Transportation Loan Origination Fee Fund shall be credited with:

(1) moneys deposited into the fund as loan origination fees received by the Department of Transportation and paid by project sponsors of transportation projects financed under the New Jersey Transportation Infrastructure Financing Program; and

(2) any interest accumulated on the amounts of the Department of Transportation loan origination fees.

b. Moneys in the Department of Transportation Loan Origination Fee Fund shall be used by the Department of Transportation for administrative and operating expenses incurred by the department in administering the New Jersey Transportation Infrastructure Financing Program, except that the total amount utilized by the department for administrative and operating expenses in any fiscal year shall not exceed \$8,000,000. The amounts in the Department of Transportation Loan Origination Fee Fund shall also be available for application by the department for State matching funds or loans to local government units for the cost of transportation projects. Amounts in excess of revenue anticipation shall be carried forward into the following year.

c. As used in this section, "Department of Transportation loan origination fee" means the fee charged by the Department of Transportation and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Transportation Infrastructure Financing Program.

23. Section 12 of P.L.1985, c.334 (C.58:11B-12) is amended to read as follows:

C.58:11B-12 Unpaid obligations of local government units.

12. a. To assure the continued operation and solvency of the trust, the trust may require that if a local government unit fails or is unable to pay to the trust in full when due any obligations of the local government unit to the trust, an amount sufficient to satisfy the deficiency shall be paid by the State Treasurer to the trust from State aid payable to the local government unit. As used in this section, obligations of the local government unit include the principal of or interest on bonds, notes or other obligations of a local government unit issued to or guaranteed by the trust, including the subrogation of the trust to the right of the holders of those obligations, any fees or charges payable to the trust, and any amounts payable by a local government unit under any service contract or other contractual arrangement the payments under which are pledged to secure any bonds or notes issued to the trust by another local government unit. State aid includes 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 government unit and to the extent permitted by federal law, federal moneys appropriated or apportioned to the local government unit by the State, and for loans made in support of transportation projects, State aid shall also include county and municipal transportation aid issued pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25).

(1) If the trust requires, and there has been a failure or inability by a local government unit to pay its obligations to the trust remaining uncured for a period of 30 days, the chairman of the trust shall certify to the State Treasurer, with written notice to the fiscal officer of the local government unit and to the Legislature, the amount remaining unpaid, and the State Treasurer shall pay that amount to the trust, or if the right to receive those payments has been pledged or assigned to a trustee for benefit of the holders of bonds, notes or other obligations of the trust, to that trustee, out of the State aid payable to the local government unit, until the amount so certified is paid.

(2) The amount paid over to the trust shall be deducted from the corresponding appropriation or apportionment of State aid payable to the local government unit and shall not obligate the State to make, nor entitle the local government unit to receive, any additional appropriation or apportionment. The obligation of the State Treasurer to make payments to the trust or trustee and the right of the trust or trustee to receive those payments

shall be subject and subordinate to the rights of holders of qualified bonds issued or to be issued pursuant to P.L.1976, c.38 (C.40A:3-1 et seq.).

(3) In those instances where the local government units are municipal or county sewerage, utility or improvement authorities created pursuant to P.L.1946, c.138 (C.40:14A-1 et seq.) or P.L.1957, c.183 (C.40:14B-1 et seq.), the trust may require the municipalities or counties which receive service or other benefits from the districts or authorities to enter into service contracts or other contractual arrangements under which they would be required to make payments which would satisfy any deficiencies in the revenues of the districts or authorities to repay the loans made by the trust, which contracts would be pledged to secure the payment of the loans of the trust.

b. Whenever a local government unit covenants or pledges to or secures the payment of its obligations to the trust by, in whole or in part, certain revenues of the local government unit derived by the local government unit from the imposition of rates, fees and charges, and the local government unit, and if payments by another local government unit under a service contract or other contractual arrangement are pledged to the payment of the obligations, the other local government unit, fails or is unable to pay in full when due any of the obligations and the State aid revenues for any reason have not been made available for the payment of the obligations or have not been made available in sufficient amounts to pay the obligations in full, the trust is authorized during the period of such failure to cause the local government unit, in accordance with the covenants or pledges established in any loan or other agreement relating thereto, to establish and collect rates, fees and charges in the amounts required to pay the obligations in accordance with the covenants or pledges established in the loan or other agreement relating thereto.

c. In the event that a local government unit, consortia thereof or private entity receiving a loan from the trust fails or is unable to pay to the trust in full when due any obligations of the local government unit, consortia thereof, or private entity to the trust, the trust shall have the authority to exercise any and all recourses available to it under the law in an effort to recover any amounts owed to the trust.

24. Section 13 of P.L.1985, c.334 (C.58:11B-13) is amended to read as follows:

C.58:11B-13 No personal liability.

13. Neither the directors of the trust nor any person executing bonds, notes or other obligations of the trust issued pursuant to P.L.1985, c.334

(C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) shall be liable personally on the bonds, notes or other obligations by reason of the issuance thereof.

25. Section 14 of P.L.1985, c.334 (C.58:11B-14) is amended to read as follows:

C.58:11B-14 Pledge to bondholders.

14. The State does pledge to and covenant and agree with the holders of any bonds, notes or other obligations of the trust issued pursuant to authorization of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) that the State shall not limit or alter the rights or powers vested in the trust to perform and fulfill the terms of any agreement made with the holders of the bonds, notes or other obligations or to fix, establish, charge and collect any rents, fees, rates, payments or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the trust and to fulfill the terms of any agreement made with the holders of bonds, notes or other obligations, including the obligations to pay the principal of and interest and premium on those bonds, notes or other obligations, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, and shall not limit or alter the rights and powers of any local government unit to pay and perform its obligations owed to the trust in connection with loans received from the trust, until the bonds, notes and other obligations of the trust, together with interest thereon, are fully met and discharged or provided for.

26. Section 15 of P.L.1985, c.334 (C.58:11B-15) is amended to read as follows:

C.58:11B-15 Authorized investment.

15. The State and all public officers, governmental units and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, notes or other obligations issued

pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and those bonds, notes or other obligations shall be authorized security for any and all public deposits.

27. Section 17 of P.L.1985, c.334 (C.58:11B-17) is amended to read as follows:

C.58:11B-17 Tax exemption.

17. All property of the trust is declared to be public property devoted to an essential public and governmental function and purpose and the revenues, income and other moneys received or to be received by the trust shall be exempt from all taxes of the State or any political subdivision thereof. All bonds, notes and other obligations of the trust issued pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) are declared to be issued by a body corporate and politic of the State and for an essential public and governmental purpose and those bonds, notes and other obligations, and interest thereon and the income therefrom and from the sale, exchange or other transfer thereof shall at all times be exempt from taxation, except for transfer inheritance and estate taxes.

28. Section 18 of P.L.1985, c.334 (C.58:11B-18) is amended to read as follows:

C.58:11B-18 Default.

18. a. If the trust defaults in the payment of principal of, or interest on, any issue of its bonds, notes or other obligations after these are due, whether at maturity or upon call for redemption, and the default continues for a period of 30 days or if the trust defaults in any agreement made with the holders of any issue of bonds, notes or other obligations, the holders of 25 percent in aggregate principal amount of the bonds, notes or other obligations of the issue then outstanding, by instrument or instruments filed in the office of the clerk of any county in which the trust operates and has an office and proved or acknowledged in the same manner as required for a deed to be recorded, may direct a trustee to represent the holders of the bonds, notes or other obligations of the issuers for the purposes herein provided.

b. Upon default, the trustee may, and upon written request of the holders of 25 percent in principal amount of the bonds, notes or other obligations of the trust of a particular issue then outstanding shall, in the trustee's own name:

(1) By suit, action or proceeding enforce all rights of the holders of bonds, notes or other obligations of the issue, to require the trust to carry out any other agreements with the holders of the bonds, notes or other obligations of the issue and to perform its duties under P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

(2) Bring suit upon the bonds, notes or other obligations of the issue;

(3) By action or suit, require the trust to account as if it were the trustee of an express trust for the holders of the bonds, notes or other obligations of the issue;

(4) By action or suit, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds, notes or other obligations of the issue;

(5) Sell or otherwise dispose of bonds and notes of local government units pledged pursuant to resolution or trust indenture for benefit of holders of bonds, notes, or other obligations of the issue on any terms as resolution or trust indenture may provide;

(6) By action or suit, foreclose any mortgage pledged pursuant to the resolution or trust indenture for the benefit of the holders of the bonds, notes or other obligations of the issue;

(7) Declare all bonds, notes or other obligations of the issue due and payable, and if all defaults are made good, then with the consent of the holders of 50 percent of the principal amount of the bonds, notes or other obligations of the issue then outstanding, to annul the declaration and its consequences.

c. The trustee shall, in addition to the foregoing, have those powers necessary or appropriate for the exercise of any function specifically set forth herein or incident to the general representation of holders of bonds, notes or other obligations of the trust in the enforcement and protection of their rights.

d. The Superior Court shall have jurisdiction over any suit, action or proceeding by the trustees on behalf of the holders of bonds, notes or other obligations of the trust. The venue of any suit, action or proceeding shall be in the county in which the principal office of the trust is located.

e. Before declaring the principal of bonds, notes or other obligations of the trust due and payable as a result of a trust default on any of its bonds, notes or other obligations, the trustee shall first give 30 days' notice in writing to the trust and to the Governor, State Treasurer, President of the Senate and Speaker of the General Assembly.

29. Section 19 of P.L.1985, c.334 (C.58:11B-19) is amended to read as follows:

C.58:11B-19 Application of trust funds.

19. Sums of money received pursuant to the authority of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), whether as proceeds from the sale of particular bonds, notes or other obligations of the trust or as particular revenues or receipts of the trust, are deemed to be trust funds, to be held and applied solely as provided in the resolution or trust indenture under which the bonds, notes or obligations are authorized or secured. Any officer with whom or any bank or trust company with which those sums of money are deposited as trustee thereof shall hold and apply the same for the purposes thereof, subject to any provision as the aforementioned acts and the resolution or trust indenture authorizing or securing the bonds, notes or other obligations of the trust may provide.

30. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to read as follows:

C.58:11B-23 Expenditure of funds.

23. a. No funds from State sources or State bond issues used to capitalize the trust shall be available for use by the trust unless appropriated by law to the trust.

b. No funds shall be expended by the trust for its annual operating expenses unless appropriated by law to the trust. Unless required to be otherwise applied pursuant to law, funds generated by the operation of the trust, including, but not limited to: proceeds from the sale of the trust's bonds, notes or other obligations; revenues derived from investments by the trust; loan repayments from local government units; and fees and charges levied by the trust, may thereafter be applied in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) for any

corporate purpose of the trust without appropriation; except that the funds shall only be used to make loans or guarantees approved by the Legislature in accordance with the provisions of sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21 and C.58:11B-22), sections 24, 25, and 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1), or sections 35 to 37 of P.L.2016, c.56 (C.58:11B-10.5 through C.58:11B-22.3).

c. The trust shall not apply for any federal funds, including funds which are authorized pursuant to the "Federal Water Pollution Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C. s.1251 et al.), and any amendatory or supplementary acts thereto.

The trust, with the concurrence of the Commissioner of Environmental Protection, may receive, accept or utilize moneys received from local government units as repayments of principal and interest on loans made from the State Revolving Fund Accounts established pursuant to section 1 of P.L.1988, c.133.

31. Section 25 of P.L.1985, c.334 (C.58:11B-25) is amended to read as follows:

C.58:11B-25 Rules, regulations for loans, guarantees.

25. The trust shall establish the rules and regulations governing the making and use of loans or guarantees, including, but not limited to, procedures for the submission of loan guarantee requests, standards for the evaluation of requests, provisions implementing priority systems for projects, reporting requirements of the recipient of any loan or guarantee concerning the progress and the expenditure of funds, and limitations, restrictions or requirements concerning the use of loan funds as the trust shall prescribe; provided that the rules and regulations shall be in compliance with the terms and provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) relating to the making of or eligibility for loans or guarantees for environmental infrastructure projects generally or for any particular type or class of wastewater treatment system or water supply projects.

32. Section 26 of P.L.1985, c.334 (C.58:11B-26) is amended to read as follows:

C.58:11B-26 Affirmative action program, payment of prevailing wages.

26. a. The trust shall adopt rules and regulations requiring a local government unit which receives a loan or guarantee for a project to establish an af-

firmative action program for the hiring of minority workers in the performance of any construction contract for that project and to establish a program to provide opportunities for socially and economically disadvantaged contractors and vendors to supply materials and services for the contract, consistent with the provisions of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.). Not less than 10 percent of the amount of any contract for construction, materials or services for a project shall be awarded to small business concerns owned and controlled by socially and economically disadvantaged individuals as defined in the "Small Business Act," Pub.L.85-536 (15 U.S.C. s.631 et seq.), and any regulations promulgated pursuant thereto.

b. The trust shall adopt rules and regulations requiring any entity, which receives a loan, grant, or guarantee for a project to pay not less than the prevailing wage rate to workers employed in the performance of any construction contract for that project, in accordance with the rate determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

33. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to read as follows:

C.58:11B-27 Rules, regulations, adoption procedure.

27. The trust shall adopt such rules and regulations as it deems necessary to effectuate 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.), including those required pursuant to sections 25 and 26 of P.L.1985, c.334 (C.58:11B-25 and C.58:11B-26), and sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.58:11B-10.4 State Transportation Infrastructure Bank Fund.

34. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the State Transportation Infrastructure Bank Fund. There shall be established within the fund, two subaccounts: (1) a federally-funded subaccount that shall be approved to receive federal funds and related State matching funds pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, and (2) a State-funded subaccount that shall be approved to receive only State funds in excess of those required to be deposited in the federally-funded subaccount. The State-funded subaccount shall be ineligible to receive any federal funds. However, funds in the State-funded sub-

account shall be eligible for transfer into the federally-funded subaccount in the discretion of the trust for the purpose of related match funding of the federally-funded subaccount.

The State Transportation Infrastructure Bank Fund shall be credited with:

(1) (a) State and federal funds appropriated to a federal subaccount of the State Transportation Infrastructure Bank Fund pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, and

(b) State funds in excess of any minimum State match required under the federal infrastructure bank program, appropriated to the State-funded subaccount of the State Transportation Infrastructure Bank Fund;

(2) monetary donations made available to the State to support the State Transportation Infrastructure Bank Fund;

(3) moneys received as repayment of the principal of and the interest or premium on loans made from the State Transportation Infrastructure Bank Fund;

(4) any interest earnings received on the moneys in the State Transportation Infrastructure Bank Fund; and

(5) such other moneys as the Legislature may appropriate to the trust for deposit into the State Transportation Infrastructure Bank Fund at any time to finance or refinance transportation loans issued from the State Transportation Infrastructure Bank Fund.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, all moneys placed into the State Transportation Infrastructure Bank Fund shall be held separate from other funds of the trust, and no transportation funds shall be combined or comingled with any funds that finance (1) wastewater treatment system projects, (2) water supply projects, or (3) other environmental infrastructure projects, that are not transportation projects.

c. All moneys placed into the State-funded subaccount of the State Transportation Infrastructure Bank Fund shall be held separate from any federal funds provided for the federally-funded subaccount of the State Transportation Infrastructure Bank Fund.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may pro-

vide loans or other assistance to one or more local government units or consortia thereof for the purpose of financing all or a portion of the costs incurred for the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of a transportation project, provided that monies from the federally-funded subaccount are limited to the purposes permitted under the federal infrastructure bank program.

e. In addition to the financing described in subsection d. of this section, a portion, not to exceed 10 percent, of the assistance provided from the State-funded sub-account of the State Transportation Infrastructure Bank Fund may be issued in the form of grants.

f. Loans or other assistance granted pursuant to this section shall be considered an investment or reinvestment by the State Transportation Infrastructure Bank Fund, provided that monies from the federally-funded sub-account are limited to the purposes permitted under the federal infrastructure bank program, and not a loan within the meaning of section 12 of P.L.1995, c.108 (C.27:1B-21.5).

g. The refinancing of debt relating to an existing transportation project shall not be an eligible form of assistance from the State Transportation Infrastructure Bank Fund, and a loan shall not be granted unless the applicant can demonstrate to the satisfaction of the trust that the assistance being sought is not for the refinancing of debt relating to an existing transportation project.

h. Any project, the use or purpose of which is private and for which no public benefit is created, shall not be eligible for financial assistance from the trust.

i. The trust shall consider the following factors when setting an interest rate on a loan provided pursuant to this section: (1) the current market rates for comparable obligations; (2) the nature of the project; (3) the financing structure of the project; (4) the creditworthiness of the borrower; and (5) the term of the proposed obligation.

j. The long term loan repayment schedule for each project shall require: (1) the repayment of the loan commencing six months after construction completion, the date the facility has opened to traffic, or three years after execution of the long term financing obligation, whichever is first, however, in the case of a highway project, it shall be whichever is later; and (2) a final maturity date of not more than 35 years following the completion of the project.

k. The trust may establish or direct the establishment of federal and State accounts or subaccounts as may be necessary to meet any applicable

federal law requirements or desirable for the efficient administration of the trust.

C.58:11B-10.5 Maintenance of administrative responsibilities.

35. a. The trust shall maintain the administrative responsibilities for financing projects approved for assistance through the State Transportation Infrastructure Bank Fund, in accordance with any applicable federal laws regarding the use of federal funds on transportation projects, as well as any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) and sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that monies from the federally-funded subaccount are limited by the provisions of the federal infrastructure bank program. The trust is authorized to enter into agreements with one or more local government units or consortia thereof for the use of monies from the State Transportation Infrastructure Bank Fund to provide loans or other assistance for the purpose of financing all or a portion of the costs incurred for the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of a transportation project, provided that monies from the federally-funded subaccount are limited to the purposes permitted under the federal infrastructure bank program. The terms of the federally-funded subaccount agreements shall be consistent with the requirements of the federal infrastructure bank program and the trust may adopt rules and regulations to carry out these functions.

b. The trust shall also develop a formal relationship with the Department of Transportation for purposes, including, but not limited to, the evaluation of potential transportation projects, fulfilling federal regulations regarding capital projects, coordinating with metropolitan planning organizations, ensuring that any projects obtaining assistance are consistent with the Statewide capital investment strategy, monitoring borrower creditworthiness standards, and advancing local, regional, and Statewide transportation objectives.

C.58:11B-20.2 Priority system for transportation projects.

36. a. The Commissioner of Transportation shall, for each fiscal year, develop a priority system for transportation projects. The Commissioner of Transportation shall set forth a Transportation Financing Program Project Priority List for long-term funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The Commissioner of Transportation may include a transportation project on the Transportation Financing Program Project Priority List if

it meets the eligibility requirements for funding pursuant to Pub.L.114-94, the “Fixing America’s Transportation Act,” or any successor legislation. The Transportation Financing Program Project Priority List shall include a description of each project and an explanation of the manner in which projects are ranked. The Transportation Financing Program Project Priority List for the ensuing fiscal year shall be submitted to the Legislature on or before January 15 of each year.

b. The Commissioner of Transportation shall set forth an Interim Transportation Financing Program Project Eligibility List for short-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The Interim Transportation Financing Program Project Eligibility List shall consist of Transportation Financing Program Project Priority List projects certified by the Department of Transportation that have commenced construction and demonstrated to the department a high likelihood of construction completion on or before the end of the ensuing fiscal year. The Interim Transportation Financing Program Project Eligibility List established pursuant to this subsection shall be considered by the budget committees of each House of the Legislature for inclusion in the annual appropriations act. On or before June 30 of each year, the Legislature shall include the Interim Transportation Financing Program Project Eligibility List with any modifications in the annual appropriations act, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for loans and guarantees for the specific transportation projects, including the individual amounts therefor, on the list. The initial Interim Transportation Financing Program Project Eligibility List for the ensuing fiscal year shall be submitted to the Legislature on or before July 1 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the Interim Transportation Financing Program Project Eligibility List may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

c. On or before October 15 of each year, the trust may submit an amended Interim Transportation Financing Program Project Eligibility List to be introduced in each House in the form of legislative appropriations bills for approval by the Legislature on or before January 15 of the following calendar year in the manner set forth in subsection a. and subsection b. of this section.

d. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any transportation project unless the expenditure is authorized pursuant to a State annual appropriations act of the current or three immediate preceding fiscal years as provided in the provisions of this section, or as otherwise set forth in the State's annual appropriations act.

e. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the transportation projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

f. The source of projects for the Transportation Financing Program Project Priority List and the Interim Transportation Financing Program Project Eligibility List shall be: (1) applications made by counties and municipalities seeking aid through the State Transportation Infrastructure Bank Fund in accordance with section 25 of P.L.1984, c.73 (C.27:1B-25) and the procedures established therein for the allocation of State aid to counties and municipalities through the local aid program, and (2) eligible projects within the most recent 10-year Statewide Transportation Improvement Program as issued by the Department of Transportation. Projects deriving from either of these sources shall identify a consistent source of revenue that will be utilized to repay any loan financing provided by the trust either from the project itself or from the sponsoring local government unit or consortia thereof that will be receiving assistance.

C.58:11B-22.3 Submission of financial plan to the Legislature.

37. a. On or before May 15 of each year, the trust shall submit to the Speaker of the General Assembly and the President of the Senate a financial plan designed to implement the financing of the transportation projects either on the Transportation Financing Program Project Priority List or the Interim Transportation Financing Program Project Eligibility List approved pursuant to P.L.2016, c.56 (C.27:1B-22.5 et al.) or as otherwise approved by the Legislature. The financial plan shall list the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or

other obligations issued by a local government unit to finance the cost of a transportation project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering proposed operations through the fund during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each transportation project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned transportation projects.

b. On or before June 30 of each year the Legislature may reject the financial plan through the adoption by both houses of a concurrent resolution. If the Legislature rejects the financial plan, the project list shall be removed from the annual appropriations act and the trust shall not undertake any of the proposed activities contained therein. If the Legislature takes no action on or before June 30, the financial plan shall be deemed approved.

c. The financial plan for the State Transportation Infrastructure Bank Fund shall not be eligible for inclusion in a consolidated financial plan as established in section 27 of P.L.1997, c.224 (C.58:11B-22.2).

C.58:11B-22.4 Certain allocations unaffected.

38. Nothing in this act shall decrease, diminish, lessen, or otherwise reduce allocations made to counties and municipalities pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25 et seq.), except for amounts above \$7,500,000 each year allocated into the Local Aid Infrastructure Fund, which may be used to capitalize the State Transportation Infrastructure Bank.

Repealer.

39. Sections 1 through 4 of P.L.1997, c.142 (C.27:1B-21.10 through C.27:1B-21.13) are repealed.

40. Section 24 of P.L.1984, c.73 (C.27:1B-24) is amended to read as follows:

C.27:1B-24 Compliance of certain construction contracts; report.

24. a. All construction contracts funded, in whole or in part, by State appropriations from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes shall comply with the

federal Disadvantaged Business Enterprise Program, administered by the United States Department of Transportation, in the same manner as the programs administered for federally-assisted contracts funded, in whole or in part, by federal-aid highway dollars.

Subject to those definitions and procedures as prescribed by regulation and 49 C.F.R. s.26.1 et seq., with respect to moneys appropriated or authorized pursuant to this act and expended with private firms for construction and professional services, the department shall adopt a goal for the expenditure of State capital transportation funds equal to the goal for the expenditure of federal funds for federally-assisted transportation projects approved by the United States Department of Transportation, which shall apply to the department, the New Jersey Transit Corporation, counties, and municipalities, for the moneys that shall be expended, either directly or through subcontracting requirements, with business concerns owned and controlled by socially and economically disadvantaged individuals.

b. All construction contracts funded, in whole or in part, by State appropriations from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes shall include mandatory equal employment opportunity and affirmative action contract provisions that require contractors to make a good faith effort to recruit and employ minority and women applicants, as required by the provisions of the regulations promulgated in the New Jersey Administrative Code including, but not limited to N.J.A.C.17:27-3.6 to N.J.A.C.17:27-3.8, and N.J.A.C.17:27-7.3 to N.J.A.C.17:27-7.4, and, where feasible, to interview and hire minority and women applicants that reside near the transportation project.

As to the portion of each contract that is funded by State appropriations from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes, the contract shall provide that payment may be withheld for failure by the contractor to demonstrate to the satisfaction of the reporting agency that the required good faith effort was made. The Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury shall, within 90 days of the commencement of each contract, issue a report on its website as to whether a contractor, pursuant to the contract provisions, has made a good faith effort to, where feasible, interview and hire applicants that reside near the transportation project and to recruit and employ minority and women applicants, as required by the provisions of the regulations promulgated in the New Jersey Administrative Code including, but not limited to N.J.A.C.17:27-3.6 to N.J.A.C.17:27-3.8, and N.J.A.C.17:27-7.3 to N.J.A.C.17:27-7.4. Failure by a contractor to satisfy the good faith effort requirement of its contract

may also subject it to assessments imposed by the Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury, pursuant to administrative regulation.

c. The department shall submit annually, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a report which shall contain: the data provided to the United States Department of Transportation pursuant to the provisions of 49 C.F.R. s.26.11; information concerning the progress of the department, the New Jersey Transit Corporation, counties, and municipalities towards the achievement of the goals established pursuant to subsection a. of this section; and the recruitment, interview, and employment data concerning minority applicants, women applicants, minority applicants that reside near a transportation project, and women applicants that reside near a transportation project.

41. This act shall take effect immediately, but sections 10 through 39 shall remain inoperative until the appropriation by the State of eligible federal or State funds into the State Transportation Infrastructure Bank Fund pursuant to section 34 of P.L.2016, c.56 (C.58:11B-10.4) and funds are appropriated to the trust to cover administrative and operational expenses related to the State Transportation Infrastructure Bank, and section 2 shall take effect on the same day that Assembly Concurrent Resolution No. 1 of 2015, a constitutional amendment to Article VIII, section II, paragraph 4 of the New Jersey Constitution, takes effect.

Approved October 14, 2016.

CHAPTER 57

AN ACT adjusting certain State taxes to support strengthened investments in public and private assets in this State, amending and supplementing various parts of the statutory law pertaining to taxes of this State.

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

1. Section 3 of P.L.1966, c.30 (C.54:32B-3) is amended to read as follows:

C.54:32B-3 Taxes imposed.

3. There is imposed and there shall be paid a tax of 7% on or before December 31, 2016, 6.875% on and after January 1, 2017 but before January 1, 2018, and 6.625% on and after January 1, 2018 upon:

(a) The receipts from every retail sale of tangible personal property or a specified digital product for permanent use or less than permanent use, and regardless of whether continued payment is required, 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 a specified digital product, performed for a person who directly or indirectly furnishes the tangible personal property or specified digital product, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property or a specified digital product, or maintaining, servicing, repairing tangible personal property or a specified digital product 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 specified digital product 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 hangar.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days.

(5) Mail processing services for printed advertising material, except for mail processing services in connection with distribution of printed advertising material to out-of-State recipients.

(6) (Deleted by amendment, P.L.1995, c.184).

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

(8) Tanning services, including the application of a temporary tan provided by any means.

(9) Massage, bodywork or somatic services, except such services provided pursuant to a doctor's prescription.

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications, except such services provided pursuant to a doctor's prescription in conjunction with reconstructive breast surgery.

(11) Investigation and security services.

(12) Information services.

(13) Transportation services originating in this State and provided by a limousine operator, as permitted by law, except such services provided in connection with funeral services.

(14) Telephone answering services.

(15) Radio subscription services.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection, where the tangible personal property or specified digital product upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P.L.1980, c.105 (C.54:32B-8.9).

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(3) For the purposes of this subsection:

"Food and beverages sold through vending machines" means food and beverages dispensed from a machine or other mechanical device that accepts payment; and

"Prepared food" means:

(i) A. food sold in a heated state or heated by the seller; or

B. two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses; or

C. food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; provided however, that

(ii) "prepared food" does not include the following sold without eating utensils:

A. food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries);

B. food sold in an unheated state by weight or volume as a single item; or

C. bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon a permanent resident.

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

(f) (1) The receipts from every sale, except for resale, of intrastate, interstate, or international telecommunications services and ancillary services sourced to this State in accordance with section 29 of P.L.2005, c.126 (C.54:32B-3.4).

(2) (Deleted by amendment, P.L.2008, c.123)

(g) (Deleted by amendment, P.L.2008, c.123)

(h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State, except for: (1) membership in a club or organization whose members are predominantly age 18 or under; and (2) charges in the nature of membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization that is exempt from taxation

pursuant to paragraph (1) of subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9), or that is exempt from taxation pursuant to paragraph (1) or (2) of subsection (b) of section 9 of P.L.1966, c.30 and that has complied with subsection (d) of section 9 of P.L.1966, c.30.

(i) The receipts from parking, storing or garaging a motor vehicle, excluding charges for the following: residential parking; employee parking, when provided by an employer or at a facility owned or operated by the employer; municipal parking, storing or garaging; receipts from charges or fees imposed pursuant to section 3 of P.L.1993, c.159 (C.5:12-173.3) or pursuant to an agreement between the Casino Reinvestment Development Authority and a casino operator in effect on the date of enactment of P.L.2007, c.105; and receipts from parking, storing or garaging a motor vehicle subject to tax pursuant to any other law or ordinance.

For the purposes of this subsection, "municipal parking, storing or garaging" means any motor vehicle parking, storing or garaging provided by a municipality or county, or a parking authority thereof.

2. Section 4 of P.L.1966, c.30 (C.54:32B-4) is amended to read as follows:

C.54:32B-4 Tax bracket schedule.

4. a. For the purpose of adding and collecting the tax imposed by this act, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the seller by the purchaser, on or before December 31, 2016 a seller shall use one of the two following options:

(1) a tax shall be calculated based on the following formula:

Amount of Sale	Amount of Tax
\$0.01 to \$0.10	No Tax
0.11 to 0.19	\$0.01
0.20 to 0.32	0.02
0.33 to 0.47	0.03
0.48 to 0.62	0.04
0.63 to 0.77	0.05
0.78 to 0.90	0.06
0.91 to \$1.10	0.07

and in addition to a tax of \$0.07 on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar, in accordance with the above formula; or

(2) tax shall be calculated to the third decimal place. One-half cent (\$0.005) or higher shall be rounded up to the next cent; less than \$0.005 shall be dropped in order to round the result down.

Sellers may compute the tax due on a transaction on either an item or an invoice basis.

b. (Deleted by amendment, P.L.2008, c.123)

c. 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, on or after January 1, 2017 a seller shall use one of the two following options:

(1) a tax shall be calculated based on any tax collection schedule as may be prescribed by the director; or

(2) a 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 to round the result down.

Sellers may compute the tax due on a transaction on either an item or an invoice basis.

3. Section 5 of P.L.1966, c.30 (C.54:32B-5) is amended to read as follows:

C.54:32B-5 Receipts subject to taxes.

5. 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 but prior to January 1, 2017, 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 but prior to January 1, 2017, 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 July 14, 2006 covers billing periods ending after July 15, 2006 but prior to January 1, 2017, 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 but prior to January 1, 2017 in which case the seller shall charge and collect a tax at the rate of 7%.

(4) Except as otherwise provided in this act, receipts received from all sales made and services rendered on or after July 15, 2006 but prior to January 1, 2017, are subject to the taxes imposed under subsections (a), (b), (c), (f), and (i) of section 3 of P.L.1966, c.30 (C.54:32B-3) at the rate of 7%, except if the property so sold is delivered or the services so sold are rendered on or after January 1, 2017 but prior to January 1, 2018, in which case the tax shall be computed and paid at the rate of 6.875%; provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after July 15, 2006 and ending after January 1, 2017 but prior to January 1, 2018, 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, further, if a service or maintenance agreement in

effect on December 31, 2016 covers billing periods ending after January 1, 2017 but prior to January 1, 2018, the seller shall charge and collect from the purchaser a tax on such sales at the rate of 7%, unless the bill for such service or maintenance agreement is rendered on or after January 1, 2017 but prior to January 1, 2018 in which case the seller shall charge and collect a tax at a rate of 6.875%.

(5) Except as otherwise provided in this act, receipts received from all sales made and services rendered on or after January 1, 2017 but prior to January 1, 2018, are subject to the taxes imposed under subsections (a), (b), (c), (f), and (i) of section 3 of P.L.1966, c.30 (C.54:32B-3) at the rate of 6.875%, except if the property so sold is delivered or the services so sold are rendered on or after January 1, 2018, in which case the tax shall be computed and paid at the rate of 6.625%; provided, however, that if a service or maintenance agreement taxable under this act covers any period commencing on or after January 1, 2017 and ending after January 1, 2018, 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, further, if a service or maintenance agreement in effect on December 31, 2017 covers billing periods ending after January 1, 2018, the seller shall charge and collect from the purchaser a tax on such sales at the rate of 6.875%, unless the bill for such service or maintenance agreement is rendered on or after January 1, 2018 in which case the seller shall charge and collect a tax at a rate of 6.625%.

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 but prior to January 1, 2017, 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.

(4) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6.875% upon any occupancy on or after January 1, 2017 but prior to January 1, 2018, 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 15, 2006 but prior to January 1, 2017, the rent for the period of occupancy prior to January 1, 2017 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.

(5) The tax imposed under subsection (d) of section 3 shall be paid at the rate of 6.625% upon any occupancy on or after January 1, 2018, 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 1, 2017 but prior to January 1, 2018, the rent for the period of occupancy prior to January 1, 2018 shall be taxed at the rate of 6.875%. 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 but prior to January 1, 2017, whether or not the admission charge has been paid prior to July 15, 2006, 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.

(4) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6.875% to any admission to or for the use of facilities of a place of amusement occurring on or after January 1, 2017 but prior to January 1, 2018, whether or not the admission charge has been paid prior to January 1, 2017, unless the tickets were actually sold and delivered, other than for resale, prior to January 1, 2017 and the tax imposed under this act during the period July 15, 2006 through December 31, 2016 shall have been paid.

(5) Except as otherwise hereinafter provided, the tax imposed under subsection (e) of section 3 shall be applicable at the rate of 6.625% to any admission to or for the use of facilities of a place of amusement occurring on or after January 1, 2018, 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 January 1, 2018 and the tax imposed under this act during the period January 1, 2017 through December 31, 2017 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 contract 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 but prior to January 1, 2017 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 seller shall charge and collect from the purchaser a tax on such sales at the rate of 7%.

(4) Sales made on or after January 1, 2017 but prior to January 1, 2018 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 6.875%; provided, however, that if such sales are made for use in the 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

15, 2006, but prior to January 1, 2017, such sales shall be subject to tax at the rate of 7%.

(5) Sales made on or after January 1, 2018 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 6.625%; provided, however, that if such sales are made for use in the 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 prior to January 1, 2018, such sales shall be subject to tax at the rate in effect during the time period in which such contract was entered into or such bid was made.

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 seller 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.

(4) The taxes imposed under subsections (a), (b), (c), (f), and (i) of section 3 upon receipts received on or after January 1, 2017 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 15, 2006 but prior to January 1, 2017.

(5) The taxes imposed under subsections (a), (b), (c), (f), and (i) of section 3 upon receipts received on or after January 1, 2018 shall be at the rate of 6.875% 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 January 1, 2017 but prior to January 1, 2018.

g. (1) Except as otherwise hereinafter provided, the taxes imposed by subsection (h) of section 3 of P.L.1966, c.30 (C.54:32B-3) and clause (J) of section 6 of P.L.1966, c.30 (C.54:32B-6) shall be imposed and paid at the rate of 6.875% upon all charges in the nature of initiation fees, membership fees, or dues paid on or after January 1, 2017 but before January 1, 2018. All charges in the nature of initiation fees, membership fees, or dues paid on or after October 1, 2006 but before January 1, 2017 shall be imposed and paid at the rate of 7%; provided, however, that any charges in the nature of membership fees and dues paid on or after October 1, 2006 but before January 1, 2017 that allow a member 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 any period beginning on or after October 1, 2006 but before January 1, 2017 and ending on or after January 1, 2017 but before January 1, 2018 shall be 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.

(2) Except as otherwise hereinafter provided, the taxes imposed by subsection (h) of section 3 of P.L.1966, c.30 (C.54:32B-3) and clause (J) of section 6 of P.L.1966, c.30 (C.54:32B-6) shall be imposed and paid at the rate of 6.625% upon all charges in the nature of initiation fees, membership fees, or dues paid on or after January 1, 2018. All charges in the nature of initiation fees, membership fees, or dues paid on or after January 1, 2017 but before January 1, 2018 shall be imposed and paid at the rate of 6.875%; provided, however, that any charges in the nature of membership fees and dues paid on or after January 1, 2017 but before January 1, 2018 that allow a member 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 any period beginning on or after January 1, 2017 but before January 1, 2018 and ending on or after January 1, 2018 shall be 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.

h. The director is empowered to promulgate rules and regulations to implement the provisions of this section.

4. 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% on or before December 31, 2016, 6.875% on and after January 1, 2017 but before January 1, 2018, and 6.625% on and after January 1, 2018, except as otherwise exempted under this act, (A) of any tangible personal property or specified digital product 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 specified digital product manufactured, processed or assembled by the user, if items of the same kind of tangible personal property or specified digital products 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 specified digital product, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of intrastate, interstate, or international telecommunications services described in subsection (f) of section 3 of P.L.1966, c.30, (E) (Deleted by amendment, P.L.1995, c.184), (F) of utility service provided to persons in this State for use in this State, provided however, that utility service used by the facility that provides the service shall not be subject to tax, (G) of mail processing services described in paragraph (5) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), (H) (Deleted by amendment, P.L.2008, c.123), (I) of any services subject to tax pursuant to subsection (11), (12), (13), (14) or (15) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3), and (J) of access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization in this State. For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property including delivery charges made by the seller, but excluding any credit for property of the same kind accepted in part payment and intended for resale. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property or specified digital products are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular

course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property or specified digital products 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 specified digital product transferred in conjunction with the performance of the service, including delivery charges made by the seller. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider; provided however, that for prepaid calling services and prepaid wireless calling services the tax shall be at the applicable rate on the consideration given or contracted to be given for the prepaid calling service or prepaid wireless calling service or the recharge of the prepaid calling service or prepaid wireless calling service. For purposes of clause (F) of this section, the tax shall be at the applicable rate on the charge made by the utility service provider. For purposes of clause (G) of this section, the tax shall be at the applicable rate on that proportion of the amount of all processing costs charged by a mail processing service provider that is attributable to the service distributed in this State. For purposes of clause (I) of this section, the tax shall be at the applicable rate on the charge made by the service provider. For purposes of clause (J) of this section, the tax shall be at the applicable rate on the charges in the nature of initiation fees, membership fees or dues.

5. 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% on or before December 31, 2016, 12.875% on and after January 1, 2017 but before January 1, 2018, and 12.625% on and after January 1, 2018.

6. 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 collecting 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% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018, and to the extent that the total combined rate of taxation for the listed fees and taxes would exceed 14% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018, the fee imposed under this section shall be reduced so that the total combined rate equals 14% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018;

(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% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018, and to the extent that the total combined rate of taxation for the listed fees and taxes would exceed 14% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018, the fee imposed under this section shall be reduced so that the total combined rate equals 14% on or before December 31, 2016, 13.875% on and after January 1, 2017 but before January 1, 2018, and 13.625% on and after January 1, 2018; 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).

7. R.S.54:38-1 is amended to read as follows:

Imposition of tax; amount.

54:38-1. a. In addition to the inheritance, succession or legacy taxes imposed by this State under authority of chapters 33 to 36 of this title (R.S.54:33-1 et seq.), or hereafter imposed under authority of any subsequent enactment, there is hereby imposed an estate or transfer tax:

(1) Upon the transfer of the estate of every resident decedent dying before January 1, 2002 which is subject to an estate tax payable to the United States under the provisions of the federal revenue act of one thousand nine hundred and twenty-six and the amendments thereof and supplements thereto or any other federal revenue act in effect as of the date of death of the decedent, the amount of which tax shall be the sum by which the maximum credit allowable against any federal estate tax payable to the United States under any federal revenue act on account of taxes paid to any state or territory of the United States or the District of Columbia, shall exceed the

aggregate amount of all estate, inheritance, succession or legacy taxes actually paid to any state or territory of the United States or the District of Columbia, including inheritance, succession or legacy taxes actually paid this State, in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with the estate; and

(2) (a) Upon the transfer of the estate of every resident decedent dying after December 31, 2001, but before January 1, 2017, which would have been subject to an estate tax payable to the United States under the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001, the amount of which tax shall be, at the election of the person or corporation liable for the payment of the tax under this chapter, either

(i) the maximum credit that would have been allowable under the provisions of that federal Internal Revenue Code in effect on that date against the federal estate tax that would have been payable under the provisions of that federal Internal Revenue Code in effect on that date on account of taxes paid to any state or territory of the United States or the District of Columbia, or

(ii) determined pursuant to the simplified tax system as may be prescribed by the Director of the Division of Taxation in the Department of the Treasury to produce a liability similar to the liability determined pursuant to clause (i) of this paragraph reduced pursuant to paragraph (b) of this subsection.

(b) The amount of tax liability determined pursuant to subparagraph (a) of this paragraph shall be reduced by the aggregate amount of all estate, inheritance, succession or legacy taxes actually paid to any state or territory of the United States or the District of Columbia, including inheritance, succession or legacy taxes actually paid this State, in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with the estate; provided however, that the amount of the reduction shall not exceed the proportion of the tax otherwise due under this subsection that the amount of the estates's property subject to tax by other jurisdictions bears to the entire estate taxable under this chapter.

(3) (a) Upon the transfer of the estate of each resident decedent dying on or after January 1, 2017, whether or not subject to an estate tax payable to the United States under the provisions of the federal Internal Revenue Code (26 U.S.C. s.1 et seq.), the amount of the taxable estate, determined pursuant to section 2051 of the federal Internal Revenue Code (26 U.S.C. s.2051), shall be subject to tax pursuant to the following schedule:

On any amount up to \$100,000	0.0%
On any amount in excess of \$100,000, up to \$150,000	0.8% of the excess over \$100,000
On any amount in excess of \$150,000, up to \$200,000.	\$400 plus 1.6% of the excess over \$150,000
On any amount in excess of \$200,000, up to \$300,000.	\$1,200 plus 2.4% of the excess over \$200,000
On any amount in excess of \$300,000, up to \$500,000.	\$3,600 plus 3.2% of the excess over \$300,000
On any amount in excess of \$500,000, up to \$700,000.	\$10,000 plus 4.0% of the excess over \$500,000
On any amount in excess of \$700,000, up to \$900,000.	\$18,000 plus 4.8% of the excess over \$700,000
On any amount in excess of \$900,000, up to \$1,100,000.	\$27,600 plus 5.6% of the excess over \$900,000
On any amount in excess of \$1,100,000, up to \$1,600,000.	\$38,800 plus 6.4% of the excess over \$1,100,000
On any amount in excess of \$1,600,000, up to \$2,100,000.	\$70,800 plus 7.2% of the excess over \$1,600,000
On any amount in excess of \$2,100,000, up to \$2,600,000.	\$106,800 plus 8.0% of the excess over \$2,100,000
On any amount in excess of \$2,600,000, up to \$3,100,000.	\$146,800 plus 8.8% of the excess over \$2,600,000
On any amount in excess of \$3,100,000, up to \$3,600,000.	\$190,800 plus 9.6% of the excess over \$3,100,000
On any amount in excess of \$3,600,000, up to \$4,100,000.	\$238,800 plus 10.4% of the excess over \$3,600,000
On any amount in excess of \$4,100,000, up to \$5,100,000.	\$290,800 plus 11.2% of the excess over \$4,100,000
On any amount in excess of \$5,100,000, up to \$6,100,000	\$402,800 plus 12.0% of the excess over \$5,100,000
On any amount in excess of \$6,100,000, up to \$7,100,000	\$522,800 plus 12.8% of the excess over \$6,100,000
On any amount in excess of \$7,100,000, up to \$8,100,000	\$650,800 plus 13.6% of the excess over \$7,100,000
On any amount in excess of \$8,100,000, up to \$9,100,000	\$786,800 plus 14.4% of the excess over \$8,100,000
On any amount in excess of \$9,100,000, up to \$10,100,000	\$930,800 plus 15.2% of the excess over \$9,100,000

On any amount in excess of	\$1,082,800 plus 16.0% of
\$10,100,000. . .	the excess over \$10,100,000

(b) A credit shall be allowed against the tax imposed pursuant to subparagraph (a) of this paragraph equal to the amount of tax which would be determined by subparagraph (a) of this paragraph if the amount of the taxable estate were equal to the exclusion amount.

For the transfer of the estate of each resident decedent dying on or after January 1, 2017, but before January 1, 2018, the exclusion amount is \$2,000,000.

(c) The amount of tax liability of a resident decedent determined pursuant to subparagraphs (a) and (b) of this paragraph shall be reduced by the aggregate amount of all estate, inheritance, succession or legacy taxes actually paid to any state of the United States, including inheritance taxes actually paid this State, in respect to any property owned by that decedent or subject to those taxes as a part of or in connection with the estate; provided however, that the amount of the reduction shall not exceed the proportion of the tax otherwise due under this subsection that the amount of the estate's property subject to tax by other jurisdictions bears to the entire estate taxable under this chapter.

(4) For the transfer of the estate of each resident decedent dying on or after January 1, 2018, there shall be no tax imposed.

b. (1) In the case of the estate of a decedent dying before January 1, 2002 where no inheritance, succession or legacy tax is due this State under the provisions of chapters 33 to 36 of this title or under authority of any subsequent enactment imposing taxes of a similar nature, but an estate tax is due the United States under the provisions of any federal revenue act in effect as of the date of death, wherein provision is made for a credit on account of taxes paid the several states or territories of the United States, or the District of Columbia, the tax imposed by this chapter shall be the maximum amount of such credit less the aggregate amount of such estate, inheritance, succession or legacy taxes actually paid to any state or territory of the United States or the District of Columbia.

(2) In the case of the estate of a decedent dying after December 31, 2001, but before January 1, 2017, where no inheritance, succession or legacy tax is due this State under the provisions of chapters 33 to 36 of this title or under authority of any subsequent enactment imposing taxes of a similar nature, the tax imposed by this chapter shall be determined pursuant to paragraph (2) of subsection a. of this section.

(3) In the case of the estate of a decedent dying on or after January 1, 2017 the tax imposed by this chapter shall be determined pursuant to paragraphs (3) and (4) of subsection a. of this section.

c. For the purposes of this section, a "simplified tax system" to produce a liability similar to the liability determined pursuant to clause (i) of subparagraph (a) of paragraph (2) of subsection a. of this section is a tax system that is based upon the \$675,000 unified estate and gift tax applicable exclusion amount in effect under the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001, and results in general in the determination of a similar amount of tax but which will enable the person or corporation liable for the payment of the tax to calculate an amount of tax notwithstanding the lack or paucity of information for compliance due to such factors as the absence of an estate valuation made for federal estate tax purposes, the absence of a measure of the impact of gifts made during the lifetime of the decedent in the absence of federal gift tax information, and any other information compliance problems as the director determines are the result of the phased repeal of the federal estate tax.

8. N.J.S.54A:3-1 is amended to read as follows:

Personal exemptions and deductions.

54A:3-1. Personal exemptions and deductions. Each taxpayer shall be allowed personal exemptions and deductions against his gross income as follows:

(a) Taxpayer. Each taxpayer shall be allowed a personal exemption of \$1,000.00 which may be taken as a deduction from his New Jersey gross income.

(b) Additional exemptions. In addition to the personal exemptions allowed in (a), the following additional personal exemptions shall be allowed as a deduction from gross income:

1. For the taxpayer's spouse, or domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), who does not file separately - \$1,000.00.

2. For each dependent who qualifies as a dependent of the taxpayer during the taxable year for federal income tax purposes - \$1,500.00.

3. Taxpayer 65 years of age or over at the close of the taxable year - \$1,000.00.

4. Taxpayer's spouse 65 years of age or over at the close of the taxable year - \$1,000.00.

5. Blind or disabled taxpayer - \$1,000.00.

6. Blind or disabled spouse - \$1,000.00.

7. Taxpayer who is a veteran honorably discharged or released under honorable circumstances from active duty in the Armed Forces of the United States, a reserve component thereof, or the National Guard of New Jersey in a federal active duty status, as those terms are used in N.J.S.38A:1-1 - \$3,000.

(c) Special Rule. The personal exemptions allowed under this section shall be limited to that percentage which the total number of months within a taxpayer's taxable year under this act bears to 12. For this purpose 15 days or more shall constitute a month.

(d) (Deleted by amendment, P.L.1993, c.178).

(e) Nonresidents. For taxable years to which a certification pursuant to section 3 of P.L.1993, c.320 (C.54A:2-1.2) applies, a nonresident taxpayer shall be allowed the same deduction for personal exemptions as a resident taxpayer. However, if (1) the nonresident taxpayer's gross income which is subject to tax under this act is exceeded by (2) the gross income which the nonresident taxpayer would be required to report under this act if the taxpayer were a resident by more than \$100.00, the taxpayer's deduction for personal exemptions shall be limited by the percentage which (1) is to (2).

9. N.J.S.54A:6-10 is amended to read as follows:

Pensions and annuities.

54A:6-10. Pensions and annuities.

a. Gross income shall not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract as of the annuity starting date bears to the expected return under the contract as of such date. Where (1) part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and (2) during the three-year period beginning on the date on which an amount is first received under the contract as an annuity, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee, then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded an amount equal to the consideration for the contract contributed by the employee.

b. (1) In addition to that part of any amount received as an annuity which is excludable from gross income as herein provided, gross income shall not include payments:

for taxable years beginning before January 1, 2000, of up to \$10,000 for a married couple filing jointly, \$5,000 for a married person filing separately, or \$7,500 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2000, but before January 1, 2001, of up to \$12,500 for a married couple filing jointly, \$6,250 for a married person filing separately, or \$9,375 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2001, but before January 1, 2002, of up to \$15,000 for a married couple filing jointly, \$7,500 for a married person filing separately, or \$11,250 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2002, but before January 1, 2003, of up to \$17,500 for a married couple filing jointly, \$8,750 for a married person filing separately, or \$13,125 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2003, but before January 1, 2017 of up to \$20,000 for a married couple filing jointly, \$10,000 for a married person filing separately, or \$15,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2017, but before January 1, 2018, of up to \$40,000 for a married couple filing jointly, \$20,000 for a married person filing separately, or \$30,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2018, but before January 1, 2019, of up to \$60,000 for a married couple filing jointly, \$30,000 for a married person filing separately, or \$45,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2019, but before January 1, 2020, of up to \$80,000 for a married couple filing jointly, \$40,000 for a married person filing separately, or \$60,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2020, of up to \$100,000 for a married couple filing jointly, \$50,000 for a married person filing separately, or \$75,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1,

which are received as an annuity, endowment or life insurance contract, or payments of any such amounts which are received as pension, disability, or retirement benefits, under any public or private plan, whether the consideration therefor is contributed by the employee or employer or both, by any person who is 62 years of age or older or who, by virtue of disability, is or would be eligible to receive payments under the federal Social Security Act.

(2) For taxable years beginning on or after January 1, 2005, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$100,000.

c. Gross income shall not include any amount received under any public or private plan by reason of a permanent and total disability.

d. Gross income shall not include distributions from an employees' trust described in section 401(a) of the Internal Revenue Code of 1986, as amended (hereinafter referred to as "the Code"), which is exempt from tax under section 501(a) of the Code if the distribution, except the portion representing the employees' contributions, is rolled over in accordance with section 402(a)(5) or section 403(a)(4) of the Code. The distribution shall be paid in one or more installments which constitute a lump-sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to subsection (e)(4)(B)), or be on account of a termination of a plan of which the trust is a part or, in the case of a profit-sharing or stock bonus plan, a complete discontinuance of contributions under such plan.

10. Section 3 of P.L.1977, c.273 (C.54A:6-15) is amended to read as follows:

C.54A:6-15 Other retirement income.

3. Other retirement income. a. (1) Gross income shall not include income:

for taxable years beginning before January 1, 2000, of up to \$10,000 for a married couple filing jointly, \$5,000 for a married person filing separately, or \$7,500 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2000, but before January 1, 2001, of up to \$12,500 for a married couple filing jointly, \$6,250 for a married person filing separately, or \$9,375 for an individual filing as a

single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2001, but before January 1, 2002, of up to \$15,000 for a married couple filing jointly, \$7,500 for a married person filing separately, or \$11,250 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for the taxable year beginning on or after January 1, 2002, but before January 1, 2003, of up to \$17,500 for a married couple filing jointly, \$8,750 for a married person filing separately, or \$13,125 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2003, but before January 1, 2017, gross income shall not include income of up to \$20,000 for a married couple filing jointly, \$10,000 for a married person filing separately, or \$15,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2017 but before January 1, 2018, gross income shall not include income of up to \$40,000 for a married couple filing jointly, \$20,000 for a married person filing separately, or \$30,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2018, but before January 1, 2019, gross income shall not include income of up to \$60,000 for a married couple filing jointly, \$30,000 for a married person filing separately, or \$45,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2019, but before January 1, 2020, gross income shall not include income of up to \$80,000 for a married couple filing jointly, \$40,000 for a married person filing separately, or \$60,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1;

for taxable years beginning on or after January 1, 2020, gross income shall not include income of up to \$100,000 for a married couple filing jointly, \$50,000 for a married person filing separately, or \$75,000 for an individual filing as a single taxpayer or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1,

when received in any tax year by a person aged 62 years or older who received no income in excess of \$3,000 from one or more of the sources enumerated in subsections a., b., k. and p. of N.J.S.54A:5-1.

(2) For taxable years beginning on or after January 1, 2005, the exclusion provided by this subsection shall only be allowed if the taxpayer has gross income for the taxable year of not more than \$100,000.

(3) The total exclusion under this subsection and that allowable under N.J.S.54A:6-10 shall not exceed the amounts of the exclusions set forth in this subsection.

b. In addition to the exclusion provided under N.J.S.54A:6-10 and subsection a. of this section, gross income shall not include income of up to \$6,000 for a married couple filing jointly or an individual determining tax pursuant to subsection a. of N.J.S.54A:2-1, or \$3,000 for a single person or a married person filing separately, who is not covered under N.J.S.54A:6-2 or N.J.S.54A:6-3, but who would be eligible in any year to receive payments under either section if he or she were covered thereby.

11. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read as follows:

C.54A:4-7 New Jersey Earned Income Tax Credit program.

2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.

a. (1) A resident individual who is eligible for a credit under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit that would be allowed to the individual or the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) for the same taxable year for which a credit is claimed pursuant to this section, subject to the restrictions of this subsection and subsections b., c., d. and e. of this section.

(2) For the purposes of the calculation of the New Jersey earned income tax credit, the percentage of the federal earned income tax credit referred to in paragraph (1) of this subsection shall be:

(a) 10% for the taxable year beginning on or after January 1, 2000, but before January 1, 2001;

(b) 15% for the taxable year beginning on or after January 1, 2001, but before January 1, 2002;

(c) 17.5% for the taxable year beginning on or after January 1, 2002, but before January 1, 2003;

(d) 20% for taxable years beginning on or after January 1, 2003, but before January 1, 2008;

(e) 22.5% for taxable years beginning on or after January 1, 2008 but before January 1, 2009;

(f) 25% for taxable years beginning on or after January 1, 2009 but before January 1, 2010;

(g) 20% for taxable years beginning on or after January 1, 2010, but before January 1, 2015;

(h) 30% for taxable years beginning on or after January 1, 2015, but before January 1, 2016; and

(i) 35% for taxable years beginning on or after January 1, 2016.

(3) To qualify for the New Jersey earned income tax credit, if the claimant is married, except for a claimant who files as a head of household or surviving spouse for federal income tax purposes for the taxable year, the claimant shall file a joint return or claim for the credit.

b. In the case of a part-year resident claimant, the amount of the credit allowed pursuant to this section shall be pro-rated, based upon that proportion which the total number of months of the claimant's residency in the taxable year bears to 12 in that period. For this purpose, 15 days or more shall constitute a month.

c. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes of N.J.S.54A:9-7; provided however, that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit provided under this section as a credit against the tax otherwise due and the amount of the credit treated as an overpayment shall be treated as a credit towards or overpayment of gross income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.

12. Section 2 of P.L.1990, c. 42 (C.54:15B-2) is amended to read as follows:

C.54:15B-2 Definitions.

2. For the purposes of this act:

"Aviation fuel" means aviation gasoline or aviation grade kerosene or any other fuel that is used in aircraft.

"Aviation gasoline" means fuel specifically compounded for use in reciprocating aircraft engines.

"Aviation grade kerosene" means any kerosene type jet fuel covered by ASTM Specification D 1655 or meeting specification MIL-DTL-5624T (Grade JP-5) or MIL-DTL-83133E (Grade JP-8).

"Blended fuel" means a mixture composed of gasoline, diesel fuel, kerosene or blended fuel and another liquid, including blend stock other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. "Blended fuel" includes but is not limited to gasohol, biobased liquid fuel, biodiesel fuel, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends.

"Company" includes a corporation, partnership, limited partnership, limited liability company, association, individual, or any fiduciary thereof.

"Diesel fuel" means a liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" includes biobased liquid fuel, biodiesel fuel, and number 1 and number 2 diesel.

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

"First sale of petroleum products within this State" means the initial sale of a petroleum product delivered to a location in this State. A "first sale of petroleum products within this State" does not include a book or exchange transfer of petroleum products if such products are intended to be sold in the ordinary course of business.

"Gasoline" means all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. "Gasoline" does not include products that have an ASTM octane number of less than 75 as determined by the "motor method," ASTM D2700-92. The term does not include racing gasoline or aviation gasoline, but for administrative purposes does include fuel grade alcohol.

"Gross receipts" means all consideration derived from the first sale of petroleum products within this State except sales of:

- a. asphalt;

b. petroleum products sold pursuant to a written contract extending one year or longer to nonprofit entities qualifying under subsection (b) of section 9 of P.L.1966, c.30 (C.54:32B-9) as evidenced by an invoice in form prescribed by subsection b. of section 3 of P.L.1991, c.19 (C.54:15B-10);

c. petroleum products sold to governmental entities qualifying under subsection (a) of section 9 of P.L.1966, c.30 (C.54:32B-9) as evidenced by an invoice in form prescribed by subsection b. of section 3 of P.L.1991, c.19 (C.54:15B-10); and

d. polymer grade propylene used in the manufacture of polypropylene.

"Highway fuel" means gasoline, blended fuel that contains gasoline or is intended for use as gasoline, liquefied petroleum gas, and diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene, other than aviation grade kerosene.

"Kerosene" means the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of 149 to 300 degrees Celsius.

"Petroleum products" means refined products made from crude petroleum and its fractionation products, through straight distillation of crude oil or through redistillation of unfinished derivatives, but shall not mean the products commonly known as number 2 heating oil, number 4 heating oil, number 6 heating oil, kerosene and propane gas to be used exclusively for residential use.

"Quarterly period" means a period of three calendar months commencing on the first day of January, April, July or October and ending on the last day of March, June, September or December, respectively.

"Retail price per gallon" means the price charged by retailers in the State for a gallon of the petroleum product dispensed into the fuel tanks of motor vehicles without State or federal tax included.

"Unleaded regular gasoline" means gasoline of the octane rating equal to the lowest octane rated gasoline offered for sale at a majority of the gasoline retailers in the State.

"2016 implementation date" means the later of November 1, 2016 or the 15th day after the date of enactment of P.L.2016, c.57.

13. Section 7 of P.L.1991, c.181 (C.54:15B-2.1) is amended to read as follows:

C.54:15B-2.1 Receipts not included as gross receipts.

7. a. "Gross receipts," as otherwise defined by section 2 of P.L.1990, c.42 (C.54:15B-2), shall not include receipts from sales of petroleum prod-

ucts used by marine vessels engaged in interstate or foreign commerce and receipts from sales of aviation fuels used by common carriers in interstate or foreign commerce other than the "burnout" portion which shall be taxable pursuant to rules promulgated by the director.

b. Highway fuel used for the following purposes is exempt from the tax imposed by section 3 of P.L.1990, c.42 (C.54:15B-3), and a refund of the tax imposed by that section may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued:

(1) autobuses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of R.S.48:16-25 and autobuses while being operated over the highways of this State in a regular route bus operation as defined in R.S.48:4-1 and under operating authority conferred pursuant to R.S.48:4-3, or while providing bus service under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and autobuses providing commuter bus service which receive or discharge passengers in New Jersey. For the purpose of this paragraph "commuter bus service" means regularly scheduled passenger service provided by motor vehicles whether within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride, or commutation tickets and shall not include charter bus operations for the transportation of enrolled children and adults referred to in subsection c. of R.S.48:4-1 and "regular route service" does not mean a regular route in the nature of special bus operation or a casino bus operation;

(2) agricultural tractors not operated on a public highway;

(3) farm machinery;

(4) ambulances;

(5) rural free delivery carriers in the dispatch of their official business;

(6) vehicles that run only on rails or tracks, and such vehicles as run in substitution therefor;

(7) highway motor vehicles that are operated exclusively on private property;

(8) motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State;

(9) motor boats or motor vessels used exclusively for commercial fishing;

(10) motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties;

- (11) fire engines and fire-fighting apparatus;
- (12) stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways;
- (13) heating and lighting devices;
- (14) motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America; and
- (15) emergency vehicles used exclusively by volunteer first-aid or rescue squads.

14. Section 3 of P.L.1990, c.42 (C.54:15B-3) is amended to read as follows:

C.54:15B-3 Petroleum products tax.

3. a. (1) (a) There is imposed on each company which is engaged in the refining or distribution, or both, of petroleum products other than highway fuel and aviation fuel and which distributes such products in this State a tax at the rate of seven percent of its gross receipts derived from the first sale of petroleum products within this State and there is imposed on each company which is engaged in the refining or distribution, or both, of highway fuel a tax at the rate of 12.85 percent, as adjusted pursuant to subsection c. of this section, of its gross receipts derived from the first sale of those products within this State.

(b) The applicable tax rate for gasoline, blended fuel that contains gasoline or is intended for use as gasoline, and liquefied petroleum gas, which are taxed as a highway fuel pursuant to subparagraph (a) of this paragraph, shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of a cent, and adjusted quarterly by the director, effective on July 1, October 1, January 1, and April 1, based on the average retail price per gallon of unleaded regular gasoline in the State, as determined in the most recent survey of the retail price per gallon of gasoline that includes a Statewide representative random sample conducted by the Board of Public Utilities, Office of the Economist, or its successor.

(c) The cents-per-gallon rate determined pursuant to subparagraph (b) of this paragraph shall not be less than the rate determined for the average retail price per gallon of unleaded gasoline in the State on July 1, 2016.

(d) The applicable tax rate for diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene, other than aviation grade kerosene, which are taxed as a highway fuel pursuant to subparagraph (a) of this paragraph, shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of a cent, and adjusted quarterly by the

director, effective on July 1, October 1, January 1, and April 1, based on the average retail price per gallon of number 2 diesel in the State, as determined in the most recent survey of retail diesel fuel prices that includes a Statewide representative random sample conducted by the Board of Public Utilities, Office of the Economist, or its successor.

Notwithstanding the provisions of subparagraph (a) of this paragraph to the contrary, for the period from the 2016 implementation date through December 31, 2016, no rate of tax shall be applied to diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, or kerosene, other than aviation grade kerosene; for the period from January 1, 2017 through June 30, 2017, the applicable rate for those fuels shall be 70 percent of the rate otherwise determined pursuant to subparagraph (a) of this paragraph, and for July 1, 2017 and thereafter the applicable rate for those fuels determined pursuant to subparagraph (a) of this paragraph.

(e) The cents-per-gallon rate determined pursuant to subparagraph (d) of this paragraph shall not be less than the rate determined for the average retail price per gallon of number 2 diesel in the State on July 1, 2016.

(f) The applicable tax rate for fuel oil determined pursuant to subparagraph (a) of this paragraph shall be converted to a cents-per-gallon rate, rounded to the nearest tenth of a cent, and adjusted quarterly by the director, effective on July 1, October 1, January 1, and April 1, to reflect the average price per gallon, without State or federal tax included, of retail sales of number 2 fuel oil in the State, as determined in the most recent survey of retail diesel fuel prices that included a Statewide representative random sample conducted by the Board of Public Utilities, Office of the Economist, or its successor.

(g) The cents-per-gallon rate determined pursuant to subparagraph (f) of this paragraph shall not be less than the rate determined for the average price per gallon, without State or federal tax included, of retail sales of number 2 fuel oil in the State on July 1, 2016.

(h) On and after the 10th day following a certification by the review council pursuant to subsection c. of section 19 of P.L.2016, c.57 (C.52:18A-257), no tax shall be imposed pursuant to this paragraph.

(2) (a) In addition to the tax, if any, imposed by paragraph (1) of this subsection, a cents-per-gallon tax is imposed on each company's gross receipts derived from the first sale of petroleum products within this State on gasoline, blended fuel that contains gasoline or that is intended for use as gasoline, liquefied petroleum gas, and aviation fuel at the rate of four cents per gallon; and

(b) In addition to the tax, if any, imposed by paragraph (1) of this subsection, a cents-per-gallon tax is imposed on each company's gross receipts derived from the first sale of petroleum products within this State on diesel fuel, blended fuel that contains diesel fuel or is intended for use as diesel fuel, and kerosene, other than aviation grade kerosene, at the rate of four cents per gallon before July 1, 2017 and at the rate of eight cents per gallon on and after July 1, 2017.

b. There is imposed on each company that imports or causes to be imported, other than by a company subject to and having paid the tax on those imported petroleum products that have generated gross receipts taxable under subsection a. of this section, petroleum products for use or consumption by it within this State a tax at the rate or rates, determined pursuant to subsection a. of this section, on the consideration given or contracted to be given and the gallonage for such petroleum products if the consideration given or contracted to be given for all such deliveries made during a quarterly period exceeds \$5,000.

c. (1) For State fiscal years 2018 through 2026, the rate of tax imposed on highway fuel pursuant to subsection a. of this section shall be adjusted annually so that the total revenue derived from highway fuel shall not exceed the highway fuel cap amount.

(2) The State Treasurer shall, on or before December 31, 2016, determine the highway fuel cap amount as the sum of:

(a) the taxes collected for State Fiscal Year 2016 pursuant to paragraphs (1) and (2) of subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) on highway fuel,

(b) the amount derived from taxing the gallonage of highway fuel subject to motor fuel tax in State Fiscal Year 2016 at the rate of four cents per gallon, and

(c) the amount that would have been derived from taxing the gallonage of highway fuel subject to motor fuel tax in State Fiscal Year 2016 at the rate of 23 cents per gallon.

(3) On or before August 15 of each State Fiscal Year following State Fiscal Year 2017, the State Treasurer and the Legislative Budget and Finance Officer shall determine the total revenue derived from:

(a) the taxes collected for the prior State Fiscal Year pursuant to paragraphs (1) and (2) of subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) on highway fuel,

(b) the revenue that would be derived from imposing the tax pursuant to paragraph (2) of subsection a. of this section on highway fuel at the rate of four cents per gallon, and

(c) the revenue derived from the taxation of highway fuel pursuant to paragraph (1) of subsection a. of this section.

(4) Upon consideration of the result of the determination pursuant to paragraph (3) of this subsection, and consultation with the Legislative Budget and Finance Officer, the State Treasurer shall determine the rate of tax to be imposed on highway fuel pursuant to subsection a. of this section that will result in revenue from:

(a) the taxes collected on highway fuel for the current State Fiscal Year pursuant to paragraphs (1) and (2) of subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103),

(b) the revenue derived from the tax imposed pursuant to paragraph (2) of subsection a. of this section on highway fuel at the rate of four cents per gallon for the current State Fiscal Year, and

(c) the revenue derived from the taxation of highway fuel pursuant to paragraph (1) of subsection a. of this section equaling the highway fuel cap amount determined pursuant to paragraph (2) of this subsection, as adjusted pursuant to paragraph (5) of this subsection; and that rate shall take effect on October 1 of that year.

(5) If the actual revenue determined pursuant to paragraph (3) of this subsection exceeds the highway fuel cap amount determined pursuant to paragraph (2) of this subsection, then the highway fuel cap amount for the succeeding year shall be decreased by the amount of the excess in setting the rate pursuant to paragraph (4) of this subsection. If the actual revenue determined pursuant to paragraph (3) of this subsection is less than the highway fuel cap amount determined pursuant to paragraph (2) of this subsection, then the highway fuel cap amount for the succeeding year shall be increased by the amount of the shortfall in setting the rate pursuant to paragraph (4) of this subsection.

15. Section 2 of P.L.1991, c.19 (C.54:15B-9) is amended to read as follows:

C.54:15B-9 Payment of petroleum products tax, nonpayment, fourth degree crime.

2. a. A person who shall purchase or otherwise acquire petroleum products, upon which the petroleum products gross receipts tax has not been paid and is not due pursuant to subsection b. of section 5 of P.L.1990, c.42 (C.54:15B-5) or upon which a reimbursement payment has been paid pursuant to section 3 of P.L.1991, c.19 (C.54:15B-10), from a federal government department, agency or instrumentality, or any agent or officer thereof, for use not specifically associated with any federal government

function or operation, shall pay to the State a tax at the rate or rates of the consideration given or contracted to be given for the purchase or acquisition of the petroleum products and the gallonage, determined pursuant to subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in accordance with the procedures set forth in the "Petroleum Products Gross Receipts Tax Act," P.L.1990, c.42 (C.54:15B-1 et seq.).

b. A person who knowingly uses, or who conspires with an official, agent or employee of a federal government department, agency or instrumentality, for the use of, a requisition, purchase order, or a card or an authority to which the person is not specifically entitled by government regulations, with the intent to obtain petroleum products from a federal government department, agency or instrumentality for a use not specifically associated with a federal government function or operation, upon which the petroleum products gross receipts tax has not been paid, is guilty of a crime of the fourth degree.

16. Section 3 of P.L.1991, c.19 (C.54:15B-10) is amended to read as follows:

C.54:15B-10 Reimbursement of petroleum products tax to federal entity.

a. A federal government department, agency or instrumentality, that purchases petroleum products other than by the first sale of that product in this State for use in a federal government function or operation, upon which petroleum products the petroleum products gross receipts tax has been paid or is due and payable, shall be reimbursed and paid an amount at the rate or rates of the consideration given or contracted to be given, and the gallonage, determined pursuant to subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3).

b. The reimbursement shall be claimed by presenting to the Director of the Division of Taxation in the Department of the Treasury an application for the reimbursement, on a form prescribed by the director, which application shall be verified by a declaration of the applicant that the statements contained therein are true. Such application for reimbursement shall be supported by an invoice, or invoices, showing the name and address of the person from whom the petroleum products were purchased, the name of the purchaser, the date of purchase, the quantity of the product purchased, the price paid for the purchase of the product, and an acknowledgment by the seller that payment of the cost of the product to the seller, including the petroleum gross receipts tax due thereon, has been made. Such invoice, or invoices, shall be legibly written and shall be void if any corrections or erasures shall appear on the face thereof.

c. If petroleum products are sold to a federal government department, agency or instrumentality that shall be entitled to a reimbursement under this act, the seller of the petroleum products shall supply the purchaser with an invoice that conforms with the requirements of subsection b. of this section.

C.54:15B-13 Tax levied on persons holding certain fuels.

17. a. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (a) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the last business day before the 2016 implementation date on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel sold on or after the 2016 implementation date and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on that day.

b. Persons in possession of those fuels in storage as of the close of the last business day before the 2016 implementation date shall:

- (1) take an inventory at the close of the business day on that day;
- (2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than 45 days following the 2016 implementation date; and
- (3) remit the tax levied under subsection a. of this section to the director no later than February 1, 2017.

c. Fuel not reflected in the inventory taken pursuant to subsection b. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after the 2016 implementation date.

d. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (b) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the business day on December 31, 2016 on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel sold on or after January 1, 2017 and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on December 31, 2016.

e. Persons in possession of those fuels in storage as of the close of the business day on December 31, 2016 shall:

(1) take an inventory at the close of the business day on December 31, 2016;

(2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than January 31, 2017; and

(3) remit the tax levied under subsection d. of this section to the director no later than June 1, 2017.

f. Fuel not reflected in the inventory taken pursuant to subsection e. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after January 1, 2017.

g. There is levied a tax on persons, other than licensed companies pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12), holding the fuels enumerated in subparagraph (b) of paragraph (2) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) in storage for sale as of the close of the business day on June 30, 2017 on which tax has previously been paid. The amount of tax shall be the difference between the tax per gallon specified by subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) for the type of fuel sold on or after July 1, 2017 and the tax previously paid per gallon, multiplied by the gallons in storage of that type of fuel as of the close of the business day on June 30, 2017.

h. Persons in possession of those fuels in storage as of the close of the business day on June 30, 2017 shall:

(1) take an inventory at the close of the business day on June 30, 2017;

(2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than July 31, 2017; and

(3) remit the tax levied under subsection g. of this section to the director no later than December 1, 2017.

i. Fuel not reflected in the inventory taken pursuant to subsection e. of this section is deemed to be previously untaxed, except to the extent that it is invoiced as delivered tax-paid on or after July 1, 2017.

j. In determining the amount of tax due under this section, a person may exclude the amount of fuel in dead storage in each storage tank.

k. As used in this section:

"Close of the business day" means the time at which the last transaction has occurred for that day.

"Dead storage" means the amount of fuel that cannot be pumped out of a fuel storage tank because the motor fuel is below the mouth of the draw pipe. The amount of motor fuel in dead storage is 200 gallons for a tank with a capacity of less than 10,000 gallons and 400 gallons for a tank with a capacity of 10,000 gallons or more.

18. Notwithstanding any provision of the "Administrative Procedure Act," 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 sections 12 through 17 of P.L.2016, c.57, which regulations shall be effective for a period not to exceed 360 days following the date of enactment of P.L.2016, c.57 and may thereafter be amended, adopted, or readopted by the director in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.52:18A-257 Review council.

19. a. The State Treasurer, and the Legislative Budget and Finance Officer, together with a third public member who shall be jointly selected thereby, shall constitute the review council.

b. The review council shall, on or before January 15, 2020, provide the Governor and the Legislature with an advisory report of their consensus estimate of the increase or decrease in State revenues pursuant to each section of P.L.2016, c.57 (C.54:15B-13 et al.), and pursuant to this act as a whole, during the preceding three State fiscal years, including a comparison of those estimates to the legislative fiscal estimate or fiscal note published contemporaneous with the enactment of this act prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

c. The review council shall conduct an ongoing review of the application of each section of P.L.2016, c.57 (C.54:15B-13 et al.).

The review council shall, not later than five days after any Legislative action that halts, delays, or reverses the implementation of those sections as scheduled on the date of enactment of P.L.2016, c.57 (C.54:15B-13 et al.), certify for the purposes of subparagraph (h) of paragraph (1) of subsection a. of section 3 of P.L.1990, c.42 (C.54:15B-3) to the Director of the Division of Taxation that the scheduled implementation of P.L.2016, c.57 (C.54:15B-13 et al.) had been impeded.

20. This act shall take effect immediately, section 8 shall apply to taxable years beginning on or after January 1, 2017, and sections 12 through 16 shall apply to first sales of petroleum products within this State and to deliveries of petroleum products for use or consumption within this State made on or after the 2016 implementation date.

Approved October 14, 2016.

CHAPTER 58

AN ACT concerning substance abuse recovery assistance and supplementing Title 30 of the Revised Statutes.

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

C.30:6C-11 Findings, declarations relative to substance abuse recovery assistance.

1. The Legislature finds and declares that:
 - a. According to the Centers for Disease Control and Prevention, the rate of heroin and opioid-related deaths in the United States has nearly tripled since 2010.
 - b. New Jersey's overdose death rate is currently more than three times the national rate, and overdose is the leading cause of accidental death in the State.
 - c. Data show that treatment for heroin and opioid addictions have become spread evenly across all of the State's demographics.
 - d. Increasing access to treatment without fear of arrest or law enforcement action is essential to persuade those who suffer from addiction to receive the treatment they need.
 - e. In certain parts of the State and in other jurisdictions, increased access to treatment has resulted from collaborative efforts of law enforcement, community professionals, and volunteers providing support to those who need additional assistance in seeking treatment.
 - f. The establishment of law enforcement assisted addiction and recovery referral programs would provide additional support necessary to assist many of those who need treatment by encouraging those suffering from heroin and opioid addiction to seek recovery; helping to distribute life-saving drugs to prevent and treat overdoses; and connecting people suffering from heroin and opioid addiction with treatment programs and facilities.

C.30:6C-12 Establishment of law enforcement assisted addiction and recovery referral program.

2. The Director of the Division of Mental Health and Addiction Services in the Department of Human Services, in consultation with the Attorney General, shall provide for the establishment, upon the request of the department or force, of a law enforcement assisted addiction and recovery referral program in accordance with section 5 of P.L.2016, c.58 (C.30:6C-15). In providing for the establishment of these programs, the director shall:

- a. prescribe by regulation requirements for a law enforcement department to establish, or otherwise authorize the operation within that department, of a law enforcement assisted addiction and recovery referral program;
- b. develop and implement guidelines for the recruitment and training of law enforcement officers and personnel, volunteers, and treatment providers to participate in the program, provided that law enforcement officers may refer or transport program participants to a program volunteer or to a treatment provider for substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services but shall not be involved in the provision of such services;
- c. support and facilitate, to the maximum extent practicable, the linkage of law enforcement assisted addiction and recovery referral programs to facilities and programs that may provide appropriate substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services to program participants;
- d. coordinate with law enforcement officials, personnel, and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion;
- e. establish eligibility requirements for participation in the program which shall include, but not be limited to, the provisions of P.L.2016, c.58 (C.30:6C-11 et seq.);
- f. develop and implement procedures for determining eligibility to participate in the program, including, but not limited to, conducting a wanted person check pursuant to section 1 of P.L.2003, c.282 (C.30:4-91.3c) on each potential program participant; and
- g. provide procedures for maintaining the confidentiality of information pertaining to the identity, diagnosis, treatment and health information of any program participant.

C.30:6C-13 Participation upon approval by governing body.

3. Upon approval by the governing body of the county or municipality, as the case may be, a county police department or force established pursuant to N.J.S.40A:14-106 or municipal police department or force established pursuant to N.J.S.40A:14-118 may participate in a law enforcement assisted addiction and recovery referral program established in accordance with P.L.2016, c.58 (C.30:6C-11 et seq.). Law enforcement officers participating in a law enforcement assisted addiction and recovery referral program established pursuant to this section may refer or transport program

participants to a program volunteer for support, guidance and assistance, and may transport program participants to a treatment provider for substance abuse recovery services or health care services, but shall not otherwise be involved in the provision of such services.

C.30:6C-14 Determination of eligibility for participation.

4. a. For any individual who enters a law enforcement department seeking to participate in a law enforcement assisted addiction and recovery referral program, the chief law enforcement officer or a designee shall determine if the individual is currently under a sentence of probation. If an individual is determined to be on probation, any placement pursuant to the program shall be coordinated with the individual's probation officer.

b. An individual shall be ineligible to participate in the program if:

(1) the individual is required to register as a sex offender pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

(2) the individual has an outstanding arrest warrant or pending criminal charges;

(3) the individual is under 18 years of age and does not have the consent of a parent or guardian; or

(4) the chief law enforcement officer or a designee expresses the reasonable belief that the officer, personnel, or others could be seriously harmed by the individual.

c. If at any time the individual is determined to be in need of medical assistance, the law enforcement officer or personnel shall immediately seek emergency medical assistance for the individual.

C.30:6C-15 Compliance with requirements.

5. A law enforcement assisted addiction and recovery referral program established pursuant to P.L.2016, c.58 (C.30:6C-11 et seq.) shall comply with the following requirements:

a. Individuals who voluntarily enter a law enforcement department and request help with their addiction pursuant to the law enforcement assisted addiction and recovery referral program shall immediately be screened for eligibility to participate pursuant to the criteria set forth in section 4 of P.L.2016, c.58 (C.30:6C-14).

b. Eligibility for participation is specifically and exclusively limited to individuals who voluntarily enter a law enforcement department to request assistance with their addiction.

c. All law enforcement personnel having contact with an individual who enters a law enforcement department and requests assistance pursuant to the program shall be professional, compassionate, and understanding at all times.

d. If, at the time of requesting assistance pursuant to the program or upon being accepted to participate in the program, an individual who is in possession of a controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia and advises a law enforcement officer of that possession and voluntarily surrenders the substance, analog or paraphernalia to the law enforcement officer shall not be arrested, charged, prosecuted or convicted for:

(1) obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of a controlled dangerous substance or controlled substance analog pursuant to subsection a., b. or c. of N.J.S.2C:35-10;

(2) acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13;

(3) unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to section 9 of P.L.1999, c.90 (C.2C:35-24); or

(4) using or possessing with intent to use drug paraphernalia pursuant to section 9 of P.L.1999, c.90 (C.2C:36-2) or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6.

The materials shall be collected and secured for later destruction in accordance with established procedures.

e. A person shall not question the individual in an effort to collect intelligence, determine the origins of any controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia relinquished by the individual, or take any other action which may discourage individuals from seeking to participate in the program without fear of arrest or law enforcement action; provided, however, that nothing in this subsection shall preclude the individual from voluntarily providing information concerning the origins of any controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia relinquished by the individual.

f. The law enforcement officer or personnel having initial contact with the individual shall immediately notify the chief law enforcement officer or designee that an individual is requesting assistance with the individual's addiction.

g. The chief law enforcement officer or designee shall initiate intake procedures and inform a program volunteer that an intake is occurring and

request the volunteer to respond to the law enforcement department. The individual shall be notified of the volunteer's estimated arrival time.

h. The volunteer shall provide emotional support and guidance to the individual, explore treatment options, and attempt to identify a program or facility which can assist the individual. If possible, the volunteer shall remain with the individual until the individual has been formally admitted to treatment, including at the law enforcement department, hospital, or intake location for the treatment facility.

i. If the volunteer, after contacting all possible sources of treatment, is unable to place the individual, the volunteer shall give the individual a plan to continue attempting to obtain assistance prior to the individual leaving the law enforcement department. The volunteer shall make every effort to find a safe place for the individual upon departure.

j. Participation in the program shall be voluntary. If an individual subsequently elects not to request assistance or continue with the program, the individual shall be permitted to depart.

k. If at any time during participation in the program or attempting to participate in the program an individual who has relinquished a controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia withdraws the request for assistance or elects to discontinue participation in the program, the individual shall not be charged with a crime or offense for possessing the items they have already relinquished.

l. Information pertaining to the identity, diagnosis, treatment or health of any program participant shall be confidential and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of P.L.2016, c.58 (C.30:6C-11 et seq.), or upon the express consent of the program participant, or as otherwise required by law or court order.

C.30:6C-16 Immunity from liability.

6. a. A county or municipal entity, official or employee that approves participation in a law enforcement assisted addiction and recovery referral program in accordance with P.L.2016, c.58 (C.30:6C-11 et seq.), shall not, as a result of any acts or omissions, be subject to any criminal or civil liability related to approval of participation in the law enforcement assisted addiction and recovery referral program.

b. A county or municipal law enforcement department, chief law enforcement officer, officer or personnel, volunteer or treatment provider, that participates in good faith in a law enforcement assisted addiction and recovery referral program in accordance with P.L.2016, c.58 (C.30:6C-11 et seq.), shall not, as a result of any acts or omissions, be subject to any crimi-

nal or civil liability related to participation in the law enforcement assisted addiction and recovery referral program.

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

Approved October 26, 2016.

CHAPTER 59

AN ACT establishing the position of State Oceanographer, supplementing Title 13 of the Revised Statutes, and amending P.L.2007, c.288.

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

C.13:19-46 State Oceanographer.

1. a. The Governor shall, with the advice and consent of the Senate, appoint a State Oceanographer, who shall be a resident of the State with expertise in oceanography. The State Oceanographer shall serve for a term of five years, or until a successor is appointed, and may be reappointed. The State Oceanographer shall provide advice and assistance, when requested, to the Governor, the Legislature, and the various departments and agencies of State government on issues involving the ocean, and serve as a member of the New Jersey Coastal and Ocean Protection Council established pursuant to section 3 of P.L.2007, c.288 (C.13:19-36).

b. On or before April 1 of each year, the State Oceanographer shall prepare and transmit an annual report for the preceding calendar year to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The annual report shall detail the activities of the State Oceanographer in the preceding calendar year, and the developments in the State in ocean observation, research, and prediction.

c. The State Oceanographer shall serve without compensation, but shall be entitled to the actual and necessary expenses incurred in the performance of the duties of the position pursuant to this section, within the limits of funds appropriated or made available therefor.

2. Section 3 of P.L.2007, c.288 (C.13:19-36) is amended to read as follows:

C.13:19-36 New Jersey Coastal and Ocean Protection Council.

3. a. There is established in the Department of Environmental Protection the New Jersey Coastal and Ocean Protection Council.

b. The council shall consist of nine members as follows:

(1) the Commissioner of Environmental Protection, or the commissioner's designee, who shall serve ex officio;

(2) the Chief Executive Officer of the New Jersey Economic Development Authority, or the chief executive officer's designee, who shall serve ex officio;

(3) the Executive Director of the Division of Travel and Tourism in the New Jersey Commerce Commission, or the executive director's designee, who shall serve ex officio;

(4) the State Oceanographer, who shall serve ex officio; and

(5) five public members to be appointed by the Governor with the advice and consent of the Senate for four-year terms, except that of those first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years and two for a term of four years. Of the public members: one shall be a representative of the commercial fishing industry, representing the range of commercial fisheries in the State, including shellfish and finfish fisheries and fisheries in State and federal waters; one shall be a representative of the recreational fishing industry, representing the range of recreational fisheries in the State, including the hook and line and the party and charter boat fishing industry; one shall be a representative of an environmental organization with expertise, knowledge, or experience in coastal or ocean ecosystems and habitat; one shall be a representative of a public interest group with expertise, knowledge, or experience in coastal or ocean ecosystems and habitat; and one shall be a representative of a non-profit organization with expertise, knowledge, or experience in habitat protection and land preservation.

c. Any vacancy in the membership shall be filled in the same manner as the original appointment.

d. The members of the council 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 council for its purposes.

e. The council shall be entitled to the assistance and service of the employees of any State, county or municipal department, board, bureau, commission, authority, or agency as it may require and as may be available to it for its purposes, and to employ stenographic and clerical assistance and to incur traveling or other miscellaneous expenses as may be necessary in

order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes. The department shall provide primary staff support to the council.

f. The council shall organize as soon as possible after the appointment of its members and shall annually elect a chairperson from among its members, and a secretary who need not be a member of the council. The council shall meet at the call of the chairperson or the Commissioner of Environmental Protection or when requested by any four members of the council.

g. A majority of the membership of the council shall constitute a quorum for the transaction of council business.

h. The members of the council shall be subject to the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.).

i. The council shall be subject to the provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

j. A true copy of the minutes of every meeting of the council shall be prepared and made available to the public. The minutes shall also be made available on the department's Internet website.

3. This act shall take effect immediately.

Approved November 2, 2016.

CHAPTER 60

AN ACT concerning incentives for certain energy efficient residential construction, and supplementing P.L.1999, c.23 (C.48:3-49 et al.).

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

C.48:3-60.4 Certain energy incentives available Statewide.

1. Notwithstanding any other provision of law, rule, regulation, or order to the contrary, any incentives made available by the Board of Public Utilities under the Residential New Construction Program, or any similar successor program, through the New Jersey Clean Energy Program shall be available for new residential construction throughout the State, and shall not be limited to areas designated for growth in the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

2. This act shall take effect immediately.

Approved November 2, 2016.

CHAPTER 61

AN ACT concerning the solemnization of marriages and civil unions and amending R.S.37:1-13.

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

1. R.S.37:1-13 is amended to read as follows:

Authorization to solemnize marriages and civil unions.

37:1-13. a. 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 the Tax Court, administrative law judge, retired judge of the Superior Court or Tax Court, retired administrative law judge, 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 former mayor not currently serving on the municipal governing body or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, every member of the clergy of every religion, and any civil celebrant who is certified by the Secretary of State to solemnize marriages or civil unions as set forth in subsection b. of this section, 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.

b. A civil celebrant shall be authorized to solemnize marriages or civil unions if certified to do so by the Secretary of State.

(1) A civil celebrant shall receive a certification from the Secretary of State to solemnize marriages or civil unions if the celebrant:

(a) is at least 18 years of age and has graduated from a secondary school in this State or another state;

(b) has completed a civil celebrant course offered by a non-denominational or educational charitable organization that is registered with the State under the "Charitable Registration and Investigation Act," P.L.1994, c.16 (C.45:17A-18 et seq.), and which course:

(i) includes classes that meet weekly or with more frequency, either administered in person or by other means, over a period of not less than six months; and

(ii) educates on topics including, but not limited to, celebrant philosophy and history, ceremonial structure, and ceremonial presentations; and

(c) (i) submits a completed application form, developed by the secretary pursuant to regulation, which includes the name and address of the celebrant-applicant along with any other relevant information on the celebrant-applicant required by the secretary, and supporting documentation with respect to all certification requirements set forth in this subsection; and

(ii) pays to the Department of State, at the time of submitting the completed application, a fee of not less than \$50 or more than \$75, as determined by the secretary by regulation, to cover costs for processing applications, producing and issuing certificates, and maintaining records on applications and certificates issued or denied.

(2) (a) A celebrant-applicant shall not be authorized to solemnize marriages or civil unions until the application for certification is approved and the certificate received from the secretary.

(b) A civil celebrant who has received a certification from the secretary may have that certification revoked, through a hearing before an administrative law judge, if the secretary determines that any information provided in the celebrant's application was inaccurate or otherwise did not comply with the certification requirements set forth in this subsection. A civil celebrant subject to a revocation hearing before an administrative law judge or any appeal thereof shall not be authorized to solemnize marriages or civil unions, and shall only again be authorized to do so if a final determination is made permitting the civil celebrant to retain the certification.

2. This act shall take effect immediately.

Approved November 14, 2016.

CHAPTER 62

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

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

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

Claims for benefits.

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

(2) Any claimant may choose to certify, cancel or close his claim for unemployment insurance benefits at any time, 24 hours a day and seven days a week, via the Internet on a website developed by the division; however, any claim that is certified, cancelled or closed after 7:00 PM will not be processed by the division until the next scheduled posting date.

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

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such

information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question.

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

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

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

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

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

the individual was most recently separated, then such appeal shall be limited in scope to include only one or more of the following matters:

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

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

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

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

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

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

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

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling \$30.00 or more but in each of which there was no single employer from whom he earned as much as \$100.00, then such individual's

claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last date of employment.

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

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless further appeal is initiated pursuant to subsection (e) of this section within 10 days after the date of notification or mailing of the decision for any decision made on or before December 1, 2010, or within 20 days after the date of notification or mailing of such decision for any decision made after December 1, 2010.

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

appointed pursuant to the provisions of Title 11A of the New Jersey Statutes, Civil Service and other applicable statutes.

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

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

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

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

ployee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

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

(j) With respect to benefit payments made on or after October 22, 2013, an employer's account shall not be relieved of charges related to a benefit payment that was made erroneously from the division if it is determined that:

(1) The erroneous benefit payment was made because the employer, or an agent of the employer, failed to respond in a timely or adequate manner to a request from the division for information related to the claim for benefits; and

(2) The employer, or an agent of the employer, has established a pattern of failing to respond in a timely or adequate manner to requests from the division for information related to claims for benefits.

Determinations of the division prohibiting the relief of charges pursuant to this subsection shall be subject to appeal in the same manner as other determinations of the division related to the charging of employer accounts.

For purposes of subsection (j) of this section:

"Erroneous benefit payment" means a benefit payment that, except for the failure by the employer, or an agent of the employer, to respond in a timely or adequate manner to a request from the division for information with respect to the claim for benefits, would not have been made; and

"Pattern of failing" means repeated documented failure on the part of the employer, or an agent of the employer, to respond to requests from the division to the employer or employer's agent for information related to a claim for benefits, except that an employer, or an agent of an employer, shall not be determined to have engaged in a "pattern of failing" if the number of failures to respond to requests from the division for information related to claims for benefits during the previous 365 calendar days is less than three, or if the number of failures is less than two percent of the number of requests from the division, whichever is greater.

(k) The Department of Labor and Workforce Development shall establish and maintain a procedure by which personnel access rights to the de-

partment's primary system for unemployment claims receipt and processing are comprehensively reviewed every calendar quarter. The procedure shall include an evaluation of access needs to the primary unemployment claims receipt and processing system for all department personnel and the adjustment, addition, or deletion of access rights for department personnel based on the quarterly review.

2. This act shall take effect on the 120th day after enactment.

Approved November 14, 2016.

CHAPTER 63

AN ACT concerning the payment of mortgage loans and of property taxes by certain persons in military service on federal active duty, amending P.L.2015, c.277, and supplementing P.L.1979, c.317 (C.38:23C-1 et seq.).

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

C.38:23C-23.1 Definitions relative to certain payments by certain persons in military service.

1. a. As used in this section:

“Mortgagee” means the holder of a mortgage loan that is a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L.2009, c.53 (C.17:11C-51 et seq.), and any entity acting on behalf of the mortgagee named in the debt obligation including, but not limited to, servicers.

“Mortgagor” means a person who borrows money by mortgaging his property to the lender as security for a mortgage loan.

“Mortgage loan” means a loan made to a natural person or persons to whom credit is offered or extended primarily for personal, family or household purposes which is secured by a mortgage constituting a lien upon real property located in this State on which there is erected or to be erected a structure, which is the primary residence of the natural person or persons, containing one to six dwelling units, a portion of which structure may be used for nonresidential purposes, in the making of which the mortgagee relies primarily upon the value of the mortgaged property.

b. A person domiciled in this State who is mobilized for federal active duty as a member of the National Guard or a Reserve Component of the Armed Forces of the United States may, at the person's discretion, secure, if a request is made during this period of federal active duty service, a deferment of the payment of interest and principal on a mortgage loan that was secured by the person, or the person and another person jointly, before the date on which the person enters federal active duty.

c. A person may make a request pursuant to subsection b. of this section by mailing a written request to the mortgagee that shall include: (1) a copy of the person's military orders or a commanding officer letter on official letterhead from the person's commanding officer including a contact telephone number and setting forth the beginning and ending dates of the person's mobilization, or that, where applicable, the mobilization is ongoing, and (2) the name, address, and phone number of an individual who may be contacted regarding the mortgage loan while the person is in service on federal active duty. Upon receipt of the request with the required information, the mortgagee shall grant a deferment of the payment of interest and principal, effective as of the date of the person's entry on active duty. The deferment shall remain in effect while that person remains in service on federal active duty, and shall expire 60 calendar days after release or separation from federal active duty. Upon receipt of the request with the required information, the mortgagee shall prepare and send for signature to the person requesting the deferment, and any other mortgagor, a modification of agreement extending the term of the loan commensurate with the number of months of active duty service for which the person is receiving deferment, plus 60 calendar days. If the person and any other mortgagor does not sign and return the modification of agreement to the mortgagee within 30 calendar days of receipt thereof, the person shall not be entitled to the protections and benefits accorded under this section. If the person's mobilization begins less than 30 calendar days from the date of the issuance of the military orders, the person and any other mortgagor shall sign and return the modification of agreement to the mortgagee within 60 calendar days of the person's release or separation from federal active duty, and failure to do so shall result in the person being ineligible for the protections and benefits accorded under this section. The person requesting deferment shall inform the mortgagee of any modifications to the initial orders for federal active duty service.

d. Nothing contained in this section shall affect payments to or from escrow, as required by the loan agreement, for property taxes, special assessments, mortgage insurance, and hazard insurance, nor shall the person's

monthly escrow payments following federal active duty service increase as a result of deferment, except commensurate with an increase in the amount for taxes or insurance premiums. Failure on behalf of the person to make the monthly payment to escrow shall not create a delinquency. Any payments to escrow not made may be included in the annual escrow analysis, and the payment to escrow following release from federal active duty may be increased if a shortage exists in the escrow account. Payments to or from escrow for taxes assessed against real and personal property solely owned by the resident, or with a spouse, shall be deferred if the person is granted a deferment pursuant to P.L.2015, c.277 (C.54:4-8.25 et seq.).

e. The following charges, incurred prior to the date of entry on active duty, when imposed pursuant to law, shall not increase during the period of deferment, nor shall they accrue as a result of the deferment: late or delinquency charges; attorneys' and collection fees; and recording or filing fees. Interest shall not be compounded as a result of deferment, that is, interest shall not be charged on the deferred interest.

2. Section 1 of P.L.2015, c.277 (C.54:4-8.25) is amended to read as follows:

C.54:4-8.25 Property tax deferment for certain persons in military service.

1. Every resident of this State who is enlisted in any branch of the United States Armed Forces shall be entitled to a deferment of the amount of any tax bill for taxes assessed against real and personal property solely owned by the resident, or with a spouse, that becomes due while the resident is deployed for active service in time of war. This provision shall apply also to a resident of this State who is mobilized for federal active duty as a member of the National Guard or a Reserve Component of the Armed Forces. The deferment shall commence on the tax due date, and shall end 90 days after the last date of deployment or mobilization, as appropriate. The tax amount deferred shall be due and owing on the first day following the 90-day grace period, and shall be paid to the tax collector of the municipality in which the property is located. No interest shall be charged when the deferred property tax amount is paid in full within the 90-day grace period. When the property tax amount is not paid in full within the grace period, interest shall be charged on any unpaid amount at the rate it would have accrued since the original property tax due date.

3. Section 2 of P.L.2015, c.277 (C.54:4-8.26) is amended to read as follows:

C.54:4-8.26 Written application for tax deferral; tax lien during deferment prohibited.

2. a. No deferment of any tax amount assessed against real and personal property pursuant to section 1 of P.L.2015, c.277 (C.54:4-8.25) shall be allowed except upon written application therefor, on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury, and provided by the governing body of the municipality constituting the taxing district in which the application is to be filed. The application shall specify any documentation required to be submitted in order to ascertain that the applicant is qualified to receive the deferment. The Director of the Division of Taxation in the Department of the Treasury shall promulgate any rules and regulations necessary to implement the provisions of P.L.2015, c.277 (C.54:4-8.25 et seq.).

b. A resident eligible for a deferment of any tax amount assessed against real and personal property pursuant to section 1 of P.L.2015, c.277 (C.54:4-8.25), or a person acting on behalf of the resident, shall file an application for deferment with the tax collector of the municipality in which the property is located. The application shall be accompanied by any documentation required to be submitted pursuant to subsection a. of this section. Upon receipt of an application for the deferment of payment and all required documentation by an eligible resident, the tax collector shall, within 30 calendar days, send a letter to the resident and any mortgagee incident to the payment of such tax amount notifying each of the effective date of the deferment.

c. No tax lien may be issued against the real and personal property for which the deferment of payment of a tax bill is granted pursuant to P.L.2015, c.277 (C.54:4-8.25 et seq.) as the result of such deferment.

4. This act shall take effect immediately.

Approved November 14, 2016.

CHAPTER 64

AN ACT concerning electronic medical bills for workers' compensation claims and supplementing Title 34 of the Revised Statutes.

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

C.34:15-143 Definitions relative to electronic medical bills for workers' compensation claims.

1. As used in this act:

“Complete electronic medical bill” means a medical bill that meets all of the following criteria: (1) it is submitted in the correct uniform billing format, with the correct uniform billing code sets, transmitted in compliance with the guidelines; (2) the bill and electronic attachments provide all information required pursuant to this act; and (3) the health care provider, its billing representative, or any company that has purchased the rights to pursue its bill has provided all information that the employer, employer’s insurance carrier, or workers’ compensation third party administrator requested.

“Electronic bill” means a communication between computerized data exchange systems that complies with the guidelines enumerated.

“Guidelines” means the format established by the Commissioner of Labor and Workforce Development in consultation with the Commissioner of Banking and Insurance pursuant to this act, which shall be based upon the International Association of Industrial Accident Boards and Commissions (IAIABC) Workers’ Compensation Electronic Medical Billing Rule and Companion Guide.

C.34:15-144 Rules, regulations.

2. The Commissioner of Labor and Workforce Development shall adopt rules and regulations which:

a. require that all healthcare providers, their billing representative, or any company that has purchased the rights to pursue their bill submit complete electronic medical bills for payment on standardized electronic forms following the guidelines established pursuant to this act;

b. require employers, workers’ compensation insurance carriers of employers, or workers’ compensation third-party administrators to comply with the guidelines and accept electronic bills for the payment of medical services;

c. ensure confidentiality of medical information submitted on electronic bills for payment of medical services pursuant to the "Workers' Compensation Medical Information Confidentiality Act," sections 5 through 9 of P.L.2001, c.326 (C.34:15-128.1 et seq.);

d. require that employers, workers’ compensation insurance carriers of employers, or workers’ compensation third party administrators acknowledge receipt of a complete electronic medical bill to the party that sent the complete electronic medical bill in compliance with the guidelines;

e. provide that payment for a complete electronic medical bill deemed by the employer, workers’ compensation insurance carrier, or the workers’ compensation third-party administrator to be compensable shall be paid within 60 days or less; and

f. ensure that employers, workers' compensation insurance carriers for the employer, and their third party administrators may exchange electronic data and establish payment deadlines through PPO or IPA contracts or agreements with health care providers or their billing representatives in a non-prescribed format or timeline, independent of the guidelines.

C.34:15-145 Jurisdiction vested in division.

3. Exclusive jurisdiction for failure to comply with this act shall be vested in the division pursuant to R.S.34:15-15.

C.34:15-146 Inapplicability of act.

4. This act shall not apply to any provider that:

- a. submits less than 25 medical bills per month to employers, workers' compensation insurance carriers, or the workers' compensation third-party administrators;
- b. furnishes services only outside of the United States;
- c. experiences a disruption in electricity and communication connections that are beyond its control; or
- d. demonstrates that a specific and unusual circumstance exists that precludes submission of electronic bills. The Commissioner of Labor and Workforce Development may enumerate or provide examples of unusual circumstances that may preclude electronic submission.

5. This act shall take effect immediately, except that employers, workers' compensation insurance carriers, or their third-party administrators, and health care providers or their billing representatives shall not be required to transmit or accept electronic bills before the first day of the eighteenth month following the adoption of rules by the Department of Labor and Workforce Development in consultation with the Department of Banking and Insurance that are necessary to implement this act. Nothing in this act shall preclude employers, workers' compensation insurance carriers, or their third-party administrators from accepting electronic bill transmissions prior to that date.

Approved November 14, 2016.

CHAPTER 65

AN ACT clarifying tax exemptions for public property and amending P.L.1949, c.177 and R.S.54:4-3.3.

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

1. Section 10 of P.L.1949, c.177 (C.54:4-2.12) is amended to read as follows:

C.54:4-2.12 Application of act, exemptions.

10. P.L.1949, c.177 (C.54:4-2.3 et seq.) shall not affect or apply to:

(1) property leased to or by any interstate agency existing under any interstate compact between the State of New Jersey and any other State or Commonwealth; or

(2) the leasehold estates and the appurtenances or tenancies of any person heretofore or hereafter renting or leasing real property owned by any county or municipality, or agency or authority thereof, whether acquired by said county, municipality, agency, or authority for public use pursuant to law, including use as a stadium or arena, or in any other manner or for any other lawful purpose whatsoever; or

(3) leasehold estates or tenancies of any person renting or leasing for residential use any house or apartment constructed or renovated under the "Local Housing Authorities Law" (P.L.1938, c.19, as amended), "Housing Co-operation Law" (P.L.1938, c.20), "Redevelopment Companies Law" (P.L.1944, c.169), "Urban Redevelopment Law" (P.L.1946, c.52), "Public Housing Law" (P.L.1933, c.78), or any law of this State or of the United States granting, requiring, or authorizing tax assistance or total or partial tax exemption to real estate or improvements thereon used in connection with any public housing project or any veterans' housing project.

2. R.S.54:4-3.3 is amended to read as follows:

Exemption of public property.

54:4-3.3. Except as otherwise provided by article 1 of this chapter (s.54:4-1 et seq.) and P.L.2009, c.6 (C.54:4-3.6f et seq.), the property of the State of New Jersey; and the property of the respective counties and municipalities, and their agencies and authorities, school districts, and other taxing districts used for public purposes, which public purposes include the use for stadiums and arenas, or for the preservation or exhibit of historical data, records or property; school district property which is leased to a non-profit organization which is exempt from taxation under R.S.54:4-3.6, for use by that organization in its exempt functions; school district property which is leased to another board of education or governmental agency; and

property acquired by any municipality through tax title foreclosure or by deed in lieu of foreclosure, if not used for private purpose, shall be exempt from taxation under this chapter, but this exemption shall not include real property bought in for debts or on foreclosure of mortgages given to secure loans out of public funds or out of money in court, which property shall be taxed unless devoted to public use. The lands of counties, municipalities, and other municipal and public agencies of this State used for the purpose and for the protection of a public water supply shall be subject to taxation by the respective taxing districts where situated, at the taxable value thereof, without regard to any buildings or other improvements thereon, in the same manner and to the same extent as the lands of private persons, but all other property so used shall be exempt from taxation. Property, the title to which is in the Morris Canal and Banking Company, in trust for the State, shall, so long as the title is so vested, be deemed to be the property of the State within the meaning of any tax law.

3. This act shall take effect immediately.

Approved November 21, 2016.

CHAPTER 66

AN ACT allowing certain fuel dealers and distributors refunds of petroleum products gross receipts tax and credits against motor fuel tax for certain bad debts from the dealers' and distributors' sale of fuel, supplementing P.L.1990, c.42 (C.54:15B-1 et seq.) and P.L.2010, c.22 (C.54:39-101 et seq.).

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

C.54:15B-14 Fuel dealers, distributors, certain, refunds permitted, "bad debt" defined.

1. a. A distributor of motor fuels licensed pursuant to section 33 of P.L.2010, c.22 (C.54:39-133) or a person that has been recognized as a licensed company pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12) shall be allowed a refund for the portion of a bad debt from the sale of fuel that constitutes petroleum products gross receipts tax. The portion of a bad debt from the sale of fuel that constitutes petroleum products gross receipts

tax shall be determined from the purchase and sale records concerning the person filing for the refund and shall be that portion of the charge for fuel and the charge for tax that is the charge for tax, without regard to any other charges reflected on the distributor's invoice.

b. As an alternative to applying for a refund, a taxpayer that has been recognized as a licensed company pursuant to section 6 of P.L.1991, c.181 (C.54:15B-12) may elect to receive the value of the portion of a bad debt from the sale of fuel that constitutes petroleum products gross receipts tax by taking a deduction from gallons sold against the payment otherwise required pursuant to section 7 of P.L.1990, c.42 (C.54:15B-7). The reduction of the payment required pursuant to section 7 of P.L.1990, c.42 (C.54:15B-7) shall be applied on the report for the period during which the bad debt is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. If the reduction of payment allowed pursuant to this subsection exceeds the amount of petroleum products gross receipts tax otherwise due for the period during which the bad debt is written off, that amount of excess may be carried forward to subsequent periods, as necessary, and applied against liability in those periods.

c. For the purposes of this section:

"Bad debt" means "bad debt" as defined by section 166 of the federal Internal Revenue Code (26 U.S.C. s.166) as the basis for calculating bad debt recovery; provided however, the amount calculated pursuant to section 166 of the federal Internal Revenue Code (26 U.S.C. s.166) shall be adjusted to consider any amount paid on an account to be a payment for motor fuel and petroleum products gross receipts tax, and any charges on the account for anything other than motor fuel and petroleum products gross receipts tax shall be disregarded in calculating the amount of bad debt.

d. If the refund for bad debt pursuant to subsection a. of this section or the deduction from the payment otherwise required pursuant to section 7 of P.L.1990, c.42 (C.54:15B-7) allowed pursuant to subsection b. of this section is taken for a bad debt and the debt is subsequently collected in whole or in part, any amount collected shall be considered payment for motor fuel, petroleum products gross receipts tax, and any associated service charges reflected on the account, and the proportion of the amount collected that is petroleum products gross receipts tax shall be paid and reported on the report filed for the period in which the collection is made.

C.54:39-137a Distributor allowed credit against payment; "bad debt" defined.

2. a. A distributor shall be allowed a credit against the payment required pursuant to subsection c. of section 5 of P.L.2010, c.22 (C.54:39-

105) for the portion of a bad debt from the sale of motor fuel that constitutes motor fuel tax. The portion of a bad debt from the sale of motor fuel that constitutes motor fuel tax shall be determined from the statements required by subsection a. of section 5 of P.L.2010, c.22 (C.54:39-105) to be delivered with each consignment of fuel to a purchaser and shall be that portion of the charge for fuel and the charge for tax that is the charge for tax, without regard to any other charges reflected on the statement.

b. The credit against the payment required pursuant to subsection c. of section 5 of P.L.2010, c.22 (C.54:39-105) allowed pursuant to subsection a. of this section shall be applied on the report for the period during which the bad debt is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. If the amount of the credit allowed pursuant to subsection a. of this section exceeds the amount of motor fuel tax for the period during which the bad debt is written off, that amount of excess credit may be carried forward to subsequent periods, as necessary, and applied against liability in those periods.

c. For the purposes of this section:

"Bad debt" means "bad debt" as defined by section 166 of the federal Internal Revenue Code (26 U.S.C. s.166) as the basis for calculating bad debt recovery; provided however, the amount calculated pursuant to section 166 of the federal Internal Revenue Code (26 U.S.C. s.166) shall be adjusted to consider any amount paid on an account to be a payment for motor fuel and motor fuel tax, and any charges on the account for anything other than motor fuel and motor fuel tax shall be disregarded in calculating the amount of bad debt.

d. If the credit against the payment required pursuant to subsection c. of section 5 of P.L.2010, c.22 (C.54:39-105) allowed pursuant to subsection a. of this section is taken for a bad debt and the debt is subsequently collected in whole or in part, any amount collected shall be considered payment for motor fuel, motor fuel tax, and any associated service charges on the account and the portion of the amount collected that constitutes motor fuel tax shall be paid and reported on the report filed for the period in which the collection is made.

3. This act shall take effect immediately and apply to fuel sold on or after the first day of the third month next following the date of enactment.

Approved November 21, 2016.

CHAPTER 67

AN ACT providing for the procurement by the State of a pharmacy benefits manager, automated reverse auction services, and claims adjudication services.

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

1. a. Notwithstanding the provisions of any other law to the contrary, a contract for the services of a Pharmacy Benefits Manager (PBM) for the State Health Benefits Plan (SHBP) or the School Employees' Health Benefits Plan (SEHBP) shall be procured in an expedited process and in the manner provided by this section.

b. The Division of Purchase and Property in the Department of the Treasury shall procure, without the need for formal advertisement, but through the solicitation of proposals from professional services vendors, from qualified vendors the following three services based upon price and other factors:

(1) technical assistance to the State to evaluate the qualifications of bidders on a PBM procurement and to provide online automated reverse auction services to support the Department of the Treasury in comparing the pricing for the PBM procurement. The technology platform shall, if possible, utilize a re-pricing of PBM proposals for the SHBP and SEHBP pharmacy spending utilizing code-based classification of drugs from nationally-accepted data sources of comparisons of the costs of PBM proposals;

(2) real-time, electronic, line-by-line, claim-by-claim review of invoiced PBM pharmacy claims using an automated claims adjudication technology platform that allows for online comparison of PBM invoices and auditing of other aspects of the services provided by the PBM; and

(3) a PBM and related services.

c. Notwithstanding the provisions of any other law to the contrary, for the purpose of expediting the procurements, the following provisions shall apply as modifications to law or regulation that may interfere with the expedited award of the above services:

(1) the timeframes for challenging the specifications shall be modified as determined by the division;

(2) in lieu of advertising in accordance with sections 2, 3, and 4 of P.L.1954, c. 48 (C.52:34-7, C.52:34-8, and C.52:34-9), the division shall

advertise the request for proposals for the above services and any addenda thereto on the division's website;

(3) the period of time that the State Comptroller has to review the request for proposals for these professional services procurements for compliance with applicable public contracting laws, rules and regulations, pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10 business days or less if practicable, as determined by the State Comptroller;

(4) the timeframes for submission under section 4 of P.L.2012, c.25 (C.52:32-58) and section 1 of P.L.1977, c.33 (C.52:25-24.2) shall be extended to prior to the issuance of a Notice of Intent to Award;

(5) the provisions of section 1 of P.L. 2005, c.92 (C.52:34-13.2) shall not apply to technical and support services, under this section, provided by a vendor using a "24/7 follow-the-sun model" as long as the contractor is able to provide such services in the United States during the business day; and

(6) the term "bids" in subparagraph (f) of subsection a. of section 7 of P.L.1954, c.48 (C.52:34-12) shall not include pricing which will be revealed to all responsive bidders during the negotiation process.

d. The division may, to the extent necessary, waive or modify any other law or regulation that may interfere with the expeditious procurement of these services.

e. "Reverse auction" means an automated bidding process conducted online that starts with an opening price and allows qualified bidders to counter offer a lower price, for as many rounds of bidding as determined by the division.

2. This act shall take effect immediately and shall expire after the award of the next PBM contract.

Approved November 21, 2016.

CHAPTER 68

AN ACT concerning security in schools and certain colleges and amending P.L.1985, c.439.

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

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

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

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

b. A person shall not be appointed as a special law enforcement officer unless the person:

- (1) Is a resident of this State during the term of appointment;
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
- (6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

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

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

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

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this section.

g. In addition to the qualifications established in subsection b. of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

(1) is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or State law or regulation which would deem the officer's retirement as not being bona fide;

(2) had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State or as a member of the State Police and was separated from that prior service in good standing, within three years of appointment, except during the first year following the effective date of P.L.2016, c.68, was separated from that prior service within five years of appointment;

(3) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

(4) possesses a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification;

(5) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8); and

(6) is hired in a part-time capacity.

For the purposes of this subsection, "good standing" shall exclude a retirement resulting from injury or incapacity.

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

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

4. a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the

basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

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

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

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

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

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

3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended to read as follows:

C.40A:14-146.14 Special law enforcement officers, appointment, terms, regulations.

7. a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which they were appointed.

b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be

on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be per-

mitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty. A permit shall not be issued until the special law enforcement officer has successfully completed all training courses required under this section. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

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

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

9. a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be em-

ployed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

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

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

(3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.

(4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.

(5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1).

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

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

5. This act shall take effect on the first day of the seventh month following enactment, but the Police Training Commission and the Commissioner of Education may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

Approved November 30, 2016.

CHAPTER 69

AN ACT concerning eligibility for Work First New Jersey General Assistance benefits and amending P.L.1997, c.14.

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

1. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read as follows:

C.44:10-48 Eligibility of citizens, eligible aliens.

5. a. Only those persons who are United States citizens or eligible aliens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal aliens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

b. The following persons shall not be eligible for assistance and shall not be considered to be members of an assistance unit:

(1) non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

(2) Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 8 of P.L.1997, c.14 (C.44:10-51);

(3) illegal aliens;

(4) other aliens who are not eligible aliens;

(5) a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

(6) a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under federal or state law;

(7) a person convicted on or after August 22, 1996 under federal or state law of any offense which is classified as a felony or crime, as appropriate, under the laws of the jurisdiction involved and which has as an ele-

ment the possession, use, or distribution of a controlled substance as defined in section 102(6) of the federal "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would otherwise be eligible for general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who is convicted of any such offense which has as an element the possession or use only of such a controlled substance may be eligible for Work First New Jersey general public assistance benefits if the person enrolls in or has completed a licensed residential or outpatient drug treatment program. An otherwise eligible individual who has a past drug conviction shall be eligible for general public assistance without enrolling in or completing a drug treatment program if either: (1) an appropriate treatment program is not available; or (2) the person is excused from enrolling in a treatment program for good cause pursuant to regulation.

Eligibility for benefits for a person entering a licensed drug treatment program which does not operate in a State correctional facility or county jail shall commence upon the person's enrollment in the drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner shall provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits pursuant to this paragraph shall be terminated; except that this provision shall not apply to the use of prescription drugs by a person who is actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner shall adopt regulations to carry out the provisions of this paragraph, which shall include the criteria for determining active participation in and completion of a drug treatment program.

Eligibility for benefits for a person who completes a licensed residential drug treatment program which operates in a State correctional facility or county jail, in accordance with section 1 of P.L.2014, c.1 (C.26:2B-40), shall commence upon release from incarceration.

Cash benefits, less a personal needs allowance, for a person receiving general public assistance benefits under the Work First New Jersey program who is enrolled in and actively participating in a licensed drug treatment program shall be issued directly to the drug treatment provider to offset the cost of treatment. Upon completion of the drug treatment program, the cash benefits shall be then issued to the person. In the case of a delay in issuing cash benefits to a person receiving Work First New Jersey general public

assistance benefits who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program;

(8) a person found to have fraudulently misrepresented his residence in order to obtain means-tested, public benefits in two or more states or jurisdictions, who shall be ineligible for benefits for a period of 10 years from the date of conviction in a federal or state court; or

(9) a person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits, who shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

c. A person who makes a false statement with the intent to qualify for benefits and by reason thereof receives benefits for which the person is not eligible is guilty of a crime of the fourth degree.

d. Pursuant to the authorization provided to the states under 21 U.S.C. s.862a(d)(1), this State elects to exempt from the application of 21 U.S.C. s.862a(a):

(1) needy persons and their dependent children domiciled in New Jersey for the purposes of receiving benefits under the Work First New Jersey program and food assistance under the federal "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et seq.); and

(2) single persons and married couples without dependent children domiciled in New Jersey for the purposes of receiving food assistance under Pub.L.110-234.

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

3. This act shall take effect immediately.

Approved November 30, 2016.

CHAPTER 70

AN ACT concerning provision of prescription medications to certain incarcerated persons and supplementing Title 30 of the Revised Statutes.

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

C.30:4-16.6 Provision of prescription medications to certain incarcerated persons.

1. a. For the purposes of this section “incarcerated person” means a person in the custody of the Department of Corrections.

b. The Commissioner of Corrections shall ensure that each incarcerated person continues to receive medication for chronic conditions that was prescribed by a physician prior to the commencement of the incarcerated person’s imprisonment. The provision of the prescribed medications shall be continued during admittance to a correctional facility, while placed in that facility, and during transfers to other facilities.

c. Medications provided pursuant to subsection b. of this section shall continue to be administered to the incarcerated person for a minimum of 30 days from the date the person is committed to the custody of a Department of Corrections’ facility. The facility receiving these persons shall thereafter resume appropriate and commensurate management of the chronic condition including, but not limited to, the use of appropriate therapeutic treatments and medications or their generic substitution in accordance with State law and regulations established by the commissioner. Nothing in this subsection shall prohibit an examining physician from changing a course of treatment or prescription within the 30-day period to ensure that the incarcerated person receives clinically appropriate medical care.

d. The commissioner shall establish a system to ensure that all necessary medications are given to incarcerated persons in a timely manner while in the custody of a State correctional facility. Necessary medications shall include those medications which, if missed, may cause serious illness, death, or other harmful effects. The system shall include, but shall not be limited to, the following:

(1) a screening staff for each facility, which shall include any medical professional currently employed by the facility who shall be trained to determine the medications for which timely continuation is an urgent matter;

(2) a method for determining which medications shall be deemed necessary;

(3) a method for contacting the prescribing physician;

(4) a method for validating the prescription;

(5) a method for checking that all medications brought into a facility are labeled to ensure that the container contains the correct medication;

(6) a method for providing necessary medications to an incarcerated person who has been taken into custody without a supply of the medication;

(7) a method for notifying in advance a facility receiving a transferred incarcerated person, that the person has been prescribed a necessary medication and the continuation of the medication is an urgent matter; and

(8) a method for maintaining a supply of the most common necessary medications at each facility or an on-call physician, or other medical professional capable of prescribing medications, available to prescribe medications, and with the ability to fill prescriptions.

e. The commissioner shall not be required under the provisions of this section to supply an incarcerated person with any medication which has no currently accepted medical use in treatment in the United States as a matter of federal law.

f. To the extent possible, a generic substitution of a prescription drug shall be given to an incarcerated person who is provided with medication under the provisions of this section.

C.30:8-16.13 Ensurance of provision of certain medications.

2. a. The chief executive officer, warden, or keeper of any county correctional institution shall ensure that each incarcerated person under the institution's custody continues to receive any medications prescribed by a physician prior to the person's incarceration for the treatment of chronic conditions. The provision of the prescribed medications shall be continued during admittance to a correctional facility, while placed in that facility, and during transfers to other facilities.

b. Medications provided pursuant to subsection a. of this section shall continue to be administered to the incarcerated person in a county correctional facility for a minimum of 30 days from the date the person is committed to the custody of a facility. The facility receiving these persons shall resume appropriate and commensurate management of the chronic condition including, but not limited to, the use of appropriate therapeutic treatments and medications or their generic substitution in accordance with State law and regulations established by the Commissioner of Corrections. Nothing in this subsection shall prohibit an examining physician from changing a course of treatment or prescription within the 30 day period to ensure that the incarcerated person receives clinically appropriate medical care.

c. The chief executive officer, warden, or keeper of any county correctional institution shall establish a system to ensure that all necessary medications are given to incarcerated persons in a timely manner while in the custody of a county correctional facility. Necessary medications shall include those medications which, if missed, may cause serious illness,

death, or other harmful effects. The system shall include, but shall not be limited to, the following:

- (1) a screening staff for each facility, which shall include any medical professional currently employed by the facility who shall be trained to determine the medications for which timely continuation is an urgent matter;
- (2) a method for determining which medications shall be deemed necessary;
- (3) a method for contacting the prescribing physician;
- (4) a method for validating the prescription;
- (5) a method for checking that all medications brought into a facility are labeled to ensure that the container contains the correct medication;
- (6) a method for providing necessary medications to an incarcerated person who has been taken into custody without a supply of the medication;
- (7) a method for notifying in advance a facility receiving a transferred incarcerated person, that the person has been prescribed a necessary medication and the continuation of the medication is an urgent matter; and
- (8) a method for maintaining a supply of the most common necessary medications at each facility or an on-call physician, or other medical professional capable of prescribing medications, available to prescribe medications, and with the ability to fill prescriptions.

d. The chief executive officer, warden, or keeper of any county correctional institution shall not be required under the provisions of this section to supply an incarcerated person with any medication which has no currently accepted medical use in treatment in the United States as a matter of federal law.

e. The requirement to administer medication pursuant to this section shall not apply to synthetic opioid drug addiction detoxifiers, unless the facility employs a medical professional who is trained to administer this type of medication.

f. To the extent possible, a generic substitution of a prescription drug shall be given to an incarcerated person who is provided with medication under the provisions of this section.

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

Approved December 5, 2016.

CHAPTER 71

AN ACT concerning the New Jersey College Loans to Assist State Students (NJCLASS) Loan Program and supplementing chapter 71C 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:71C-31.1 Discharge of student loan in case of death of borrower.

1. a. In the event of the death of an eligible student borrower under the NJCLASS Loan Program, the authority shall fully discharge the obligation of the student borrower and a parent or guardian who cosigned the loan.

b. The executor or administrator of the student borrower's estate shall provide written notification to the authority of the student borrower's death and shall provide the authority with a certified copy of the death certificate within 120 days of the student borrower's death.

C.18A:71C-31.2 Discharge of student loan in case of total, permanent disability of borrower.

2. a. In the event that an eligible student borrower under the NJCLASS Loan Program becomes totally and permanently disabled, the authority shall fully discharge the obligation of the student borrower and a parent or guardian who cosigned the loan. To qualify for the loan discharge the student borrower shall provide the authority with a written statement from a physician, who is a doctor of medicine or osteopathy and is legally authorized to practice, certifying that the student borrower is totally and permanently disabled.

b. As used in this section, "totally and permanently disabled" means the condition of a student borrower who is unable to work and earn money or attend school because of an injury or illness that is expected to continue indefinitely or result in death. A student borrower shall be considered totally and permanently disabled even if the student borrower continues to receive an equal or greater amount of income from the source of income that was used to meet the minimum income requirements at the time the loan was approved.

C.18A:71C-31.3 Deferment of student loan payments due to temporary total disability.

3. a. In the event that an eligible student borrower under the NJCLASS Loan Program becomes temporarily totally disabled, the authority shall grant a deferment of payment of loan principal and interest. To qualify for the loan

deferment, the student borrower shall provide the authority with a written statement from a physician, who is a doctor of medicine or osteopathy and is legally authorized to practice, certifying that the student borrower is temporarily totally disabled. The deferment shall begin on the date that the student borrower's temporary total disability is certified to begin and shall end on the date that the eligible student's temporary total disability is certified to end. Interest on the loan shall not accrue during the period of deferment.

b. As used in this section, "temporary total disability" means that the student borrower is unable to work and earn money or attend school during the period needed to recover from the injury or illness. A student borrower shall be considered temporarily totally disabled even if the student borrower continues to receive an equal or greater amount of income from the source of income that was used to meet the minimum income requirements at the time the loan was approved.

4. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 72

AN ACT concerning individuals with developmental disabilities, supplementing Title 30 of the Revised Statutes and Title 18A of the New Jersey Statutes, and amending P.L.2006, c.47.

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

C.30:1-1.4 Individuals with developmental disabilities, provision of timeline listing activities appropriate for receipt of benefits.

1. a. The Commissioner of Human Services, or the commissioner's designee, in consultation with the Commissioner of Children and Families, the Commissioner of Community Affairs, the Commissioner of Education, the Commissioner of Labor and Workforce Development, and the Commissioner of Transportation, or their designees, shall develop a timeline that lists activities that an individual with a developmental disability may engage in, at a certain age or range of ages, in order to gain the benefit of a State or federal program or fulfill an obligation, as applicable. The timeline shall be arranged by age, as appropriate, and include information about where to access information about the activity, if applicable.

b. The activities to be included on the timeline developed pursuant to subsection a. of this section shall include, but not be limited to:

(1) applying for adult services for individuals with developmental disabilities;

(2) determining if guardianship is necessary and the type of guardianship services appropriate for the individual;

(3) applying for assistance from State or federal housing programs;

(4) applying for benefits from the federal Social Security Administration;

(5) applying for benefits under the "Personal Assistance Services Act," P.L.1987, c.350 (C.30:4G-13 et seq.);

(6) if male, registering with the federal Selective Service System;

(7) applying for financial aid for admission to institutions of higher education;

(8) applying for employment or for assistance with job searches; and

(9) contacting the Department of Transportation to learn about transportation services for individuals with developmental disabilities.

c. The Commissioner of Human Services shall: post the timeline developed pursuant to this section on the official website of the Department of Human Services; share the timeline with the Commissioner of Education and Commissioner of Children and Families; and update the timeline as new information becomes available.

C.18A:46-7.4 Posting of timeline.

2. The Commissioner of Education shall post the timeline developed pursuant to section 1 of P.L.2016, c.72 (C.30:1-1.4) on the official website of the Department of Education.

3. Section 7 of P.L.2006, c.47 (C.9:3A-7) is amended to read as follows:

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.);
- p. Perform such other functions as may be prescribed in this act or by any other law; and
- q. Post the timeline developed pursuant to section 1 of P.L.2016, c.72 (C.30:1-1.4) on the official website of the department.

4. This act shall take effect on the first day of the seventh month next following the date of enactment.

Approved December 5, 2016.

CHAPTER 73

AN ACT concerning drug manufacturing business registration and amending P.L.1961, c.52.

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

1. Section 1 of P.L.1961, c.52 (C.24:6B-1) is amended to read as follows:

C.24:6B-1 Registration statement, issuance of registration.

1. No person shall hereafter engage or continue to engage in a drug manufacturing business or a wholesale non-prescription drug business in this State without first filing a completed registration statement with the department. The department shall promptly review completed registration statements. Within 30 days after receipt of a registration statement, the department shall either issue registration, or shall advise the registrant, in writing, of the specific deficiencies in the registration statement. Any supplemental materials, which are submitted in response to a notice of deficiency, shall be reviewed by the department within 30 days after receipt thereof.

2. Section 2 of P.L.1961, c.52 (C.24:6B-2) is amended to read as follows:

C.24:6B-2 Registration statement, signature, verification; form and contents.

2. The registration statement shall be signed and verified by the individuals specified in subsection (c) hereof, shall be made on forms prescribed and furnished by the commissioner, and shall state such information necessary and proper to the enforcement of this act as the commissioner may require, consistent with the provisions of this section, including:

(a) The name under which the business is conducted.

(b) The address of each location in New Jersey at which the business is to be conducted. If a wholesale non-prescription drug business is not to be conducted from a location within the State, the statement shall give the

name and address of an agent resident in this State on whom process against the registrant may be served.

(c) If the registrant is a proprietorship, the name and address of the proprietor; if a partnership, the names and addresses of all partners; if a corporation, the date and place of incorporation, the names and addresses of the president and secretary thereof, and the name and address of the designated registered agent in this State; or if any other type of business association, the names and addresses of the principals of such association.

(d) The names and addresses of those individuals having actual administrative responsibility, which, in the case of a proprietorship, shall be the managing proprietor; in the case of a partnership, shall be the managing partners; in the case of a corporation, shall be the officers and directors; or in the case of any other type of association, shall be those having similar administrative responsibilities.

(e) If the business will be conducted at more than one location in this State, the name and address of the individual in charge of each such location.

(f) A description of the business the registrant will be engaged in, and the drug products intended to be manufactured for sale or wholesale. If the registrant's products have not yet been approved by the federal Food and Drug Administration, the registrant shall submit a statement confirming that an application for approval has been submitted to the federal Food and Drug Administration, or that the registrant intends to file such an application within 12 months. Approval by the federal Food and Drug Administration shall not be a condition of registration.

(g) The name and address of the individual or individuals on whom orders of the commissioner may be served.

(h) A statement as to whether the registrant will be engaged in manufacturing, compounding, processing, wholesaling, jobbing, or distribution of depressant or stimulant drugs as defined pursuant to law.

3. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 74

AN ACT concerning firearms and amending N.J.S.2C:58-3.

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

1. N.J.S.2C:58-3 is amended to read as follows:

Purchase of firearms.

2C:58-3. a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The certification shall be retained by the seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or possessing a weapon at the time of the offense;

(2) To any drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychia-

trist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun;

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare;

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm;

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for a hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required

as a preliminary to a hearing. Appeals from the results of a hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit

who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2, or the application for the firearms purchaser identification card together with a fee of \$5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a. of N.J.S.2C:39-10. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to

the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to:

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties;

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers;

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer;

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent; or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes;

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of the firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device.

m. The provisions of subsections a. and b. of this section and paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the officers' official duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state.

2. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 75

AN ACT concerning eligibility under certain business incentive programs and amending P.L.2011, c.149 and P.L.2009, c.90.

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

1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to read as follows:

C.34:1B-243 Definitions relative to the "Grow New Jersey Assistance Act."

2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

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

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

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Business" means an applicant proposing to own or lease premises in a qualified business facility that is:

a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5);

a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

a partnership;

an S corporation;

a limited liability company; or

a non-profit corporation.

If the business or tenant is a cooperative or part of a cooperative, then the cooperative may qualify for credits by counting the full-time employees

and capital investments of its member organizations, and the cooperative may distribute credits to its member organizations. If the business or tenant is a cooperative that leases to its member organizations, the lease shall be treated as a lease to an affiliate or affiliates.

A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses by a business or any affiliate of the business incurred after application for:

- a. site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;
- b. obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods subject to bonus depreciation under sections 168 and 179 of the federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the operation of a business on real property or in a building, structure, facility, or improvement to real property;
- c. receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or
- d. any of the foregoing.

In addition to the foregoing, in a Garden State Growth Zone, the following qualify as a capital investment: any development, redevelopment, and relocation costs, including, but not limited to, site acquisition if made within 24 months of application to the authority, engineering, legal, accounting, and other professional services required; and relocation, environmental remediation, and infrastructure improvements for the project area, including, but not limited to, on- and off-site utility, road, pier, wharf, bulkhead, or sidewalk construction or repair.

In addition to the foregoing, if a business acquires or leases a qualified business facility, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified business facility, shall be considered a capital investment by the business and, if pertaining generally to the qualified business facility being acquired or leased, shall be allocated to the premises of the qualified business facility on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility. The capital investment described herein may include any capital investment made or acquired within 24 months prior to the date of application so long as the amount of capital investment made or acquired by the business, any

affiliate of the business, or any owner after the date of application equals at least 50 percent of the amount of capital investment, allocated to the premises of the qualified business facility being acquired or leased on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility made or acquired prior to the date of application.

"Commitment period" means the period of time that is 1.5 times the eligibility period.

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the qualified incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Disaster recovery project" means a project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster which, after utilizing all disaster funds available from federal, State, county, and local funding sources, demonstrates to the satisfaction of the authority that access to additional funding authorized pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), is necessary to complete the redevelopment project, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Eligibility period" means the period in which a business may claim a tax credit under the Grow New Jersey Assistance Program, beginning with the tax period in which the authority accepts certification of the business that it has met the capital investment and employment requirements of the Grow New Jersey Assistance Program and extending thereafter for a term of not more than 10 years, with the term to be determined solely at the discretion of the applicant.

"Eligible position" or "full-time job" means a full-time position in a business in this State which the business has filled with a full-time employee.

"Full-time employee" means a person:

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

With respect to a logistics, manufacturing, energy, defense, aviation, or maritime business, excluding primarily warehouse or distribution operations, located in a port district having a container terminal:

the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the benefits are provided in accordance with industry practice by a third party obligated to provide such benefits pursuant to a collective bargaining agreement;

full-time employment shall include, but not be limited to, employees that have been hired by way of a labor union hiring hall or its equivalent;

35 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether or not the hours of work were performed by one or more persons.

For any project located in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square

feet, of which at least 50 percent will be occupied by either a full-service supermarket or grocery store, 30 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether the hours of work were performed by one or more persons, and the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the employees of the business are covered by a collective bargaining agreement.

"Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business. Full-time employee shall also not include any person who at the time of project application works in New Jersey for consideration for at least 35 hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment but who prior to project application was not provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within a qualified incentive area and designated by the Highlands Water Protection and Planning Council for the receipt of Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

"Incentive agreement" means the contract between the business and the authority, which sets forth the terms and conditions under which the business shall be eligible to receive the incentives authorized pursuant to the program.

"Incentive effective date" means the date the authority issues a tax credit based on documentation submitted by a business pursuant to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149 (C.34:1B-247).

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Mega project" means:

- a. a qualified business facility located in a port district housing a business in the logistics, manufacturing, energy, defense, or maritime industries, either:

(1) having a capital investment in excess of \$20,000,000, and at which more than 250 full-time employees of the business are created or retained; or

(2) at which more than 1,000 full-time employees of the business are created or retained;

b. a qualified business facility located in an aviation district housing a business in the aviation industry, in a Garden State Growth Zone, or in a priority area housing the United States headquarters and related facilities of an automobile manufacturer, either:

(1) having a capital investment in excess of \$20,000,000, and at which more than 250 full-time employees of the business are created or retained, or

(2) at which more than 1,000 full-time employees of the business are created or retained;

c. a qualified business facility located in an urban transit hub housing a business of any kind, having a capital investment in excess of \$50,000,000, and at which more than 250 full-time employees of the business are created or retained;

d. a project located in an area designated in need of redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.) prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties having a capital investment in excess of \$20,000,000, and at which more than 150 full-time employees of the business are created or retained; or

e. a qualified business facility primarily used by a business principally engaged in research, development, or manufacture of a drug or device, as defined in R.S.24:1-1, or primarily used by a business licensed to conduct a clinical laboratory and business facility pursuant to the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), either:

(1) having a capital investment in excess of \$20,000,000, and at which more than 250 full-time employees of the business are created or retained, or

(2) at which more than 1,000 full-time employees of the business are created or retained.

"Minimum environmental and sustainability standards" means standards established by the authority in accordance with the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or

reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"New full-time job" means an eligible position created by the business at the qualified business facility that did not previously exist in this State. For the purposes of determining a number of new full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business.

"Other eligible area" means the portions of the qualified incentive area that are not located within a distressed municipality, or the priority area.

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

"Port district" means the portions of a qualified incentive area that are located within:

- a. the "Port of New York District" of the Port Authority of New York and New Jersey, as defined in Article II of the Compact Between the States of New York and New Jersey of 1921; or

- b. a 15-mile radius of the outermost boundary of each marine terminal facility established, acquired, constructed, rehabilitated, or improved by the South Jersey Port District established pursuant to "The South Jersey Port Corporation Act," P.L.1968, c.60 (C.12:11A-1 et seq.).

"Priority area" means the portions of the qualified incentive area that are not located within a distressed municipality and which:

- a. are designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center under the State Development and Redevelopment Plan, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition;

- b. intersect with portions of: a deep poverty pocket, a port district, or federally-owned land approved for closure under a federal Commission on Base Realignment and Closure action;

- c. are the proposed site of a disaster recovery project, a qualified incubator facility, a highlands development credit receiving area or redevelopment area, a tourism destination project, or transit oriented development; or

d. contain: a vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space available for occupancy for a period of over one year; or a site that has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

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

"Program" means the "Grow New Jersey Assistance Program" established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, used in connection with the operation of a business that is not engaged in final point of sale retail business at that location unless the building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, are used in connection with the operation of:

a. a final point of sale retail business located in a Garden State Growth Zone that will include a retail facility of at least 150,000 square feet, of which at least 50 percent is occupied by either a full-service supermarket or grocery store; or

b. a tourism destination project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Qualified incentive area" means:

a. an aviation district;

b. a port district;

c. a distressed municipality or urban transit hub municipality;

d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:

(a) Planning Area 1 (Metropolitan);

(b) Planning Area 2 (Suburban); or

(c) Planning Area 3 (Fringe Planning Area);

(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);

(3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.),

within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);

(4) located within a regional growth area, rural development area zoned for industrial use as of the effective date of P.L.2016, c.75, town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

(5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area;

(6) located within a Garden State Growth Zone;

(7) located within land approved for closure under any federal Commission on Base Realignment and Closure action; or

(8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:

(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided the expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

(f) any area on which an existing tourism destination project is located.

"Qualified incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

"Qualified incubator facility" means a commercial building located within a qualified incentive area: which contains 50,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 50 percent of the gross leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Retained full-time job" means an eligible position that currently exists in New Jersey and is filled by a full-time employee but which, because of a potential relocation by the business, is at risk of being lost to another state or country, or eliminated. For the purposes of determining a number of retained full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business. For the purposes of the certifications and annual reports required in the incentive agreement pursuant to subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the extent an eligible position that was the basis of the award no longer exists, a business shall include as a retained full-time job a new eligible position that is filled by a full-time employee provided that the position is included in the order of date of hire and is not the basis for any other incentive award. For a project located in a Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), retained full-time job shall include any employee previously employed in New Jersey and transferred to the new location in the Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situate.

"Targeted industry" means any industry identified from time to time by the authority including initially, a transportation, manufacturing, defense, energy, logistics, life sciences, technology, health, and finance business, but excluding a primarily warehouse or distribution business.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a qualified non-gaming business facility that will be among the most visited privately owned or operated tour-

ism or recreation sites in the State, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance, including a non-gaming business within an established Tourism District with a significant impact on the economic viability of that District.

"Transit oriented development" means a qualified business facility located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

"Urban transit hub" means an urban transit hub, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible municipality, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208) and also located within a qualified incentive area.

"Urban transit hub municipality" means a municipality: a. which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), or which has continued to be a qualified municipality thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent or more of the value of real property was exempt from local property taxation during tax year 2006. The percentage of exempt property shall be calculated by dividing the total exempt value by the sum of the net valuation which is taxable and that which is tax exempt.

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

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

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

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

"Ancillary infrastructure project" means structures or improvements that are located within the incentive area but outside the project area of a redevelopment project, including, but not limited to, docks, bulkheads, parking garages, freight rail spurs, roadway overpasses, and train station platforms, provided a developer or municipal redeveloper has demonstrated that the redevelopment project would not be economically viable or promote the use of public transportation without such improvements, as approved by the State Treasurer.

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

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Developer" means any person who enters or proposes to enter into a redevelopment incentive grant agreement pursuant to the provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its successors or assignees, including but not limited to a lender that completes a redevelopment project, operates a redevelopment project, or completes and operates a redevelopment project. A developer also may be a municipal redeveloper as defined herein or Rutgers, the State University of New Jersey.

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

"Disaster recovery project" means a redevelopment project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Eligibility period" means the period of time specified in a redevelopment incentive grant agreement for the payment of reimbursements to a developer, which period shall not exceed 20 years, with the term to be determined solely at the discretion of the applicant.

"Eligible revenue" means the property tax increment and any other incremental revenues set forth in section 11 of P.L.2009, c.90 (C.52:27D-489k), except in the case of a Garden State Growth Zone, in which the property tax increment and any other incremental revenues are calculated as those incremental revenues that would have existed notwithstanding the

provisions of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within an incentive area and designated by the Highlands Council for the receipt of Highlands Development Credits under the Highlands Transfer Development Rights Program authorized under section 13 of P.L.2004, c.120 (C.13:20-13).

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

"Infrastructure improvements in the public right-of-way" mean public structures or improvements located in the public right-of-way that are located within a project area or that constitute an ancillary infrastructure project, either of which are dedicated to or owned by a governmental body or agency upon completion, or any required payment in lieu of the structures, improvements or projects, or any costs of remediation associated with the structures, improvements or projects, and that are determined by the authority, in consultation with applicable State agencies, to be consistent with and in furtherance of State public infrastructure objectives and initiatives.

"Low-income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Mixed use parking project" means a redevelopment project, the parking component of which shall constitute 51 percent or more of any of the following:

- a. the total square footage of the entire mixed use parking project;

- b. the estimated revenues of the entire mixed use parking project; or
- c. the total construction cost of the entire mixed use parking project.

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal redeveloper" means an applicant for a redevelopment incentive grant agreement, which applicant is:

- a. a municipal government, a municipal parking authority, or a redevelopment agency acting on behalf of a municipal government as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or
- b. a developer of a mixed use parking project, provided that the parking component of the mixed use parking project is operated and maintained by a municipal parking authority for the term of any financial assistance granted pursuant to P.L.2015, c.69.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"Non-parking component" means that portion of a mixed use parking project not used for parking, together with the portion of the costs of the mixed use parking project, including but not limited to the footings, foundations, site work, infrastructure, and soft costs that are allocable to the non-parking use.

"Parking component" means that portion of a mixed use parking project used for parking, together with the portion of the costs of the mixed use parking project, including but not limited to the footings, foundations, site work, infrastructure, and soft costs that are allocable to the parking use.

"Project area" means land or lands located within the incentive area under common ownership or control including through a redevelopment agreement with a municipality, or as otherwise established by a municipality or a redevelopment agreement executed by a State entity to implement a redevelopment project.

"Project cost" means the costs incurred in connection with the redevelopment project by the developer until the issuance of a permanent certificate of occupancy, or until such other time specified by the authority, for a specific investment or improvement, including the costs relating to receiving Highlands Development Credits under the Highlands Transfer Devel-

opment Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), lands, buildings, improvements, real or personal property, or any interest therein, including leases discounted to present value, including lands under water, riparian rights, space rights and air rights acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, any environmental remediation costs, plus costs not directly related to construction, of an amount not to exceed 20 percent of the total costs, capitalized interest paid to third parties, and the cost of infrastructure improvements, including ancillary infrastructure projects, and, for projects located in a Garden State Growth Zone only, the cost of infrastructure improvements including any ancillary infrastructure project and the amount by which total project cost exceeds the cost of an alternative location for the redevelopment project, but excluding any particular costs for which the project has received federal, State, or local funding.

"Project financing gap" means:

a. the part of the total project cost, including return on investment, that remains to be financed after all other sources of capital have been accounted for, including, but not limited to, developer-contributed capital, which shall not be less than 20 percent of the total project cost, which may include the value of any existing land and improvements in the project area owned or controlled by the developer, and the cost of infrastructure improvements in the public right-of-way, subject to review by the State Treasurer, and investor or financial entity capital or loans for which the developer, after making all good faith efforts to raise additional capital, certifies that additional capital cannot be raised from other sources on a non-recourse basis; and

b. the amount by which total project cost exceeds the cost of an alternative location for the out-of-State redevelopment project.

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

"Property tax increment" means the amount obtained by:

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

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

For the purpose of this definition, "property tax increment base" means the aggregate taxable value of all property assessed which is located within

the redevelopment project area as of October 1st of the year proceeding the year in which the redevelopment incentive grant agreement is authorized.

"Qualified incubator facility" means a commercial building located within an incentive area: which contains 100,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 75 percent of the gross leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Qualified residential project" means a redevelopment project that is predominantly residential and includes multi-family residential units for purchase or lease, or dormitory units for purchase or lease, having a total project cost of at least \$17,500,000, if the project is located in any municipality with a population greater than 200,000 according to the latest federal decennial census, or having a total project cost of at least \$10,000,000 if the project is located in any municipality with a population less than 200,000 according to the latest federal decennial census, or is a disaster recovery project, or having a total project cost of \$5,000,000 if the project is in a Garden State Growth Zone.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" means:

- a. an aviation district;
- b. a port district;
- c. a distressed municipality; or
- d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:
 - (a) Planning Area 1 (Metropolitan);
 - (b) Planning Area 2 (Suburban); or
 - (c) Planning Area 3 (Fringe Planning Area);(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);
- (3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);
- (4) located within a regional growth area, rural development area zoned for industrial use as of the effective date of P.L.2016, c.75, town, village, or a

military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

(5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a highlands development credit receiving area or redevelopment area;

(6) located within a Garden State Growth Zone;

(7) located within land approved for closure under any federal Base Closure and Realignment Commission action; or

(8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:

(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided the expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

(f) any area on which an existing tourism destination project is located.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.).

"Redevelopment incentive grant agreement" means an agreement between:

- a. the State and the New Jersey Economic Development Authority and a developer; or
- b. a municipality and a developer, or a municipal ordinance authorizing a project to be undertaken by a municipal redeveloper, under which, in exchange for the proceeds of an incentive grant, the developer agrees to perform any work or undertaking necessary for a redevelopment project, including the clearance, development or redevelopment, construction, or rehabilitation of any structure or improvement of commercial, industrial, residential, or public structures or improvements within a qualifying economic redevelopment and growth grant incentive area or a transit village.

"Redevelopment project" means a specific construction project or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, owner or tenant, or both, within a project area and any ancillary infrastructure project including infrastructure improvements in the public right of way, as set forth in an application to be made to the authority. The use of the term "redemption project" in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only redevelopment projects located in areas determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but not be limited to, any work or undertaking in accordance with the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law, pursuant to a redevelopment plan adopted by a State entity, or as described in the resolution adopted by a public entity created by State law with the power to adopt a redevelopment plan or otherwise determine the location, type and character of a redevelopment project or part of a redevelopment project on land owned or controlled by it or within its jurisdiction, including but not limited to, the New Jersey Meadowlands Commission established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the New Jersey Sports and Exposition Authority established pursuant to P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth Economic Revitalization Authority created pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.).

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

11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

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

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situated.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a redevelopment project that will be among the most visited privately owned or operated tourism or recreation sites in the State, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Transit project" means a redevelopment project located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

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

"University infrastructure" means any of the following located on the campus of Rutgers, the State University of New Jersey:

- a. buildings and structures, such as academic buildings, recreation centers, indoor athletic facilities, public works garages, and water and sewer treatment and pumping facilities;
- b. open space with improvements, such as athletic fields and other outdoor athletic facilities, planned commons, and parks; and
- c. transportation facilities, such as bus shelters and parking facilities.

"Urban transit hub" means an urban transit hub, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible mu-

municipality, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), or all light rail stations and property located within a one-mile radius of the midpoint of the platform area of such a rail, bus, or ferry station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"Vacant commercial building" means any commercial building or complex of commercial buildings having over 400,000 square feet of office, laboratory, or industrial space that is more than 70 percent unoccupied at the time of application to the authority or is negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208), or any vacant commercial building in a Garden State Growth Zone having over 35,000 square feet of office, laboratory, or industrial space, or over 200,000 square feet of office, laboratory, or industrial space in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties available for occupancy for a period of over one year.

"Vacant health facility project" means a redevelopment project where a health facility, as defined by section 2 of P.L.1971, c.136 (C.26:2H-2), currently exists and is considered vacant. A health facility shall be considered vacant if at least 70 percent of that facility has not been open to the public or utilized to serve any patients at the time of application to the authority.

3. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 76

AN ACT concerning the reemployment of a retired member of the Teachers' Pension and Annuity Fund as a coach and amending N.J.S.18A:66-53.2.

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

1. N.J.S.18A:66-53.2 is amended to read as follows:

Reemployment of retirant; reenrollment; subsequent retirement.

18A:66-53.2. a. Except as provided in subsection b. of this section, if a former member of the retirement system who has been granted a retirement allowance for any cause other than disability, becomes employed again in a position which makes him eligible to be a member of the retire-

ment system, his retirement allowance and the right to any death benefit as a result of his former membership, shall be canceled until he again retires.

Such person shall be reenrolled in the retirement system and shall contribute thereto at a rate based on his age at the time of reenrollment. Such person shall be treated as an active member for determining disability or death benefits while in service and no benefits pursuant to an optional selection with respect to his former membership shall be paid if his death shall occur during the period of such reenrollment.

Upon subsequent retirement of such member, his former retirement allowance shall be reinstated together with any optional selection, based on his former membership. In addition, he shall receive an additional retirement allowance based on his subsequent service as a member computed in accordance with applicable provisions of this article; provided, however, that his total retirement allowance upon such subsequent retirement shall not be a greater proportion of his final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement. Any death benefit to which such member shall be eligible shall be based on his latest retirement, but shall not be less than the death benefit that was applicable to his former retirement.

b. The cancellation, reenrollment, and additional retirement allowance provisions of subsection a. of this section shall not apply to a former member of the retirement system who is a certificated superintendent or a certificated administrator and who, after having been granted a retirement allowance, becomes employed by the State Department of Education in a position of critical need as determined by the State Commissioner of Education, or becomes employed by a board of education as a certificated superintendent or a certificated administrator on a contractual basis for a term of not more than one year; except that the cancellation, reenrollment, and additional retirement allowance provisions shall apply if the former member becomes employed within 120 days of retirement with the employer from which the member retired. Nothing herein shall preclude a former member so reemployed with a board of education from renewing a contract for one additional year, provided that the total period of employment with any individual board of education does not exceed a two-year period.

c. A former member of the retirement system who has been granted a retirement allowance, for any cause other than disability, may become employed again with the former employer in a position as a coach of an athletics activity if: (1) the employment commences after the retirement allowance becomes due and payable; (2) the former member had attained the service retirement age, applicable to that member, as of the date of retirement; and

(3) the compensation for the employment is less than \$15,000 per year. This subsection shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application. As used in this section, "former employer" means the employer with which the former member held employment immediately prior to retirement.

2. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 77

AN ACT concerning domestic violence and amending P.L.1991, c.261.

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

1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to read as follows:

C.2C:25-19 Definitions.

3. As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

- | | |
|-----------------------------|-----------------------|
| (1) Homicide | N.J.S.2C:11-1 et seq. |
| (2) Assault | N.J.S.2C:12-1 |
| (3) Terroristic threats | N.J.S.2C:12-3 |
| (4) Kidnapping | N.J.S.2C:13-1 |
| (5) Criminal restraint | N.J.S.2C:13-2 |
| (6) False imprisonment | N.J.S.2C:13-3 |
| (7) Sexual assault | N.J.S.2C:14-2 |
| (8) Criminal sexual contact | N.J.S.2C:14-3 |
| (9) Lewdness | N.J.S.2C:14-4 |
| (10) Criminal mischief | N.J.S.2C:17-3 |
| (11) Burglary | N.J.S.2C:18-2 |
| (12) Criminal trespass | N.J.S.2C:18-3 |
| (13) Harassment | N.J.S.2C:33-4 |

(14) Stalking P.L.1992, c.209 (C.2C:12-10)

(15) Criminal coercion N.J.S.2C:13-5

(16) Robbery N.J.S.2C:15-1

(17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense

(18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

(19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

2. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 78

AN ACT directing the Attorney General to develop a plan to disseminate Amber and Silver Alert information through social media and amending P.L.2002, c.129 and P.L.2009, c.167.

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

1. Section 3 of P.L.2002, c.129 (C.52:17B-194.3) is amended to read as follows:

C.52:17B-194.3 Establishment of "Amber's Plan."

3. a. The Attorney General shall establish "Amber's Plan," a program authorizing the broadcast media, upon notice from the State Police, to transmit an emergency alert to inform the public of a child abduction. The program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the broadcast media.

b. The Attorney General shall notify the broadcast media serving the State of New Jersey of the establishment of "Amber's Plan" and invite their voluntary participation.

c. The following criteria shall be met before the State Police activate the Amber Alert:

- (1) The child is believed to be abducted;
- (2) The child is 17 years of age or younger;
- (3) The child may be in danger of death or serious bodily injury; and
- (4) There is sufficient information available to indicate that an "Amber Alert" would assist in locating the child.

d. The participating media shall voluntarily agree, upon notice from the State Police, to transmit emergency alerts to inform the public of a child abduction that has occurred within their broadcast service regions. The notice shall be provided through the State Police operational dispatch unit.

The alerts shall be read after a distinctive sound tone and the statement: "This is an Amber Abducted Child Alert." The alerts shall be broadcast as often as possible, pursuant to the guidelines established by the New Jersey Broadcasters' Association, for the first three hours. After the initial three hours, the alert shall be rebroadcast at such intervals as the investigating authority, the State Police, and the participating media deem appropriate.

The alerts shall include a description of the child, such details of the abduction and abductor as may be known, and such other information as

the State Police may deem pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the abduction.

The alerts also shall provide information concerning how those members of the public who have information relating to the abduction may contact the State Police or other appropriate law enforcement agency.

Concurrent with the notice provided to the broadcast media, the State Police operational dispatch unit shall also notify the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority of the "Amber Alert." Through the use of their variable message signs, the department and the affected authorities shall inform the motoring public that an "Amber Alert" is in progress and provide information relating to the abduction and how motorists may report any information they have to the State Police or other appropriate law enforcement agency.

e. The alerts shall terminate upon notice from the State Police.

f. (1) The Attorney General, with the assistance of the participating broadcast media, shall develop and undertake a public education campaign to inform the public about "Amber's Plan" and the emergency alert program established under P.L.2002, c.129 (C.52:17B-194.1 et seq.).

(2) The Attorney General, in consultation with the State Police, shall develop and establish a plan to disseminate "Amber Alert" information through social media accounts maintained by the State Police. The emergency alert information required to be disseminated shall include, but not be limited to, a description of the missing child, any known details of the abduction and abductor, and a recognizable photograph of the missing child. The Office of the Governor, the Department of Children and Families, the Department of Health, and the Department of Human Services shall, and any other appropriate State, county, or municipal entity may, disseminate "Amber Alert" information made available by the State Police on their respective social media accounts.

g. The Attorney General may adopt guidelines to effectuate the purposes of P.L.2002, c.129 (C.52:17B-194.1 et seq.).

2. Section 1 of P.L.2009, c.167 (C.52:17B-194.4) is amended to read as follows:

C.52:17B-194.4 "Silver Alert System" established.

1. a. The Attorney General shall establish a "Silver Alert System" which shall provide a Statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or

other cognitive impairment. The program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the media, including but not limited to print, radio, and television media outlets.

b. (1) The Attorney General shall notify the media serving the State of New Jersey of the establishment of the Silver Alert System, and invite their voluntary participation.

(2) The Attorney General, in consultation with the Division of State Police, shall develop and establish a plan to disseminate Silver Alert information through social media accounts maintained by the Division of State Police. The Silver Alert information required to be disseminated shall include, but not be limited to, a description of the missing person, any known details of the disappearance, and a recognizable photograph of the missing person. The Office of the Governor, the Department of Children and Families, the Department of Health, and the Department of Human Services shall, and any other appropriate State, county, or municipal entity may, disseminate Silver Alert information made available by the Division of State Police on their respective social media accounts.

c. The Missing Persons Investigative Best Practices Protocol Unidentified Deceased Persons Investigative Guidelines, promulgated by the Missing Persons and Child Exploitation Unit in the Division of State Police, shall be revised to incorporate procedures for issuing an alert regarding missing persons believed to be suffering from dementia or other cognitive impairment. The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

3. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 79

AN ACT concerning public school facilities and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).

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

C.18A:7G-5.2 Public school facilities, certain, security measures required.

1. a. In the case of new school construction undertaken by a district or the development authority, in addition to the Best Practices Standards for

Schools under Construction or Being Planned for Construction set forth by the Department of Community Affairs, the district or the development authority, as applicable, shall provide in the architectural design for the new construction that:

(1) wherever possible, a building site shall be chosen with adequate space to accommodate bus and vehicular traffic separately and permit additional space for the proper evacuation of occupants;

(2) wherever possible, bus drop-off/pick-up areas shall be separated from other vehicular drop-off/pick-up areas;

(3) wherever possible, pedestrian routes shall be separated from vehicular routes, and crossing of the two shall be minimized;

(4) the number of anterior doors shall be kept to a minimum as necessary to satisfy operational considerations and meet code requirements, and wherever possible exterior door hardware shall be eliminated from doors that are intended only for emergency egress;

(5) there is a single public entrance to be used during the school day which shall be equipped with a security vestibule with interior doors that must be released by school security or other staff. The district or development authority shall give consideration to providing bullet resistant glazing in the interior vestibule doors and windows;

(6) all marked entrances shall conform to a uniform numbering system in order to assist emergency responders in locating particular areas. The principal's office shall have a secondary exit;

(7) interior door locks on spaces that will serve as safe havens during lockdowns shall have a keyless locking mechanism;

(8) new school buildings shall be provided with access control systems which allow for remote locking and unlocking of all building access doors; and

(9) new school buildings shall be designed and built in such a manner that areas intended for public use may be separated and secured from all other areas.

b. In the case of new school construction undertaken by a district or the development authority, and in the case of existing school buildings, a district or the development authority, as applicable, shall:

(1) employ the Crime Prevention through Environmental Design principles;

(2) require security personnel to be in uniform;

(3) make driveways one way, if possible, that lead to a clearly marked visitor parking area. STOP signs and other traffic calming devices shall be used to keep vehicles at a reasonable speed;

(4) place bollards along the roadway or curb line in front of the school to prevent vehicles from gaining access to exterior walls, windows, and doors, or in areas of the property where vehicles are prohibited;

(5) clearly mark the school's main entrance and make it easily visible and recognizable;

(6) limit the number of doors for access by staff;

(7) lock exterior doors, and when they are in use for a large entry/exit provide that they are staffed and monitored;

(8) utilize an access control system with remote unlocking features, an intercom, and fixed cameras at the school's main entrance and for other entrances as funding permits;

(9) clearly mark all entrances with a numerical sequence to allow for specific response by police, fire, and emergency medical services responders;

(10) maintain a parking decal or tag system for all staff and students who park on campus in order to easily identify unauthorized vehicles on the property;

(11) locate enclosures for utilities that are outside a school building away from the building to ensure that they do not provide roof access;

(12) provide adequate and properly maintained lighting around the buildings and parking lots;

(13) if funding, staffing, and site approval are possible, provide a guard shack and gate on the school campus as an effective perimeter control;

(14) where the footprint of the school allows, and if funding is available, create secure vestibules at the main entrance of the school building. The exterior door entrance to the school shall allow access by a visitor only to the vestibule and the doors to the remainder of the building shall be locked;

(15) adopt school district policies and procedures to clearly indicate that propping open doors is strictly prohibited, and that students and staff shall not open a door for anyone. All persons seeking entry to the building shall be directed to the main entrance;

(16) use surveillance cameras as a target-hardening tool;

(17) provide a dedicated server and generator for security systems, such as access control and surveillance cameras, in order to secure information and ensure efficient operation in an emergency;

(18) use ballistic or shatter resistant film for glass entrance door side-lights and other vulnerable first floor areas; and

(19) maintain a strict key distribution protocol that requires staff to sign for keys and return them at the end of each school year.

c. The commissioner, in consultation with the development authority, may revise the architectural design standards for new school construction

established pursuant to subsection a. of this section and the standards for new school construction and existing school buildings established pursuant to subsection b. of this section, to reflect new recommendations or changes in best practices for school security.

2. This act shall take effect immediately.

Approved December 5, 2016.

CHAPTER 80

AN ACT concerning school security and amending N.J.S.18A:41-1 and P.L.2009, c.178.

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

1. N.J.S.18A:41-1 is amended to read as follows:

Fire, school security drills.

18A:41-1. Every principal of a school of two or more rooms, or of a school of one room, when located above the first story of a building, shall have at least one fire drill and one school security drill each month within the school hours, including any summer months during which the school is open for instructional programs, and shall require all teachers of all schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during the school hours, except during an emergency lockdown or an emergency lockdown drill. Where school buildings have been provided with fire escapes, they shall be used by a part or all of the pupils performing every fire drill. An actual fire or school security emergency that occurs at a school during the month and that includes activities which are the equivalent of a drill shall be considered a drill for the purposes of meeting the requirements of this section.

A law enforcement officer shall be present at a minimum of one school security drill in each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable.

2. Section 1 of P.L.2009, c.178 (C.18A:41-6) is amended to read as follows:

C.18A:41-6 "School security drill" defined.

1. As used in this act:

"School security drill" means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a bomb threat, non-fire evacuation, lockdown, or active shooter situation and that is similar in duration to a fire drill.

3. Section 2 of P.L.2009, c.178 (C.18A:41-7) is amended to read as follows:

C.18A:41-7 Provision of training on school safety, security.

2. A local board of education and chief school administrator of a nonpublic school shall ensure that all full-time employees in the district or nonpublic school are provided with training on school safety and security that includes instruction on school security drills. The training shall use the drill guide and training materials prepared pursuant to section 3 of P.L.2009, c.178 (C.App.A:9-86) and shall utilize various formats such as drills, functional exercises, and tabletop exercises. The annual training provided to employees shall be conducted collaboratively by the district or nonpublic school and emergency responders, including law enforcement, fire, and emergency medical services personnel, in order to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

4. This act shall take effect in the first full school year following the date of enactment.

Approved December 5, 2016.

CHAPTER 81

AN ACT concerning carbon monoxide poisoning and designated as the "Rosa-Bonilla Family Act," amending various parts of the statutory law, and supplementing Title 39 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.1998, c.108 (C.27:5F-41) is amended to read as follows:

C.27:5F-41 Development of curriculum guidelines for safe operation, maintenance of motor vehicles.

8. a. The Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving; highway courtesy; dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; accident avoidance; understanding and respect for the State's motor vehicle laws; techniques for the safe operation and proper maintenance of a vehicle, which shall include, but not be limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles; insurance fraud; and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the chief administrator.

b. The Director of the Division of Highway Traffic Safety, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The commission shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

- (1) Setting an example for the beginning driver;
- (2) Accident and fatality statistics about beginning drivers;
- (3) Causes of accidents among beginning drivers;
- (4) The need to supervise vehicle operation by a beginning driver;
- (5) Methods to coach a beginning driver on how to reduce accidents;
- (6) A description of the graduated driver's license program;
- (7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be;
- (8) The dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a

vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; and

(9) The dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a vehicle, which shall include, but not be limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles.

2. R.S.39:3-10 is amended to read as follows:

Licensing of drivers; classification.

39:3-10. A person shall not drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

A person under 18 years of age shall not be issued a basic license to drive motor vehicles or be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include: a test of the applicant's vision; the applicant's ability to understand traffic control devices; the applicant's knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; the applicant's knowledge of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle; the applicant's knowledge of the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; the applicant's knowledge of portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant; and the applicant's knowledge of the laws and ordinary usages of the road. A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18

years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology installed on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking. A person shall not sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. New locations for the road test shall not be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of such vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this Title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20 percent. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

The commission shall expand the driver's license examination to include questions concerning the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The commission shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.

c. (Deleted by amendment, P.L.1999, c.28)

d. All motor vehicles not included in classifications a. and b. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having

a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the applicant to drive a motor vehicle. The license shall authorize the applicant to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which the license was issued.

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew the license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement: \$18.

Omnibus or school bus endorsement: \$18.

Basic driver's license: \$18.

The commission shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the commission's satisfaction that the applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of the period, the licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted a permit or license, but no defect of the applicant shall debar the applicant from receiving a permit or license unless it can be

shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the commission shall refuse to grant the permit or license until the time when the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

As used in this section:

"Parking sensors" means proximity sensors which use either electromagnetic or ultrasonic technology and are designed to alert the driver to obstacles while parking.

"Rear visibility system" means devices or components installed on a motor vehicle at the time of manufacture that allow a forward facing driver to view a visual image of the area directly behind the vehicle.

3. R.S.39:3-41 is amended to read as follows:

Driver's manual made available; contents.

39:3-41. a. At the time of the issuance of an examination permit or a special learner's permit to operate a motor vehicle, the chief administrator shall make available to each applicant for the examination permit or special

learner's permit a driver's manual containing information required to be known and followed by licensed drivers relating to licensing requirements.

b. At the time of any required examination for renewal of a driver's license, the chief administrator shall upon request make available to each applicant for renewal a copy of the manual and any supplements thereto.

c. The driver's manual and any supplements thereto or any other booklet or writing prepared in connection with examinations for drivers' licenses or for renewals of drivers' licenses shall contain all information necessary to answer any question on an examination for a driver's license or for a renewal of a driver's license.

d. The chief administrator, following consultation with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, shall include in the driver's manual information explaining the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the beneficial uses of donated organs and tissues, and the procedure for indicating on the driver's license the intention to make a donation pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2). The chief administrator may distribute all remaining copies of the existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

e. The chief administrator, in consultation with the Nikhil Badlani Foundation, shall include in the driver's manual information explaining the dangers of failing to comply with this State's motor vehicle traffic laws and indicating that interested drivers may take the STOP for Nikhil Safety Pledge set forth in paragraph (1) of this subsection.

(1) The "STOP for Nikhil Safety Pledge" is as follows:

"In order to ensure the safety of others on the road, passengers in my car, and myself as a driver, I pledge to obey traffic laws while operating a motor vehicle, be extra cautious, and be attentive to traffic signs and signals and road conditions. Specifically:

I will come to a complete stop at every "stop" sign or red traffic light, and will not proceed through a red traffic light;

I will stay alert, keep two hands on the steering wheel whenever possible, and keep my mind on the road;

I will talk safely by using a hands-free wireless telephone while driving if I am of lawful age to do so and refrain from texting while driving; and I will plan ahead and leave enough time to arrive at my destination."

(2) The chief administrator shall ensure that drivers have the option of taking the pledge set forth in paragraph (1) of this subsection by filling out a standard form made available at motor vehicle offices or by following

instructions publicized by the chief administrator directing interested drivers to the appropriate website to complete the pledge.

(3) The chief administrator may distribute all remaining copies of the existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

f. The chief administrator, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The chief administrator may distribute all remaining copies of any existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

C.39:3-12.6 Development of brochure explaining dangers of carbon monoxide poisoning from motor vehicles.

4. a. The chief administrator, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall develop a brochure with information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle.

b. The chief administrator shall make available at every New Jersey Motor Vehicle Commission agency and regional service center, a brochure with information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle, developed pursuant to subsection a. of this section.

c. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, the commission shall require that a brochure with information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle, developed pursuant to subsection a. of this section, be made available at every official inspection facility or private inspection facility in this State and on the commission's website.

5. This act shall take effect on the first day of the 13th month following enactment. The chief administrator may take anticipatory actions in advance of that date as may be necessary for the timely implementation of P.L.2016, c.81 (C.39:3-12.6 et al.).

Approved December 5, 2016.

CHAPTER 82

AN ACT concerning a registry for organizations providing services to veterans and supplementing Title 38A of the New Jersey Statutes.

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

C.38A:3-46a Registry of organizations providing services to military veterans.

1. a. The Department of Military and Veterans' Affairs shall create and maintain a registry of all organizations that provide services to military veterans. The registry shall be prominently displayed, organized topically, on a public webpage to provide a comprehensive listing of organizations with services addressing the needs of veterans. The department shall actively seek out organizations to include on the registry, and organizations may also voluntarily submit requests to be included on the registry.

The department shall conduct a review of any organization prior to the organization's inclusion on the registry, and the department may, in its discretion, refuse to include an organization on the registry or remove an organization from the registry if the department determines that the organization's services do not reflect the purpose of the registry. Inclusion on the registry shall not be construed to be an endorsement of an organization by the department or State.

b. As used in this section, "organizations that provide services to veterans" includes any organization, not for profit or otherwise, exclusively providing services to veterans or primarily providing services to veterans, or any organization that provides services to a variety of recipients including veterans.

2. This act shall take effect on the first day of the sixth month after the date of enactment, except that the Adjutant General may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved December 5, 2016.

CHAPTER 83

AN ACT concerning the payment of the State's required contributions to certain State-administered retirement systems and amending P.L.2010, c.1.

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

1. Section 38 of P.L.2010, c.1 (C.43:3C-14) is amended to read as follows:

C.43:3C-14 State contributions.

38. a. Commencing July 1, 2011 and thereafter, the contribution required, by law, to be made by the State to the Teachers' Pension and Annuity Fund, established pursuant to N.J.S.18A:66-1 et seq., the Judicial Retirement System, established pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), the Prison Officers' Pension Fund, established pursuant to P.L.1941, c.220 (C.43:7-7 et seq.), the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the Consolidated Police and Firemen's Pension Fund, established pursuant to R.S.43:16-1 et seq., the Police and Firemen's Retirement System, established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), and the State Police Retirement System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), shall be made in full each year to each system or fund in the manner and at the time provided by law. The contribution shall be computed by actuaries for each system or fund based on an annual valuation of the assets and liabilities of the system or fund pursuant to consistent and generally accepted actuarial standards and shall include the normal contribution and the unfunded accrued liability contribution. The State with regard to its obligations funded through the annual appropriations act shall be in compliance with this requirement provided the State makes a payment, to each State-administered retirement system or fund, of at least 1/7th of the full contribution, as computed by the actuaries, in the State fiscal year commencing July 1, 2011 and a payment in each subsequent fiscal year that increases by at least an additional 1/7th until payment of the full contribution is made in the seventh fiscal year and thereafter.

b. In the State fiscal year commencing July 1, 2017 and in each State fiscal year thereafter, the contribution required to be made by the State pursuant to subsection a. of this section shall be made to each system on the following schedule: at least 25 percent by September 30, at least 50 percent by December 31, at least 75 percent by March 31, and at least 100 percent by June 30. The amount of the contribution shall be net of the amount of any increase in the interest on the tax and revenue anticipation notes attributable solely to the need to borrow an increased amount in order to make the quarterly payments.

2. This act shall take effect immediately.

Approved December 15, 2016.

CHAPTER 84

AN ACT concerning certain small business funding and 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-252 Definitions relative to certain small business funding.

1. As used in sections 1 and 2 of P.L.2016, c.84 (C.34:1B-252 et seq.):

“Association” means a non-profit business advocacy association whose membership comprises small businesses in need of surety bonding.

“Authority” shall have the same meaning as provided in section 3 of P.L.1974, c.80 (C.34:1B-3).

“Fund” means the “Small Business Bonding Readiness Assistance Fund” established pursuant to section 2 of P.L.2016, c.84 (C.34:1B-253).

“Program” means the “Small Business Bonding Readiness Assistance Program” established pursuant to section 2 of P.L.2016, c.84 (C.34:1B-253).

“Small business” means a business engaged in the conduct of a trade or business in this State that qualifies as a “small business concern” within the meaning of the federal “Small Business Act,” Pub.L.85-536 (15 U.S.C. s.631 et seq.) for the purpose of the small business’s eligibility for performing a contract offered by the federal government or for assistance from the United States Small Business Administration. “Small business” shall also include a small business established in this State that is certified, pursuant to federal law, under the United States Small Business Administration’s 8(a) Business Development Program or the HUBZone Program, or as a Small Disadvantaged Business, or as a Section 3 business concern by the United States Department of Housing and Urban Development.

C.34:1B-253 “Small Business Bonding Readiness Assistance Program,” “Small Business Bonding Readiness Assistance Fund.”

2. a. (1) The New Jersey Economic Development Authority shall establish and maintain a program to be known as the “Small Business Bonding Readiness Assistance Program” to provide support services to small businesses and to assist small businesses in securing surety bonding so that

small businesses may bid on public works projects or perform contracts offered by the State or by the federal government.

(2) The authority shall enter into an agreement with a non-profit business advocacy association concerning the association's provision of support services and assistance to small businesses seeking surety bonding. The support services and assistance provided shall be designed to increase small businesses' bonding knowledge and capacity in order for small businesses to qualify for surety bonding. The support services and assistance to small businesses shall focus on improving small businesses' financial presentation, operational efficiency, profitability, and surety bonding capacity and knowledge through a series of workshops and strategic consulting sessions.

b. The authority shall establish the terms and conditions by which a small business may apply for the program.

c. The authority shall establish and maintain within the program a special non-lapsing revolving fund to be known as the "Small Business Bonding Readiness Assistance Fund" to provide grant funding to small businesses that participate in the program, grant funding to an association that provides small businesses participating in the program with support services and assistance, and to administer the program.

d. In administering the program and the fund, the authority shall establish:

- (1) procedures and timelines for applications for the program;
- (2) criteria for determining grant amounts to be disbursed from the fund to small businesses to meet their surety bond requirement;
- (3) reporting requirements for small businesses accepted into the program and who receive a grant from the fund; and
- (4) any other policies deemed necessary by the authority for the administration of the program and the fund. The authority, in its sole discretion, may amend these policies at any time if the policies are established or amended in a manner consistent with the provisions of P.L.2016, c.84 (C.34:1B-252 et seq.).

e. The fund may be credited with:

- (1) moneys made available by the authority for the purpose of the fund; and
- (2) moneys received by the authority from any public or private donations. The authority is authorized to seek and accept gifts, grants, or donations from private or public sources for deposit in the fund, except that the authority may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with any other law of this State.

3. This act shall take effect immediately but shall remain inoperative for 30 days following the date of enactment.

Approved January 4, 2017.

CHAPTER 85

AN ACT concerning the remediation of property in an environmental opportunity zone, and amending P.L.1995, c.413.

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

1. Section 9 of P.L.1995, c.413 (C.54:4-3.158) is amended to read as follows:

C.54:4-3.158 Remedial action workplan.

9. a. The Department of Environmental Protection shall take final action on a technically complete remedial action workplan, submitted for a remediation in 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), within 45 days of receipt of the submission in the case of soil remediations, and within 90 days of receipt of the submission in the case of remediations involving groundwater or surface water.

b. Any owner or operator of 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) shall be exempt from the requirement to establish a remediation funding source pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3).

c. Any owner or operator of property within an environmental opportunity zone who does not apply for an exemption from real property taxes and who undertakes a remediation of the property shall be exempt from the requirement to establish a remediation funding source pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3).

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 86

AN ACT concerning bio-analytical and clinical laboratories and amending P.L.1953, c.420 and P.L.1975, c.166.

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

1. Section 2 of P.L.1953, c.420 (C.45:9-42.2) is amended to read as follows:

C.45:9-42.2 Definitions.

As used in this act, the following terms are defined as follows:

a. "Board" means the State Board of Medical Examiners which shall have authority to examine and license bio-analytical laboratory directors as set forth in this act. The board is authorized to make necessary rules to implement the provisions of this act.

b. "License" means a license granted and issued by the board under this act to any person who makes application therefor and fulfills the requirements set forth by this act. A license shall be either a plenary or specialty license issued pursuant to the provisions of section 7 of P.L.1953, c.420 (C.45:9-42.7).

c. A "Bio-analytical Laboratory" is any place, establishment or institution organized and operated primarily for the performance of chemical, microscopic, serological, parasitological, bacteriological or any other tests, by the practical application of one or more of the fundamental sciences, to material originating from the human body, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. The interpretation of cytologic and histologic criteria of disease is not considered to be within the scope of this definition of a bio-analytical laboratory.

d. A "Bio-analytical Laboratory Director" is any person licensed and qualified to manage and direct the technical work in a bio-analytical laboratory as defined in this act.

e. "Point-of-care laboratory testing" means use of a laboratory testing instrument, kit, or test to which the following applies:

- (1) The testing instrument, kit, or test is designed to be used at or near the site of the patient for whom the test or examination is being conducted;
- (2) The testing instrument, kit, or test is used to perform testing outside the physical facilities of a certified clinical laboratory; and
- (3) The testing instrument, kit, or test:

(a) is used to perform waived tests or moderate complexity clinical laboratory tests or examinations classified under the federal “Clinical Laboratory Improvement Amendments of 1988,” Pub.L.100-578 (42 U.S.C. s.263a) and any regulations adopted pursuant thereto;

(b) is used to perform tests or examinations on biological specimens that require no preparation after collection, except use of a reagent; and

(c) is used to perform tests or examinations without the necessity for testing personnel to perform calibration or maintenance, except resetting pursuant to the manufacturer’s instructions or basic cleaning or disinfecting; and

(4) For moderate complexity testing, the testing instrument, kit, or test is used in accordance with the patient test management system, the quality control program, and the comprehensive quality assurance program established and maintained by the laboratory pursuant to the standards established under the “Clinical Laboratory Improvement Amendments of 1988,” Pub.L.100-578 (42 U.S.C. s.263a), any regulations adopted pursuant thereto, and any other procedures currently or subsequently approved by the federal Centers for Medicare & Medicaid Services and specified in Appendix C of the State Operations Manual.

f. “Waived test” means a test system, assay, or examination that is authorized as “waived” by the federal Food and Drug Administration or authorized as “waived” by the federal Department of Health and Human Services and currently or subsequently listed in 42 C.F.R. 493.15(c).

g. “Certified clinical laboratory” means a clinical laboratory certified pursuant to the “Clinical Laboratory Improvement Amendments of 1988,” Pub.L.100-578 (42 U.S.C.s.263a), but does not include a clinical laboratory possessing a certificate of waiver issued pursuant to 42 U.S.C.s.263a(d)(2) and any regulations adopted pursuant thereto.

2. Section 7 of P.L.1953, c.420 (C.45:9-42.7) is amended to read as follows:

C.45:9-42.7 Bio-analytical laboratory director.

7. a. Any person possessing the educational and experiential qualifications set forth in federal regulations at 42 C.F.R. Part 493, subpart M, may apply for examination for a plenary license as a bio-analytical laboratory director. The following qualifications as to education and experience are established as prerequisites for application for examination or licensure for a bio-analytical laboratory director's plenary license:

(1) A doctorate degree, plus not less than one year of experience, or

- (2) A master's degree, plus not less than two years of experience, or
- (3) A bachelor's degree, plus not less than three years of experience.

The above academic degrees shall be course-earned in the fields of chemistry, pharmacy or the biological sciences and awarded by an educational institution approved by the board. "Years of experience," as used in this section, means for plenary license applicants, years of general bio-analytical laboratory experience acceptable to the board.

b. The board shall grant a plenary license to all applicants who meet the qualifications for licensure and satisfactorily complete the examination given by the board, unless exempt from examination by the board for those applicants licensed to practice medicine and surgery who are certified in clinical pathology or anatomic pathology, or who possess qualifications that are equivalent to those required for such certifications.

All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise those tests which are within the scope of the director's plenary license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.).

c. The board shall grant a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics, biochemical genetics, diagnostic laboratory immunology and clinical chemistry if the applicant is certified by a national accrediting board, which board requires a doctorate degree plus experience, such as but not limited to the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bio-analysis or the American Board of Medical Genetics, or any other national accrediting board recognized by the State Board of Medical Examiners.

The applicant for a specialty license shall offer proof to the satisfaction of the State Board of Medical Examiners of one year's experience in the specialty, which one year's experience shall be within three years next preceding the date of application for the specialty license.

The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.

3. Section 18 of P.L.1953, c.420 (C.45:9-42.18) is amended to read as follows:

C.45:9-42.18 Overall management, direction of laboratory.

18. Each bio-analytical laboratory shall be under the overall management and direction of either:

- (a) a person licensed to practice medicine and surgery in the State of New Jersey, or
- (b) a licensed bio-analytical laboratory director, who shall be accessible to the laboratory to provide onsite, telephone, or electronic consultation as needed.

4. Section 20 of P.L.1953, c.420 (C.45:9-42.20) is amended to read as follows:

C.45:9-42.20 Exemptions.

20. The provisions of this act shall not affect:

- a. Physicians or members of other professions who, in their private practices perform bio-analytical laboratory tests in their own offices or laboratories for their own patients pursuant to licenses respectively granted to them according to law.
- b. Nonprofit research institutions.
- c. Bio-analytical laboratories of hospitals, licensed by the Department of Health, where the work is confined to regularly admitted patients or registered clinic patients of the hospital.
- d. Bio-analytical laboratories operated by the United States Government, the Department of Health, or any county or municipality of the State.
- e. Facilities at which the only testing that is conducted is point-of-care laboratory testing.

5. Section 2 of P.L.1975, c.166 (C.45:9-42.27) is amended to read as follows:

C.45:9-42.27 Definitions.

As used in this act:

- a. "Clinical laboratory" , except as used in subsection k. of this section, means any facility used for the performance of chemical, bacteriologic, virologic, parasitologic, serologic, hematologic, immuno-hematologic, biophysical, cytologic or other examinations of materials derived from the human body for the purpose of yielding information for the diagnosis, prevention or treatment of disease or the assessment of medical condition. Any facility used for the collection, processing and transmission of specimens to another facility for the performance of clinical tests falls within the purview of this act.
- b. "Department" means the Department of Health.

c. "Commissioner" means the Commissioner of Health or his duly authorized agent.

d. "Clinical laboratory owner" means a person or agency in whom is vested the rights of control, possession, and dominion of a clinical laboratory and for the purposes of this act shall include a county, municipality, or any other owner of an institution operating a clinical laboratory.

e. "Clinical laboratory director" means a person who is responsible for the administration of the technical and scientific operation of a clinical laboratory, including, but not limited to, supervision of procedures for testing and reporting of results. Nothing in this act shall be deemed to exempt the director of a clinical laboratory from the licensure requirements of P.L.1953, c.420 (C.45:9-42.1 et seq.), where such requirements would otherwise be applicable.

f. "Clinical laboratory evaluation program" means a program of evaluating the proficiency of clinical laboratories by the department.

g. "Anatomic pathology" means the gross or microscopic examination of tissues by a physician specifically trained to interpret and diagnose disease by such examination.

h. "Person" means any individual, partnership, limited partnership, corporation or other legal entity.

i. "Point-of-care laboratory testing" means use of a laboratory testing instrument, kit, or test to which the following applies:

(1) The testing instrument, kit, or test is designed to be used at or near the site of the patient for whom the test or examination is being conducted;

(2) The testing instrument, kit, or test is used to perform testing outside the physical facilities of a certified clinical laboratory; and

(3) The testing instrument, kit, or test:

(a) is used to perform waived tests or moderate complexity clinical laboratory tests or examinations classified under the federal "Clinical Laboratory Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C. s.263a) and any regulations adopted pursuant thereto;

(b) is used to perform tests or examinations on biological specimens that require no preparation after collection; and

(c) is used to perform tests or examinations without the necessity for testing personnel to perform calibration or maintenance, except resetting pursuant to the manufacturer's instructions or basic cleaning or disinfecting; and

(4) For moderate complexity testing, the testing instrument, kit, or test is used in accordance with the patient test management system, the quality control program, and the comprehensive quality assurance program established and maintained by the laboratory pursuant to the standards established under the "Clinical Laboratory Improvement Amendments of 1988,"

Pub.L.100-578 (42 U.S.C. s.263a), any regulations adopted pursuant thereto, and any other procedures currently or subsequently approved by the federal Centers for Medicare & Medicaid Services and specified in Appendix C of the State Operations Manual.

j. “Waived test” means a test system, assay, or examination that is authorized as “waived” by the federal Food and Drug Administration or authorized as “waived” by the federal Department of Health and Human Services and currently or subsequently listed in 42 C.F.R. 493.15c.

k. “Certified clinical laboratory” means a clinical laboratory certified pursuant to the “Clinical Laboratory Improvement Amendments of 1988,” Pub.L.100-578 (42 U.S.C.s.263a), but does not include a clinical laboratory possessing a certificate of waiver issued pursuant to 42 U.S.C.s.263a.(d)(2) and any regulations adopted pursuant thereto.

6. Section 8 of P.L.1975, c.166 (C.45:9-42.33) is amended to read as follows:

C.45:9-42.33 Provisions not applicable.

8. The provisions of this act shall not apply to:

a. Clinical laboratories operated and maintained exclusively for research and teaching purposes, involving no patient or public health services whatsoever;

b. Clinical laboratories operated by the United States Government, or blood banks licensed under P.L.1963, c.33 (C.26:2A-2 et seq.);

c. Clinical laboratories specifically exempted from the provisions of this act by rules and regulations promulgated by the Public Health Council pursuant to section 9 of P.L.1975, c.166 (C.45:9-42.34);

d. Clinical laboratories which are operated by the Department of Corrections, any county jail, any county probation department, or any drug or alcohol treatment center providing services to persons under the jurisdiction of any of these agencies or in a program of supervisory treatment pursuant to the provisions of N.J.S.2C:43-13 and which perform only urinalysis for screening purposes to detect the presence of alcohol or illegal substances. The Attorney General shall approve procedures, methods, and devices used by these agencies or centers in screening for alcohol or illegal substances; or

e. Facilities at which the only testing that is conducted is point-of-care laboratory testing.

7. Section 9 of P.L.1975, c.166 (C.45:9-42.34) is amended to read as follows:

C.45:9-42.34 Rules, regulations; standards for operation of clinical laboratories.

9. The Public Health Council of the department shall promulgate rules and regulations for operation of clinical laboratories, including the use of quality control programs as described in subsection h. of this section, which shall be incorporated in and made a part of the State Sanitary Code. Notwithstanding the use of quality control programs as described in subsection h. of this section and the recognition of waived tests as described in subsection i. of this section, the rules and regulations shall at least equal the standards set forth in federal rules and regulations promulgated pursuant to the "Clinical Laboratory Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a). Any rules or regulations promulgated after the effective date of P.L.2016, c.86 that exceed those federal standards shall only be promulgated after a rulemaking process that includes notice and comment and a public hearing. The rules and regulations so promulgated shall include but shall not be limited to standards for:

- a. Construction of new, or modification of existing clinical laboratories.
- b. Sanitary and safe conditions within the clinical laboratory and its surroundings, including adequate working space, lighting, fire prevention, and safety measures.
- c. Clinical laboratory equipment and maintenance procedures for the equipment and personnel essential to proper conduct and operation of a clinical laboratory, including standards for education, experience, and continuing education.
- d. The acceptance, collection, transportation, identification, and examination of clinical laboratory specimens and reporting of results by clinical laboratories.
- e. Reporting by laboratories of diseases for the protection of the public health. The department shall furnish forms for this purpose. The reports shall not be construed as constituting a diagnosis nor shall any clinical laboratory making a report be held liable under the laws of this State for having violated a trust or confidential relationship.
- f. Submitting such reports concerning clinical laboratory operations as may be necessary to administer this act. Each laboratory shall maintain a manual of procedures followed in that laboratory, which shall be reviewed and updated annually. The manual shall also include, but not be limited to, a list of equipment used for each procedure.
- g. Exemptions of specific types of clinical laboratories from the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7).
- h. The use of a quality control program by clinical laboratories which shall not exceed the standards set forth in federal regulations promulgated

pursuant to the "Clinical Laboratory Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a), effective as of January 1, 2016, or as subsequently amended, including the following alternative quality control testing procedures approved by the federal Centers for Medicare and Medicaid Services:

(1) Individualized Quality Control Plans , as specified in Appendix C of the State Operations Manual; and

(2) any other equivalent quality control procedures subsequently approved by the Centers for Medicare and Medicaid Services and specified in Appendix C of the State Operations Manual.

i. Recognition of all waived tests and waivers under the "Clinical Laboratory Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a) and all regulations adopted pursuant thereto (42 C.F.R. Part 493).

j. The use of waived tests by clinical laboratories, which shall not exceed the standards set forth in the federal rules and regulations promulgated pursuant to the "Clinical Laboratory Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a), effective as of January 1, 2016, or as subsequently amended, unless expressly required under this Act or the Public Health Council determines that it is necessary to exceed those federal standards in order to protect the public health. Such determinations shall detail the council's justification for exceeding federal standards.

8. Section 12 of P.L.1975, c.166 (C.45:9-42.37) is amended to read as follows:

C.45:9-42.37 Clinical laboratory evaluation program.

12. The department shall establish and conduct a clinical laboratory evaluation program to:

a. Prescribe minimum standards of performance in the examination of specimens, and any standards that would exceed the standards established under federal rules and regulations promulgated pursuant to the "Clinical Laboratories Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a) shall only be promulgated after a rulemaking process that includes notice and comment and a public hearing;

b. Test the proficiency of clinical laboratories to determine if the minimum standards of performance established pursuant to P.L.2016, c.86 are being met;

c. Develop and organize appropriate consultation and training activities in clinical laboratory procedures with the purpose of improving the quality of performance of clinical laboratories licensed by this act;

d. In lieu of routine on-site survey and inspection of any clinical laboratory to determine compliance with this Act, the department may instead formally recognize and rely upon the routine survey and inspection of clinical laboratories by any accreditation entity approved by the Centers for Medicare and Medicaid Services pursuant to the "Clinical Laboratories Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a), provided the department determines that the standards of the accreditation entity are equivalent to the department's standards for on-site survey and inspection; and

e. Nothing contained in this section shall be construed to limit the department's authority to rely upon the inspection and survey results of any accreditation entity approved by the Centers for Medicare & Medicaid Services pursuant to the "Clinical Laboratories Improvement Amendments of 1988," Pub.L.100-578 (42 U.S.C.s.263a), or conduct a complaint inspection of any laboratory at any time.

9. This act shall take effect immediately except that the Public Health Council may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 9, 2017.

CHAPTER 87

AN ACT concerning electronic waste recycling, amending and supplementing P.L.2007, c.347, and repealing various parts of the statutory law.

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

1. Section 1 of P.L.2007, c.347 (C.13:1E-99.94) is amended to read as follows:

C.13:1E-99.94 Short title.

1. P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall be known and may be cited as the "Electronic Waste Management Act."

2. Section 2 of P.L.2007, c.347 (C.13:1E-99.95) is amended to read as follows:

C.13:1E-99.95 Definitions relative to electronic waste management.

2. As used in P.L.2007, c.347 (C.13:1E-99.94 et seq.):

"Authorized recycler" means a person who: (1) engages in the manual or mechanical separation of covered electronic devices to recover components and commodities contained therein for the purpose of re-use or recycling; or (2) changes the physical or chemical composition of a covered electronic device by deconstructing, size reduction, crushing, cutting, sawing, compacting, shredding, or refining for the purpose of segregating components, and for the purpose of recovering or recycling those components, and who arranges for the transport of those components to an end user.

"Brand" means symbols, words, or marks that identify a covered electronic device, rather than any of its components.

"Business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization. "Business concern" shall not include a small business enterprise.

"Cathode ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image, and includes any cathode ray tube that is broken, damaged, or separated from its host television or other device.

"Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage function, and may include both a computer central processing unit and a monitor, but the term shall not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant, or other similar device.

"Consumer" means a person, State entity, school district, or local government unit who purchases a covered electronic device in a transaction that is a retail sale. "Consumer" shall not include any business concern purchasing covered electronic devices.

"Covered electronic device" means a desktop or personal computer, computer monitor, portable computer, desktop printer, desktop fax machine, or television sold to a consumer. A "covered electronic device" shall not include any of the following: (1) an electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; (2) an electronic device that is functionally or physically a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment; (3) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (4) any handheld device used to access

commercial mobile data service or commercial mobile radio service as such services are defined pursuant to 47 C.F.R. s.20.3.

"Department" means the Department of Environmental Protection.

"Group plan administrator" means any person who enters into a contract with two or more manufacturers to collect, transport, and recycle the total of those manufacturers' market share in weight obligations pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.).

"Local government unit" means any county or municipality, or any agency, instrumentality, authority or corporation of any county or municipality, including, but not limited to, sewerage, utilities and improvement authorities, or any other political subdivision of the State.

"Manufacturer" means any person: (1) who manufactures or manufactured covered electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (2) who sells or sold covered electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (3) who manufactures or manufactured covered electronic devices without affixing a brand; (4) who manufactures or manufactured covered electronic devices to which the person affixes or affixed a brand that the person neither owns or owned nor is or was licensed to use; (5) for whose account covered electronic devices manufactured outside the United States are or were imported into the United States, provided however, if, at the time such covered electronic devices are or were imported into the United States, another person has registered as the manufacturer of the brand of the covered electronic devices pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this definition shall not apply; or (6) a person who assumes the obligations and responsibilities for any manufacturer pursuant to paragraphs (1) through (5) of this definition.

"Market share" means a manufacturer's national sales of covered electronic devices expressed as a percentage of the total sales of all manufacturers' national sales of covered electronic devices, based on the best available public data.

"Market share in weight" means the total weight of covered electronic devices for which an individual manufacturer is responsible to collect, transport, and recycle based on the manufacturer's market share, as provided pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

"Monitor" means a separate video display component of a computer, whether sold separately or together with a computer central processing unit and computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than four inches measured diagonally, and its case, interior wires and circuitry, cable to the central processing unit, and power cord.

"Obligation" means the market share in weight, identified for an individual manufacturer, as provided pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

"Orphan device" means a covered electronic device for which no manufacturer can be identified, or for which the original manufacturer no longer exists.

"Person" means an individual, trust firm, joint stock company, business concern, and corporation, including, but not limited to, a government department, partnership, limited liability company, or association.

"Portable computer" means a computer and video display greater than four inches in size that can be carried as one unit by an individual, including a laptop computer.

"Program year" means a full calendar year beginning on or after January 1, 2011.

"Purchase" means the taking, by sale, of title in exchange for consideration.

"Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. "Recycling" shall not include energy recovery or energy generation by means of incinerating electronic waste whether apart or in combination with other wastes.

"Registrant" means a manufacturer of covered electronic devices that is in full compliance with the requirements of P.L.2007, c.347 (C.13:1E-99.94 et seq.).

"Retail sales" means the sale of covered electronic devices through sales outlets, via the Internet, mail order, or other means, whether or not the retailer has a physical presence in this State.

"Retailer" means a person who owns or operates a business that sells new covered electronic devices in this State by any means to a consumer.

"Sale" or "sell" means any transfer for consideration of title, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other, similar electronic means, and excluding leases.

"Small business enterprise" means any business which has its principal place of business in this State, is independently owned and operated, and employs the equivalent of fewer than 50 full-time employees.

"Statewide standard program" means the program to collect, transport, and recycle covered electronic devices established by the State pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a).

"Television" means a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.

"Video display" means an output surface having a viewable area greater than four inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images on a screen in fast succession to create the illusion of motion, including, if applicable, a device that is an integral part of the display and cannot be easily removed from the display by the consumer that produces the moving image on the screen. A "video display" typically uses a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology.

3. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to read as follows:

C.13:1E-99.102 Duties of department, registration fee.

9. a. (1) (a) By January 30, 2016 , and by each January 30 thereafter, the department shall determine the market share for each manufacturer of covered electronic devices.

(b) By April 1, 2016, and by each April 1 thereafter, the department shall determine the total weight of covered electronic devices, including orphan devices, collected from consumers in this State during the previous program year.

(2) (Deleted by amendment, P.L.2016, c.87)

b. By February 1, 2010, and each January 1 thereafter, each manufacturer of covered electronic devices offered for sale for delivery in this State shall register with the department and pay a registration fee of \$5,000. Any manufacturer to whom the department provides notification of a market share pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed a registration shall file a registra-

tion with the department within 30 days of receiving such notification from the department. Each manufacturer's registration and renewal shall include a list of all of the manufacturer's brands of covered electronic devices.

c. If a manufacturer's market share is .01 percent or less in the previous program year, the department shall not require a manufacturer to pay the registration fee or registration renewal fee, as appropriate, or otherwise comply with the requirements of section 10 of P.L.2007, c.347 (C.13:1E-99.103) in the subsequent year, pursuant to subsection b. of this section.

4. Section 10 of P.L.2007, c.347 (C.13:1E-99.103) is amended to read as follows:

C.13:1E-99.103 Requirements for certain manufacturers; plans.

10. a. Each manufacturer to whom the department provides a market share that is greater than .01 percent of the total shall submit a plan to the department to collect, transport, and recycle covered electronic devices. If the department establishes a Statewide standard program pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a), each manufacturer or group of manufacturers to whom the department provides a market share that is greater than 10 percent of the total may (1) submit a plan to the department to collect, transport, and recycle covered electronic devices, or (2) participate in the Statewide standard program; and each manufacturer to whom the department provides a market share that is 10 percent or less shall fulfill its market share in weight obligation by participating in the Statewide standard program.

b. Each manufacturer to whom the department provides by February 15 of any year, a market share that is greater than .01 percent of the total shall, by April 15 of that year, comply with the requirements of subsection a. of this section.

c. An individual manufacturer submitting a plan pursuant to subsection a. of this section shall collect, transport, and recycle its market share in weight.

d. A group of manufacturers jointly submitting a plan pursuant to subsection a. of this section shall collect, transport, and recycle the sum of the obligations of each participating manufacturer.

e. Every plan shall include:

(1) Methods that will be used to collect the covered electronic devices including proposed collection services;

(2) The processes and methods that will be used to recycle recovered covered electronic devices including a description of the recycling processes that will be used, including the name and location of all authorized recyclers to be directly utilized by the plan;

(3) The processes and methods that will be used to recycle recovered covered electronic devices which originated from transactions between business concerns;

(4) The methods that will be used to provide convenient collection of covered electronic devices, especially used televisions, for residents in densely populated areas of the State;

(5) Means that will be utilized to publicize the collection services, including specification of a website or toll-free telephone number that provides information about the manufacturer's program in sufficient detail to allow consumers to learn how to return their covered electronic devices for recycling; and

(6) The intention of the registrant to fulfill its obligation through operation of its own plan, either individually, by contract with for-profit or not-for-profit entities, a group plan administrator, or local government units, or with other manufacturers.

The department shall hold confidential any information obtained pursuant to this subsection when shown by a manufacturer that the information, if made public, would divulge competitive business information, methods or processes entitled to protection as trade secrets of the manufacturer.

Recovered covered electronic devices shall not be sent to prisons for recycling either directly or through intermediaries and nothing in this section shall be construed to allow for the recycling of covered electronic devices by prisoners. Any person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense shall be disqualified from engaging in the manual or mechanical separation of covered electronic devices to recover components and commodities contained therein for the purpose of re-use or recycling.

By January 1, 2011, each manufacturer or group of manufacturers required to submit a plan, pursuant to subsection a. of this section, shall commence its covered electronic device recycling program to implement and finance the collection, transportation, and recycling of covered electronic devices. The covered electronic device recycling program shall accept all types and all brands of used covered electronic devices, including orphan devices.

f. Each manufacturer's plan or plan jointly submitted by a group of manufacturers through a group plan administrator shall be reviewed to determine its compliance with subsection e. of this section and approved by the department. The department may reject the plan, in whole or in part, and may impose additional requirements as a condition of approval.

g. If a manufacturer fails to comply with all the conditions and terms of an approved plan, the manufacturer shall be prohibited from selling or offering for sale in this State a covered electronic device.

h. Manufacturers that collect, transport, and recycle covered electronic devices in excess of their obligation may sell credits to another registrant or apply that excess to the following year's recycling obligation; provided that no more than 25 percent of a manufacturer's obligation for any program year may be met with credits generated in a prior program year. No manufacturer or group of manufacturers, as the case may be, may cease implementing its plan required pursuant to subsection e. of this section and approved by the department, during any program year by using credits.

i. (Deleted by amendment, P.L.2008, c.130)

j. (Deleted by amendment, P.L.2008, c.130)

k. Nothing in P.L.2007, c.347 (C.13:1E-99.94 et seq.) is intended to exempt any person from liability the person would otherwise have under applicable law.

l. (Deleted by amendment, P.L.2016, c.87)

m. The department may allow a group plan administrator to fulfill a manufacturer's responsibilities on its behalf under this section, including registration, payment of registration fees, and submission of plans. If a group plan administrator collects, transports, and recycles covered electronic devices in excess of the total combined market share in weight obligation for the manufacturers under contract with that group plan administrator, the group plan administrator may sell credits, or apply credits to the following year's obligation, as provided in subsection h. of this section. The provisions of this subsection shall not relieve any manufacturer of its obligations under P.L.2007, c.347 (C.13:1E-99.94 et seq.). If a group plan administrator fails to fulfill a manufacturer's responsibilities on its behalf, the department may take enforcement action against the manufacturer.

n. A registered manufacturer shall inform the department, in writing, as soon as it becomes aware that it will cease selling covered electronic devices in the State.

5. Section 12 of P.L.2007, c.347 (C.13:1E-99.105) is amended to read as follows:

C.13:1E-99.105 Determination of market share; annual report.

12. a. (1) The department shall determine the market share for each program year for each manufacturer based upon publicly available data.

(2) The department shall determine the estimated market share in weight obligation for each program year for each manufacturer for whom a market share is determined pursuant to paragraph (1) of this subsection by multiplying the market share for each such manufacturer by the total weight in pounds of covered electronic devices, including orphan devices, collected from consumers the previous program year and considering the amount expected to be collected in the next program year to be determined by the department based upon actual collection amounts of covered electronic devices in the preceding program year.

(3) The department shall provide each manufacturer for whom a market share is determined pursuant to paragraph (1) of this subsection with its market share and an estimate of its market share in weight by February 15 annually for the next program year. A manufacturer shall be responsible for its market share in weight for the program year. The department may adjust each manufacturer's market share in weight obligation based upon the total weight in pounds actually collected in any program year and each manufacturer shall be responsible for its proportionate share so that the manufacturer's obligation shall be its market share in weight based upon the actual weight of covered electronic devices collected in the prior program year.

b. (Deleted by amendment, P.L.2008, c.130)

c. (1) The department shall ensure that sufficient numbers and locations of electronics collection opportunities are available in each county throughout the State and in such a manner as to be convenient, to the maximum extent practicable and feasible, to all consumers in the county as determined by the department.

(2) The department shall ensure that collection sites do not place unreasonable limits on the number of covered electronic devices permitted for drop-off by consumers.

d. (1) Beginning on January 1, 2011, the department shall maintain a list of registrants and the brands reported in each manufacturer's registration, and post the list on the department's Internet website that is updated at least once a month.

(2) The department shall organize and coordinate public education and outreach.

e. (Deleted by amendment, P.L.2016, c.87)

f. The department shall prepare an annual report, which shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

The annual report shall include the following:

- (1) The total weight of covered electronic devices collected in the State the previous calendar year;
- (2) A complete listing of all collection sites for covered electronic devices operating in the State in the prior calendar year, the parties that operated them, and the amount of material by weight collected at each site; and
- (3) A complete listing of all authorized recyclers recycling covered electronic devices and the amount of material by weight recycled annually.
 - g. (Deleted by amendment, P.L.2012, c.79).
 - h. (Deleted by amendment, P.L.2016, c.87)

C.13:1E-99.105a Standard program for collection, transportation, recycling of covered electronic devices from consumers.

6. a. The department may establish a Statewide standard program for the collection, transportation, and recycling of covered electronic devices from consumers. The department may enter into contracts for the services required for the proper collection, transportation, and recycling of covered electronic devices. At a minimum, the Statewide standard program shall:

- (1) designate collection locations throughout the State such that at least 90 percent of consumers are located within no more than 15 miles of a collection location;
- (2) provide that all designated collection locations accept all covered electronic devices free of charge; and
- (3) require that all designated collection locations, transporters, and authorized recyclers comply with State standards for the management of Class D universal waste as provided in N.J.A.C.7:26A-7.1 et seq. or any subsequently adopted standards for the management of covered electronic devices.

b. A manufacturer may meet its market share in weight obligation by participating in the Statewide standard program established pursuant to this section.

c. A manufacturer that participates in the Statewide standard program pursuant to this section shall pay a per pound rate established by the department for the collection, transportation, recycling, public education, and administrative costs of the program based upon the manufacturer's market share in weight obligation. In the first year of operation of the Statewide standard program, the department may bill each participating manufacturer by January 30, and each manufacturer participating in the program shall pay 25 percent of their market share in weight obligation based upon the per pound rate established. Subsequently, the department may bill each

participating manufacturer on a quarterly basis at the end of each quarter of operation of the program, based upon the costs incurred during that quarter.

d. The department, or the administrator for the Statewide standard program designated by the department, shall reimburse a local government unit that collects or transports covered electronic devices and that is not otherwise identified as a collection location in the Statewide standard program, at the per pound rate established by the program for those services, for the costs incurred in the collection and transportation of covered electronic devices to a collection location designated under the Statewide standard program under the following conditions:

(1) the local government unit stores and transports the covered electronic devices in a manner consistent with State standard program requirements; and

(2) the local government unit complies with recordkeeping and invoicing requirements established by the department.

7. Section 17 of P.L.2007, c.347 (C.13:1E-99.110) is amended to read as follows:

C.13:1E-99.110 Enforcement; violations, penalties.

17. a. (Deleted by amendment, P.L.2012, c.79)

b. (Deleted by amendment, P.L.2012, c.79)

c. (Deleted by amendment, P.L.2012, c.79)

d. The "Electronic Waste Management Act," P.L.2007, c.347 (C.13:1E-99.94 et seq.), and any rule or regulation adopted pursuant thereto, shall be enforced by the department and may be enforced by every certified local health agency, as the case may be. Whenever the commissioner finds that a person has violated any provision of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted pursuant thereto, the commissioner may:

(1) issue an order, in accordance with subsection e. of this section, requiring the person found to be in violation to comply;

(2) bring a civil action in accordance with subsection f. of this section;

(3) levy a civil administrative penalty in accordance with subsection g. of this section; or

(4) bring an action for a civil penalty in accordance with subsection h. of this section.

e. Whenever, on the basis of available information, the commissioner finds that a person has violated any provision of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted thereto, the commissioner

may issue an administrative enforcement order: (1) specifying the provision or provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or the rule or regulation, of which the person is in violation; (2) citing the action which constituted the violation; (3) requiring compliance with the provision or provisions violated; and (4) providing notice to the person of the right to a hearing on the matters contained in the administrative enforcement order. The ordered party shall have 35 days from receipt of the order within which to deliver to the commissioner a written request for a hearing. An order shall be effective upon receipt and any person to whom such order is directed shall comply with the order immediately. A request for hearing shall not automatically stay the effect of the order.

f. The commissioner is authorized to, and a certified local health agency may, institute a civil action in Superior Court for appropriate relief from any violation of the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted thereof. Such relief may include, singly or in combination:

- (1) a temporary or permanent injunction;
- (2) recovery of reasonable costs of any investigation or inspection which led to the discovery of the violation, and for the reasonable costs of preparing and bringing a civil action commenced under this subsection;
- (3) recovery of reasonable costs incurred by the State in removing, correcting, or terminating the adverse effects resulting from any violation of the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted pursuant thereto, for which a civil action has been commenced and brought under this subsection;
- (4) recovery of compensatory damages caused by a violation of the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or any rule or regulation adopted, for which a civil action has been commenced and brought under this subsection. Assessments under this subsection shall be paid to the State Treasurer, or to the certified local health agency, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation. If a proceeding is instituted by a certified local health agency, notice thereof shall be served upon the commissioner in the same manner as if the commissioner were a named party to the action or proceeding. The department may intervene as a matter of right in any proceeding brought by a certified local health agency.

g. (1) Except as authorized otherwise in paragraph (2) of this subsection, the commissioner is authorized to assess a civil administrative penalty of not less than \$500 nor more than \$1,000 for each violation, provided that

each day during which the violation continues shall constitute an additional, separate and distinct offense.

(2) For any violation of section 7, 8, 10 or 11 of P.L.2007, c.347 (C.13:1E-99.100, C.13:1E-99.101, C.13:1E-99.103, or C.13:1E-99.104) or subsection a. or b. of section 6, subsection b. of section 9, or subsection a. of section 15 of P.L.2007, c.347 (C.13:1E-99.99, C.13:1E-99.102, C.13:1E-99.108), the commissioner is authorized to assess a civil administrative penalty not to exceed \$25,000 for each day during which a violation continues. In assessing a civil administrative penalty, the commissioner shall consider the severity of the violation, the measures taken to prevent further violations, and whether the penalty will maintain an appropriate deterrent.

Prior to assessment of a civil administrative penalty, the person committing the violation shall be notified by certified mail or personal service that the penalty is being assessed. The notice shall identify the section of the statute, rule, regulation, or order violated; recite the facts alleged to constitute a violation; state the basis for the amount of the civil administrative penalties to be assessed; and affirm the rights of the alleged violator to a hearing. The ordered party shall have 35 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 35-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy an administrative order is in addition to all other enforcement provisions in P.L.2007, c.347 (C.13:1E-99.94 et seq.), and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. The department may compromise any civil administrative penalty assessed under this section in an amount and with conditions the department determines appropriate.

h. A person who violates any provision of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted pursuant thereto, or an administrative order issued pursuant to subsection e. of this section, or a court order issued pursuant to subsection f. of this section, or who fails to pay a civil administrative penalty in full pursuant to subsection g. of this section, or who knowingly makes any false or misleading statement on any application, record, report, or other document required to be submitted to the department, shall be subject, upon order of a court, to a civil penalty not to exceed \$25,000 per day of the violation, and each day during which the

violation continues shall constitute an additional, separate, and distinct offense. Any civil penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), or may be collected in a civil action commenced by a certified local health agency, or the commissioner, as the case may be. In addition to any penalties, costs or interest charges, the Superior Court, or the municipal court as the case may be, may assess against the violator the amount of economic benefit accruing to the violator from the violation.

i. As used in this section, "certified local health agency" shall have the same meaning as set forth in section 3 of P.L.1977, c.443 (C.26:3A2-23).

j. Violations of P.L.2007, c.347 (C.13:1E-99.94 et seq.) include, but are not limited to:

(1) the sale of a new covered electronic device by any person that is not in full compliance with the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.);

(2) the use of a qualified collection program to recycle covered electronic devices not discarded within the State, or region as provided in section 19 of P.L.2007, c.347 (C.13:1E-99.112);

(3) the knowing failure to report or accurately report any data required to be reported to the department pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.);

(4) the non-payment of any fee required pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.);

(5) failure to register pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-99.102);

(6) failure to submit or implement a plan pursuant to section 10 of P.L.2007, c.347 (C.13:1E-99.103); and

(7) failure to comply with any provision of section 16 of P.L.2007, c.347 (C.13:1E-99.109).

k. All penalties collected by the department pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall be appropriated and allocated annually to the "Electronic Waste Management Fund" established pursuant to section 11 of P.L.2016, c.87 (C.13:1E-99.105e) for administration and enforcement of the "Electronic Waste Management Act."

C.13:1E-99.105b Registration of authorized recycler; fee.

8. a. Except as provided in subsection d. of this section, by January 1, 2016 and each January 1 thereafter, each authorized recycler that accepts

covered electronic devices from a consumer shall register with the department and pay a registration fee of \$15,000.

b. The department shall use the fee to cover the costs of the development, implementation, and review of recordkeeping and data systems required of authorized recyclers, technical advice provided by the department to authorized recyclers, the review and analysis of reports required to be submitted by authorized recyclers, monitoring the disposition of recyclable materials recovered during the recycling of covered electronic devices, and any other technical analysis performed by the department pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.).

c. Any authorized recycler that fails to register and pay the fee required pursuant to this section, or otherwise comply with the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), may not participate in the Statewide standard program established pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a), or any manufacturer's plan for the collection, transportation, and recycling of covered electronic devices approved by the department pursuant to section 10 of P.L.2007, c.347 (C.13:1E-99.103).

d. An authorized recycler that has been granted a general approval as a Class D recycling center by the department pursuant to the provisions of N.J.A.C.7:26A-3.1 et seq. and is in compliance with that approval, including the payment of the required fees, shall not be required to register and pay the fee imposed pursuant to subsection a. of this section.

C.13:1E-99.105c Information required from operator of collection location.

9. a. By February 1, 2016, and semiannually thereafter, the operator of every collection location identified in each manufacturer's plan submitted pursuant to section 10 of P.L.2007, c.347 (C.13:1E-99.103), any local government unit that collects covered electronic devices, and any collection location that collects covered electronic devices as a part of the Statewide standard program established pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a), shall identify:

(1) the total weight or volume of covered electronic devices collected in the prior six-month period at each collection location; and

(2) the date, time, and volume of covered electronic devices transported from the collection location, and the name and identifying information of the authorized recycler transporting the covered electronic devices.

On February 1 and August 1 of each year for the period ending on January 1 and July 1, as appropriate, the information shall be submitted to the department on forms and in a manner prescribed by the department.

b. By February 1, 2016, and semiannually thereafter, every authorized recycler identified in each manufacturer's plan submitted pursuant to section 10 of P.L.2007, c.347 (C.13:1E-99.103), and any authorized recycler that operates as a part of the Statewide standard program established pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a), shall identify:

(1) the address of each collection location that provides covered electronic devices to the authorized recycler and the total weight of covered electronic devices delivered or collected from each collection location;

(2) the weight of each type of covered electronic device delivered or collected from each collection location;

(3) the address of any facility where covered electronic devices are handled; and

(4) the disposition of the covered electronic devices or their components, including the market for all materials recycled or recovered from covered electronic devices, and the weight and disposition of all materials that are not recycled and are disposed of as residue from all covered electronic devices.

On February 1 and August 1 of each year for the period ending on January 1 and July 1, as appropriate, the information shall be submitted to the department on forms and in a manner prescribed by the department.

c. By February 1, 2016, and semiannually thereafter, each manufacturer or group plan administrator on behalf of a manufacturer, shall report to the department its progress towards achieving the manufacturer's market share in weight obligation on forms and in a manner prescribed by the department.

C.13:1E-99.105d Noncompliance; fee.

10. A manufacturer that fails to collect, transport, or recycle its required market share in weight obligation shall be assessed a fee equivalent to \$0.50 per pound times its market share in weight obligation. A fee assessed pursuant to this section shall be appropriated and allocated annually to the "Electronic Waste Management Fund" established pursuant to section 11 of P.L.2016, c.87 (C.13:1E-99.105e). The assessment of the fee pursuant to this section shall be in addition to any other enforcement action that may be taken by the department for a violation of P.L.2007, c.347 (C.13:1E-99.94 et seq.).

C.13:1E-99.105e "Electronic Waste Management Fund."

11. a. There is created in the Department of Environmental Protection, a special non-lapsing fund to be known as the "Electronic Waste Management Fund." The monies in the fund are dedicated and shall be used only to carry out the purposes enumerated in subsection b. of this section. The

fund shall be credited with all revenues collected and deposited in the fund pursuant to section 17 of P.L.2007, c.347 (C.13:1E-99.110), and sections 6, 8, and 10 of P.L.2016, c.87 (C.13:1E-99.105a, C.13:1E-99.105b, and C.13:1E-99.105d), all interest and other income received from the investment of monies in the fund, and any monies which, from time to time, may otherwise become available for the purposes of the fund. Pending the use thereof pursuant to the provisions of subsection b. of this section, the monies deposited in the fund shall be held in interest-bearing accounts in public depositories, as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited into the fund shall be credited to the fund for use as set forth in subsection b. of this section for other monies in the fund.

b. Monies deposited in the "Electronic Waste Management Fund" shall be used only for:

(1) the administration and enforcement of P.L.2007, c.347 (C.13:1E-99.94 et seq.); and

(2) any costs associated with the collection, transportation, and recycling of covered electronic devices pursuant to section 6 of P.L.2016, c.87 (C.13:1E-99.105a); and

(3) the proper removal and disposition of covered electronic devices that have been improperly abandoned, discarded, or otherwise disposed of on the lands or waters of the State.

12. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended to read as follows:

C.13:1E-99.111 Rules, regulations; use of fees.

18. a. (1) The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as are necessary to effectuate the purposes of P.L.2007, c.347 (C.13:1E-99.94 et seq.).

(2) The department shall adopt rules and regulations, in accordance with the provisions of section 8 of P.L.2007, c.347 (C.13:1E-99.101), that prohibit a new covered electronic device from being sold or offered for sale in this State if the covered electronic device is prohibited from being sold or offered for sale in the European Union on and after its date of manufacture, to the extent that Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003, and as

amended thereafter by the Commission of European Communities, prohibits that sale due to the presence of certain heavy metals.

(a) The department shall exclude from the rules and regulations the sale of a new covered electronic device that contains a substance that is used to comply with the consumer, health, or safety requirements that are required by the Underwriters Laboratories or federal or State law.

(b) In adopting rules and regulations pursuant to this subsection, the department may not require the manufacture or sale of a new covered electronic device that is different than, or otherwise not prohibited by, the European Union under Directive 2002/95/EC, adopted by the European Parliament and the Council of the European Union on January 27, 2003. The department shall use, in addition to any other information deemed relevant by the department, the published decisions of the Technical Adaptation Committee and European Union member states that interpret the requirements of Directive 2002/95/EC.

b. The department may, in accordance with a fee schedule adopted as a rule or regulation pursuant to the provisions of the "Administrative Procedure Act," establish and charge reasonable fees for any of the services to be performed in connection with P.L.2007, c.347 (C.13:1E-99.94 et seq.), which shall cover the full costs incurred by the department for the review of plans and for other costs incurred by the department for implementation of P.L.2007, c.347 (C.13:1E-99.94 et seq.).

13. Section 19 of P.L.2007, c.347 (C.13:1E-99.112) is amended to read as follows:

C.13:1E-99.112 Establishment of organizations, compacts.

19. The department is authorized to participate in the establishment and implementation of a regional, multi-state organization or compact that is consistent with the requirements of P.L.2007, c.347 (C.13:1E-99.94 et seq.).

14. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended to read as follows:

C.13:1E-99.113 Intent of act; implementation of national program.

20. The provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.) are intended to govern all aspects of the collection and recycling of covered electronic devices as those terms are defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95). Upon a determination by the Department of Environmental Protection of an equivalent national program to collect or recycle covered electronic devices, the Commissioner of Environmental Protection

shall notify, in writing, the Governor, the President of the Senate and the Speaker of the General Assembly, and the members of the Senate Environment Committee and the Assembly Environment and Solid Waste Committee, or their successors, of this determination.

The provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall expire 60 days after the date of the notification required pursuant to this section or within the timeframe provided by federal law, as appropriate.

The department shall provide notice in the New Jersey Register of any determination made pursuant to this section, and shall take any administrative action necessary in order to implement the national program.

15. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended to read as follows:

C.13:1E-99.114 Report posted on website, submitted to Legislature.

21. By January 1, 2014, the department shall prepare a report, which shall be posted on the department's Internet website and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, assessing the success or failure of the electronic waste management system implemented pursuant to the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.) relative to the statutory management of covered electronic devices in other states, including jurisdictions that have adopted a producer responsibility model versus those that have adopted an advance recovery fee approach, or both, with respect to the recycling of used televisions and other covered electronic devices.

Repealer.

16. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) and section 3 of P.L.2008, c.130 (C.13:1E-99.96a) are repealed.

17. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 88

AN ACT concerning pregnancy discrimination in higher education and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

C.18A:3B-74 Institution of higher education prohibited from pregnancy discrimination; written policy.

1. a. An institution of higher education offering associate, baccalaureate, or graduate degree programs shall be prohibited from requiring a student to take a leave of absence, withdraw from an associate, baccalaureate, or graduate program, or limit the student's studies solely due to pregnancy or pregnancy-related issues.

b. An institution of higher education offering associate, baccalaureate, or graduate degree programs shall provide reasonable accommodations to a pregnant student to enable the student to complete coursework and research. Reasonable accommodations to a pregnant student shall include, but need not be limited to, allowances for the student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, allowing a student to take a leave of absence, and excusing medically-necessary absences.

c. An institution of higher education offering associate, baccalaureate, or graduate degree programs shall develop and adopt a written policy for students on pregnancy discrimination and procedures for addressing pregnancy discrimination complaints under Title IX of the Education Amendments of 1972, 20 U.S.C. s.1681 et seq. or under P.L.2016, c.88 (C.18A:3B-74 et seq.). A copy of the policy shall annually be made available to all faculty, staff, and employees. The policy shall be distributed to all students attending orientation sessions at the institution.

C.18A:3B-75 Leave of absence for graduate student.

2. a. A graduate student who chooses to take a leave of absence because she is pregnant or has recently given birth shall be allowed a period consistent with the policies of the institution of higher education in which she is enrolled, or a period of 12 months, whichever period is longer, to prepare for and take preliminary and qualifying examinations. The normative time to degree while in candidacy for a graduate degree for a pregnant graduate student shall be increased in an amount equal to the length of the leave of absence, unless a longer extension is medically necessary.

b. A graduate student who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child shall be allowed a period consistent with the policies of the institution of higher edu-

cation at which the student is enrolled, or a period of one month, whichever period is longer, to prepare for and take preliminary and qualifying examinations, and an extension of at least one month toward normative time to degree while in candidacy for a graduate degree, unless a longer period or extension is medically necessary to care for the student's partner or their child.

C.18A:3B-76 Return to program in good academic standing.

3. a. An enrolled student in good academic standing who chooses to take a leave of absence because she is pregnant or has recently given birth shall return to the associate, baccalaureate, or graduate program in good academic standing following a leave period consistent with the policies of the institution of higher education at which the student is enrolled or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for a longer absence, in which case her standing in the associate, baccalaureate, or graduate program shall be maintained during that period of absence.

b. An enrolled student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child shall return to the associate, baccalaureate, or graduate program in good academic standing following a leave period consistent with the policies of the institution of higher education at which the student is enrolled, or of up to one month, whichever period is longer, subject to the reasonable administrative requirements of the institution.

4. This act shall take effect immediately and shall first apply to the 2016-2017 academic year.

Approved January 9, 2017.

CHAPTER 89

AN ACT concerning fuel cell vehicles and amending P.L.1984, c.55.

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

1. Section 1 of P.L.1984, c.55 (C.39:3-79.4) is amended to read as follows:

C.39:3-79.4 Identification of fuel cell vehicles.

1. a. No person shall drive upon a public highway, road or street a motor vehicle registered or principally garaged in this State and powered primarily or secondarily by a compressed or liquified gaseous fuel unless the vehicle is identified with a weather resistant diamond shaped label which may be obtained from the New Jersey Motor Vehicle Commission or from a gas industry source.

b. A fee may be charged for the label. The amount of the fee shall be established by rule and regulation of the Chief Administrator of the New Jersey Motor Vehicle Commission and shall not exceed the reasonable cost of preparation and distribution.

c. As used in P.L.1984, c.55 (C.39:3-79.4 et seq.), “compressed or liquified gaseous fuel” shall not include a hydrogen fuel cell system used to power a motor vehicle, provided that the fuel cell system is installed by the vehicle manufacturer and the exterior of the vehicle includes a manufacturer-installed badge identifying it as being a fuel cell-powered vehicle.

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 90

AN ACT concerning child placement review boards and amending P.L.1977, c.424.

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

1. Section 9 of P.L.1977, c.424 (C.30:4C-58) is amended to read as follows:

C.30:4C-58 Review of placements.

9. Each board shall act on behalf of the Family Part of the Chancery Division of the Superior Court in reviewing the case of every child placed outside the child’s home pursuant to a voluntary agreement, to determine whether the best interests and safety of the child are being served by such placement.

Each board shall also act on behalf of the Family Part of the Chancery Division of the Superior Court in reviewing the case of each child placed out-

side the child's home by the division in accordance with a court order pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), section 12 of P.L.1951, c.138 (C.30:4C-12), section 24 of P.L.1982, c.77 (C.2A:4A-43) or section 25 of P.L.1982, c.77 (C.2A:4A-44). The division or designated agency shall submit to the board within 30 days of a child's placement, a placement plan prepared in accordance with the provisions of P.L.1977, c.424 (C.30:4C-50 et seq.).

A board shall initiate a review of a placement pursuant to a voluntary agreement or in accordance with a court order within 60 days following the initial or repeated placement and shall complete the review within 15 days thereafter. A periodic review shall take place at least every 12 months thereafter.

The board may schedule additional reviews on its own motion, upon the request of any person listed in section 5 of P.L.1977, c.424 (C.30:4C-54) or upon an order of the court.

Notwithstanding the provisions of section 3 of P.L.1977, c.424 (C.30:4C-52) to the contrary, if a child placed outside the child's home attains 18 years of age or older and the child's out of home placement costs are being paid by the division, the board shall continue to conduct periodic reviews until the division terminates supervision.

All such reviews shall include, but not necessarily be limited to, the consideration and evaluation of such matters as:

- a. The appropriateness of the goal and objectives of the placement plan and anticipated date that the goal will be achieved;
- b. The appropriateness of the services provided to the child and to the temporary caretaker;
- c. Whether the child has siblings who are also placed outside of their home;
- d. Whether the wishes of the child were considered regarding placement and development of the placement plan, when appropriate;
- e. Whether the division, the parents or legal guardian and the temporary caretaker are fulfilling their respective responsibilities in accordance with the placement plan;
- f. Whether the parents or legal guardian have been afforded the opportunity and been encouraged to participate in a program of regular visitation with the child;
- g. Whether there are obstacles which hinder or prevent the attainment of the placement plan objectives and goal;
- h. The circumstances surrounding the placement;
- i. The appropriateness of the services provided to the parent or legal guardian or the circumstances which do not require the division to make

reasonable efforts toward family reunification in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3); and

j. The appropriateness of the division's permanency plan and the division's reasonable efforts to achieve that plan, if an exception to the requirement to provide reasonable efforts toward family reunification has been established in accordance with section 25 of P.L.1999, c.53 (C.30:4C-11.3) or the child has been in placement for 12 months.

In the case of a child in placement outside of the child's home on the effective date of this act, the first review shall be completed as soon as possible, but not later than 12 months following such effective date.

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 91

AN ACT concerning domestic violence and firearms, amending P.L.1991, c.261, and supplementing Title 2C of the New Jersey Statutes.

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

1. Section 11 of P.L.1991, c.261 (C.2C:25-27) is amended to read as follows:

C.2C:25-27 Conditions of sentencing of defendant found guilty of domestic violence.

11. a. When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, that condition shall be recorded in an order of the court and a written copy of that order shall be provided to the victim by the clerk of the court or other person designated by the court. In addition to restricting a defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, the court may require the defendant to receive professional counseling from either a private source or a source appointed by the court,

and if the court so orders, the court shall require the defendant to provide documentation of attendance at the professional counseling. In any case where the court order contains a requirement that the defendant receive professional counseling, no application by the defendant to dissolve the restraining order shall be granted unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.

b. In addition the court may enter an order directing the possession of an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.

c. (1) When a defendant is found guilty of a crime or offense involving domestic violence, the court shall inform the defendant that the defendant is prohibited from purchasing, owning, possessing, or controlling a firearm pursuant to section 6 of P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3. The court shall order the defendant to arrange for the immediate surrender to a law enforcement officer of any firearm that has not already been seized or surrendered and any firearms purchaser identification card or permit to purchase a handgun possessed by the defendant. No later than five business days after the order is entered, however, the defendant may arrange to sell any surrendered firearm to a licensed retail dealer of firearms who shall be authorized to take possession of that purchased firearm from the law enforcement agency to which it was surrendered no later than 10 business days after the order is entered. Any card or permit issued to the defendant shall be deemed immediately revoked. The court shall establish a process for notifying the appropriate authorities of the conviction requiring the revocation of the card or permit. A law enforcement officer accepting a surrendered firearm shall provide the defendant with a receipt listing the date of surrender, the name of the defendant, and any item that has been surrendered, including the serial number, manufacturer, and model of the surrendered firearm. The defendant shall provide a copy of this receipt to the prosecutor within 48 hours of service of the order, and shall attest under penalty that any firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the defendant currently does not possess any firearms. The defendant alternatively may attest under penalty that he did not own or possess a firearm at the time of the order and currently does not possess a firearm. If the court, upon motion of the prosecutor, finds probable cause

that the defendant has failed to surrender any firearm, card, or permit, the court may order a search for and removal of these items at any location where the judge has reasonable cause to believe these items are located. The judge shall state with specificity the reasons for and the scope of the search and seizure authorized by the order.

(2) A law enforcement officer who receives a firearm that is surrendered, but not purchased and taken possession of by a licensed retail dealer of firearms within 10 business days of when the order is entered pursuant to paragraph (1) of this subsection, may dispose of the surrendered firearm in accordance with the provisions of N.J.S.2C:64-6. A firearm purchased by a licensed retail dealer from a defendant shall become part of the inventory of the dealer.

2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to read as follows:

C.2C:25-28 Filing complaint alleging domestic violence in Family Part; proceeding.

12. a. A victim may file a complaint alleging the commission of an act of domestic violence with the Family Part of the Chancery Division of the Superior Court in conformity with the Rules of Court. The court shall not dismiss any complaint or delay disposition of a case because the victim has left the residence to avoid further incidents of domestic violence. Filing a complaint pursuant to this section shall not prevent the filing of a criminal complaint for the same act.

On weekends, holidays and other times when the court is closed, a victim may file a complaint before a judge of the Family Part of the Chancery Division of the Superior Court or a municipal court judge who shall be assigned to accept complaints and issue emergency, ex parte relief in the form of temporary restraining orders pursuant to this act.

A plaintiff may apply for relief under this section in a court having jurisdiction over the place where the alleged act of domestic violence occurred, where the defendant resides, or where the plaintiff resides or is sheltered, and the court shall follow the same procedures applicable to other emergency applications. Criminal complaints filed pursuant to this act shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county where the contempt is alleged to have been committed and a copy of the contempt complaint shall be forwarded to the court that issued the order alleged to have been violated.

b. The court shall waive any requirement that the petitioner's place of residence appear on the complaint.

c. (1) The clerk of the court, or other person designated by the court, shall assist the parties in completing any forms necessary for the filing of a summons, complaint, answer or other pleading.

(2) The plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts.

(3) Information provided by the plaintiff concerning firearms to which the defendant has access shall be kept confidential and shall not be disseminated or disclosed, provided that nothing in this subsection shall prohibit dissemination or disclosure of this information in a manner consistent with and in furtherance of the purpose for which the information was provided.

d. Summons and complaint forms shall be readily available at the clerk's office, at the municipal courts and at municipal and State police stations.

e. As soon as the domestic violence complaint is filed, both the victim and the abuser shall be advised of any programs or services available for advice and counseling.

f. A plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order. A municipal court judge or a judge of the Family Part of the Chancery Division of the Superior Court may enter an ex parte order when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought.

g. If it appears that the plaintiff is in danger of domestic violence, the judge shall, upon consideration of the plaintiff's domestic violence complaint, order emergency ex parte relief, in the nature of a temporary restraining order. A decision shall be made by the judge regarding the emergency relief forthwith.

h. A judge may issue a temporary restraining order upon sworn testimony or complaint of an applicant who is not physically present, pursuant to court rules, or by a person who represents a person who is physically or mentally incapable of filing personally. A temporary restraining order may be issued if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown.

i. An order for emergency, ex parte relief shall be granted upon good cause shown and shall remain in effect until a judge of the Family Part issues a further order. Any temporary order hereunder is immediately appealable for a plenary hearing de novo not on the record before any judge of the Family Part of the county in which the plaintiff resides or is sheltered if that judge issued the temporary order or has access to the reasons for the issuance of the temporary order and sets forth in the record the reasons for

the modification or dissolution. The denial of a temporary restraining order by a municipal court judge and subsequent administrative dismissal of the complaint shall not bar the victim from refiling a complaint in the Family Part based on the same incident and receiving an emergency, ex parte hearing de novo not on the record before a Family Part judge, and every denial of relief by a municipal court judge shall so state.

j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.

If the order requires the surrender of any firearm or other weapon, a law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to the scene of the domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, to ensure that the defendant does not gain access to any firearm or other weapon, and that the firearm or other weapon is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to the scene of domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, any firearm or other weapon located there shall be seized by a law enforcement officer. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5. Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household and providing that the animal shall not be disposed of prior to entry of a final order pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29).

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

k. The judge may permit the defendant to return to the scene of the domestic violence to pick up personal belongings and effects but shall, in the order granting relief, restrict the time and duration of such permission and provide for police supervision of such visit.

l. An order granting emergency relief, together with the complaint or complaints, shall immediately be forwarded to the appropriate law enforcement agency for service on the defendant, and to the police of the municipality in which the plaintiff resides or is sheltered, and shall immediately be served upon the defendant by the police, except that an order issued during regular court hours may be forwarded to the sheriff for immediate service upon the defendant in accordance with the Rules of Court. If personal service cannot be effected upon the defendant, the court may order other appropriate substituted service. At no time shall the plaintiff be asked or required to serve any order on the defendant.

m. (Deleted by amendment, P.L.1994, c.94.)

n. Notice of temporary restraining orders issued pursuant to this section shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency or court.

o. (Deleted by amendment, P.L.1994, c.94.)

p. Any temporary or final restraining order issued pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

q. Prior to the issuance of any temporary or final restraining order issued pursuant to this section, the court shall order that a search be made of the domestic violence central registry with regard to the defendant's record.

3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read as follows:

C.2C:25-29 Hearing procedure; relief.

13. a. A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the complaint shall be served on the defendant in conformity with the Rules of Court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed, testimony given by the plaintiff or de-

fendant in the domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the rules of evidence that govern where a party is unavailable. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and parenting time the protection of the victim's safety; and
- (6) The existence of a verifiable order of protection from another jurisdiction.

An order issued under this act shall only restrain or provide damages payable from a person against whom a complaint has been filed under this act and only after a finding or an admission is made that an act of domestic violence was committed by that person. The issue of whether or not a violation of this act occurred, including an act of contempt under this act, shall not be subject to mediation or negotiation in any form. In addition, where a temporary or final order has been issued pursuant to this act, no party shall be ordered to participate in mediation on the issue of custody or parenting time.

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 during the period in which the restraining order is in effect or two years, whichever is greater. The order shall require the immediate surrender of any firearm or other weapon belonging to the defendant. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5.

A law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to any place where any firearm or other weapon belonging to the defendant is located to ensure that the de-

fendant does not gain access to any firearm or other weapon, and a law enforcement officer shall take custody of any firearm or other weapon belonging to the defendant. If the order prohibits the defendant from returning to the scene of domestic violence or other place where firearms or other weapons belonging to the defendant are located, any firearm or other weapon located there shall be seized by a law enforcement officer. The provisions of this subsection requiring the surrender or removal of a firearm, card, or permit shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

(1) An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act.

(2) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

(3) An order providing for parenting time. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of parenting time. Parenting time arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for parenting time may include a designation of a place of parenting time away from the plaintiff, the participation of a third party, or supervised parenting time.

(a) The court shall consider a request by a custodial parent who has been subjected to domestic violence by a person with parenting time rights to a child in the parent's custody for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a parenting time order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious.

(b) The court shall consider suspension of the parenting time order and hold an emergency hearing upon an application made by the plaintiff certi-

lying under oath that the defendant's access to the child pursuant to the parenting time order has threatened the safety and well-being of the child.

(4) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Victims of Crime Compensation Office for any and all compensation paid by the Victims of Crime Compensation Office directly to or on behalf of the victim, and may require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but not be limited to, loss of earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.

(5) An order requiring the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling. No application by the defendant to dissolve a final order which contains a requirement for attendance at professional counseling pursuant to this paragraph shall be granted by the court unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.

(6) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or of other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members.

(7) An order restraining the defendant from making contact with the plaintiff or others, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the

defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.

(9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.

(10) An order awarding emergency monetary relief, including emergency support for minor children, to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.

(11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.

(12) An order requiring that a law enforcement officer accompany either party to the residence or any shared business premises to supervise the removal of personal belongings in order to ensure the personal safety of the plaintiff when a restraining order has been issued. This order shall be restricted in duration.

(13) (Deleted by amendment, P.L.1995, c.242).

(14) An order granting any other appropriate relief for the plaintiff and dependent children, provided that the plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order.

(15) An order that requires that the defendant report to the intake unit of the Family Part of the Chancery Division of the Superior Court for monitoring of any other provision of the order.

(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

(17) An order prohibiting the defendant from stalking or following, or threatening to harm, to stalk or to follow, the complainant or any other person named in the order in a manner that, taken in the context of past actions of the defendant, would put the complainant in reasonable fear that the defendant would cause the death or injury of the complainant or any other

person. Behavior prohibited under this act includes, but is not limited to, behavior prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).

(18) An order requiring the defendant to undergo a psychiatric evaluation.

(19) An order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.

c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order is the same judge who entered the order, or has available a complete record of the hearing or hearings on which the order was based.

e. Prior to the issuance of any order pursuant to this section, the court shall order that a search be made of the domestic violence central registry.

C.2C:43-6.8 Sentencing for offenses involving domestic violence.

4. a. Notwithstanding the provisions of subsection f. of N.J.S.2C:44-1, a person convicted of any of the following crimes of domestic violence, as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), shall be sentenced in accordance with subsection b. of this section:

- (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- (2) Aggravated assault, pursuant to paragraph (1), (2), (3), (4), (6), (7) or (8) of subsection b. of N.J.S.2C:12-1;
- (3) Assault by auto or vessel, pursuant to subsection c. of N.J.S.2C:12-1;
- (4) Kidnapping, pursuant to N.J.S.2C:13-1;
- (5) Criminal restraint, pursuant to N.J.S.2C:13-2;
- (6) Sexual assault, pursuant to N.J.S.2C:14-2; or
- (7) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

b. (1) Unless the provisions of any other law provide for a higher mandatory minimum term of imprisonment, a person convicted of a crime of domestic violence set forth in subsection a. of this section shall be sentenced to a term of imprisonment as follows: for a second or subsequent crime of the fourth degree set forth in subsection a. of this section, 18 months; for a second or subsequent crime of the third degree set forth in

subsection a. of this section, five years; for a crime of the second degree, 10 years; and for a crime of the first degree, 20 years.

(2) The term of imprisonment imposed pursuant to paragraph (1) of this subsection shall include the imposition of a minimum term. The minimum term shall be fixed at one-half of the sentence imposed by the court or 42 months, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

5. This act shall take effect on the first day of the seventh month next following enactment.

Approved January 9, 2017.

CHAPTER 92

AN ACT designating the portion of Interstate Highway Route 195 in Upper Freehold Township as the “State Trooper Anthony A. Raspa Memorial Highway.”

WHEREAS, State Trooper Anthony A. Raspa was an extraordinary public servant who served the people of New Jersey as a member of the New Jersey State Police; and

WHEREAS, Born in New Brunswick, New Jersey, State Trooper Raspa was a life-long resident of New Jersey who grew up in Highland Park and attended the St. Matthias Roman Catholic Church in Franklin Township; and

WHEREAS, State Trooper Raspa graduated in 2008 from Bishop George Ahr High School in Edison, where he was a peer leader, a member of the football team, and the captain of the wrestling team and was awarded the “Greater Middlesex County Sportsmanship Award”; and

WHEREAS, After graduating from high school, State Trooper Raspa attended the University of Delaware, where he earned his bachelor’s degree early, by completing his degree requirements in three-and-a-half years; and

WHEREAS, At the University of Delaware, State Trooper Raspa displayed leadership skills coupled with the desire to serve others, as evidenced by his trips abroad to developing nations with the “Around the World Study Abroad Program” as well as his membership in the National Leadership Honor Society, Omicron Delta Kappa, and his receipt of the university’s “Leadership Student of Promise Award”; and

WHEREAS, An honorable and courageous man who loved serving others and his State, State Trooper Raspa earned a place in the 152nd class of the New Jersey State Police Academy; and

WHEREAS, Upon graduating from the New Jersey State Police Academy in October 2013, State Trooper Raspa was assigned to Troop "C" in Hamilton Township, where he served for two years; and

WHEREAS, On May 30, 2015, State Trooper Raspa tragically lost his life in a car accident when his police vehicle hit a deer while patrolling Interstate Highway Route 195 in Upper Freehold Township; and

WHEREAS, State Trooper Raspa was a dedicated member of the New Jersey State Police as well as a loving son and brother whose memory will live on in the hearts of his family, friends, and fellow State Troopers; and

WHEREAS, As a true example of leadership and service to the State, it is fitting and proper for the Legislature of the State of New Jersey to honor the memory of State Trooper Anthony A. Raspa by designating the portion of Interstate Highway Route 195 in Upper Freehold Township as the "State Trooper Anthony A. Raspa 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 the portion of Interstate Highway Route 195, extending from milepost 8.33 to milepost 14.15, in Upper Freehold Township as the "State Trooper Anthony A. Raspa Memorial Highway" and erect appropriate signs bearing this designation and dedication.

2. State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 93

AN ACT concerning the scope and enforcement of the “Sexual Assault Survivor Protection Act of 2015,” amending P.L.2015, c.147, and amending N.J.S.2C:29-9.

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

1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to read as follows:

C.2C:14-14 Application for temporary protective order.

2. Application for Temporary Protective Order.

a. (1) Any person alleging to be a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who is not eligible for a restraining order as a “victim of domestic violence” as defined by the provisions of subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), may, except as provided in subsection b. of this section, file an application with the Superior Court pursuant to the Rules of Court alleging the commission of such conduct or attempted conduct and seeking a temporary protective order.

As used in this section and in sections 3, 4, and 8 of P.L.2015, c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

“Sexual contact” means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor.

“Sexual penetration” means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction.

“Lewdness” means the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

“Intimate parts” means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person.

(2) Except as provided in subsection b. of this section, an application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may be filed by the alleged victim's parent or guardian on behalf of the alleged victim in any case in which the alleged victim:

(a) is less than 18 years of age; or

(b) has a developmental disability as defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that renders the alleged victim temporarily or permanently incapable of understanding the nature of the alleged victim's conduct, including, but not limited to, being incapable of providing consent.

b. (1) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, has been committed by an unemancipated minor, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but may seek a protective order and other relief under the New Jersey Code of Juvenile Justice, P.L.1982, c.77 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

(2) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, has been committed against an unemancipated minor by a parent, guardian, or other person having care, custody and control of that child as defined in N.J.S.9:6-2, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to the Division of Child Protection and Permanency in the Department of Children and Families for investigation and possible legal action by the division pursuant to R.S.9:6-1 et seq. or other applicable law, including, when appropriate, petitioning the Superior Court pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.) for a protective order and other relief on behalf of the applicant and the unemancipated minor.

c. (1) An applicant may seek a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an order regardless of whether criminal charges based on the incident were filed and regardless of the disposition of any such charges.

(2) The filing of an application pursuant to this section shall not prevent the filing of a criminal complaint, or the institution or maintenance of a criminal prosecution based on the same act.

d. The court shall waive any requirement that the applicant's or alleged victim's place of residence appear on the application.

e. An applicant may seek a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction over the place where

the alleged conduct or attempted conduct occurred, where the respondent resides, or where the alleged victim resides or is sheltered.

f. No fees or other costs shall be assessed against an applicant for seeking a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.).

2. Section 6 of P.L.2015, c.147 (C.2C:14-18) is amended to read as follows:

C.2C:14-18 Contempt proceedings.

6. a. A respondent's violation of any protective order issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) shall constitute an offense under subsection d. of N.J.S.2C:29-9 and each order shall so state. All contempt proceedings brought pursuant to subsection d. of N.J.S.2C:29-9 shall be subject to any rules or guidelines established by the Supreme Court to promote the prompt disposition of criminal matters.

b. Where a victim alleges that a respondent has committed contempt of a protective order entered pursuant to the provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but a law enforcement officer has found that the facts are insufficient to establish probable cause to arrest the respondent, the law enforcement officer shall advise the victim of the procedure for completing and signing a criminal complaint alleging a violation of subsection d. of N.J.S.2C:29-9 through the municipal court. Nothing in this section shall be construed to prevent the court from granting any other emergency relief it deems necessary.

c. If a respondent is charged with a non-indictable offense pursuant to paragraph (2) of subsection d. of N.J.S.2C:29-9 as a result of a violation of a protective order entered pursuant to P.L.2015, c.147 (C.2C:14-13 et al.), the contempt proceedings for the non-indictable offense shall be heard in the Superior Court.

3. N.J.S.2C:29-9 is amended to read as follows:

Contempt.

2C:29-9. Contempt. a. A person is guilty of a crime of the fourth degree if he purposely or knowingly disobeys a judicial order or protective order, pursuant to section 1 of P.L.1985, c.250 (C.2C:28-5.1), or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative entity.

b. (1) Except as provided in paragraph (2) of this subsection, a person is guilty of a crime of the fourth degree if that person purposely or know-

ingly violates any provision in an order entered under the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.

Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered under the laws of another state or the United States shall be excluded from the provisions of this paragraph.

(2) In all other cases a person is guilty of a disorderly persons offense if that person purposely or knowingly violates an order entered under the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States.

Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered under the laws of another state or the United States shall be excluded from the provisions of this paragraph.

c. A person is guilty of a crime of the third degree if that person purposely or knowingly violates any provision in an order entered under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.

d. (1) Except as provided in paragraph (2) of this subsection, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.

(2) In all other cases a person is guilty of a disorderly persons offense if that person purposely or knowingly violates an order entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States.

As used in this section, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by a federal law or formally acknowledged by a state.

4. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 94

AN ACT authorizing the State Treasurer to sell certain surplus real property and improvements thereon owned by the State in the Township of Millburn in Essex County.

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

1. a. The Department of the Treasury, on behalf of the Department of Education, is authorized to sell and convey all of the State's right, title and interest in and to the land and improvements thereon known as the Millburn Regional Day School, situated on Block 1101, Lot 44 in Millburn Township, Essex County, which has been declared surplus to the needs of the State. The consideration to be paid to the State by the Millburn Township Board of Education or Millburn Township for the sale and conveyance of the property shall be the appraised value of \$3,550,000.

b. The State shall arrange for the sale and conveyance of the property to the Millburn Township Board of Education in accordance with the terms and conditions, and in the furtherance of procedures for the disposition of the property, approved by the State House Commission at its meeting on October 26, 2015. If the Millburn Township Board of Education is not interested in or not able to purchase the property, then the Millburn Township may purchase the property for the appraised value. If neither the Millburn Township Board of Education nor the Millburn Township are interested in or are able to purchase the property, then the Department of the Treasury is authorized to sell the property by means of a public auction, with the minimum bid being the then current, fair market appraised value, under such terms and conditions as may be approved by the State House Commission.

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 95

AN ACT concerning State and federal permits for aquaculture projects, and supplementing P.L.1997, c.236 (C.4:27-1 et seq.).

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

C.4:27-10.1 Joint application process for certain aquaculture projects.

1. The Secretary of Agriculture and the Commissioner of Environmental Protection shall seek to establish with the United States Army Corps of Engineers a joint application process for aquaculture projects that require both State and federal permits, licenses, or approvals to consider requests for approvals for aquaculture projects in the State. Each year for the first three years after the date of enactment of P.L.2016, c.95 (C.4:27-10.1), the Secretary of Agriculture shall prepare and submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature a report on the progress made toward establishing and implementing this cooperative effort.

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 96

AN ACT concerning aquaculture permitting, and supplementing P.L.1997, c.236 (C.4:27-1 et seq.).

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

C.4:27-10.2 Aquaculture permitting review program.

1. a. The Secretary of Agriculture, in consultation with the Commissioner of Environmental Protection, shall develop and implement an aquaculture permitting review program to provide for the coordinated review of any aquaculture project. The permitting review program shall provide for a

coordinated permit application for any permit, approval, or authorization required for an aquaculture project. The permitting review program shall consolidate the review process for the coordinated permit application.

b. The coordinated permit application shall include any permit, approval, or other authorization required for an aquaculture project, including, but not limited to, as applicable, a permit, license, approval, or authorization required pursuant to section 17 of P.L.1997, c.236 (C.4:27-17), R.S.12:3-1 et seq., R.S.12:5-1 et seq., the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.), "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), and any rules or regulations adopted pursuant thereto.

c. Nothing in this act shall authorize any change in environmental or regulatory policy, standards, or requirements of any law subject to the aquaculture permitting review program, nor shall the permitting review program reduce or diminish any opportunities for public review and comment or public hearings currently required by those laws, any rules or regulations adopted pursuant thereto, or any programs established pursuant thereto.

C.4:27-10.3 Rules, regulations.

2. The Department of Agriculture and the Department of Environmental Protection shall adopt, within 180 days after the date of enactment of this act, rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to develop and implement the aquaculture permitting review program in accordance with section 1 of P.L.2016, c.96 (C.4:27-10.2).

3. This act shall take effect 180 days after the date of enactment; provided, however, that the departments shall take such preliminary action after the date of enactment necessary to adopt the rules and regulations required pursuant to section 2 of this act.

Approved January 9, 2017.

CHAPTER 97

AN ACT concerning certain witnesses of crimes and supplementing Title 52 of the Revised Statutes.

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

C.52:4B-12.1 Payment for relocation of certain witnesses of crimes.

1. Notwithstanding the provisions of section 10 of P.L.1971, c.317 (C.52:4B-10) or the provisions of section 12 of P.L.1971, c.317 (C.52:4B-12), the Victims of Crime Compensation Office may, upon application, order the payment of relocation expenses for a witness and the family of the witness.

As used in this section, "witness" means a person who witnessed the commission of any of the offenses listed under section 11 of P.L.1971, c.317 (C.52:4B-11) and who has been threatened as a result.

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 98

AN ACT concerning birth certificates and amending R.S.26:8-63.

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

1. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate; and

e. Furnish without fee upon request a certified copy of a veteran's death certificate to the veteran's legal representative, the executor or administrator of the veteran's estate, or to a family member authorized to obtain a copy of the death certificate pursuant to subsection a. of R.S.26:8-62. No more than one copy of a veteran's death certificate may be provided without fee pursuant to this subsection; all other copies of the death certificate shall be subject to the statutory fee; and

f. Furnish without fee upon request by a homeless person a certified copy of the person's birth certificate, provided that the person submits the request through a social worker or the coordinator of the emergency shelter for the homeless where the person is temporarily residing. The request shall be transmitted on the emergency shelter's letterhead and shall include the shelter's employer identification number and an attestation by the coordinator that the person requesting the certificate is currently homeless and residing at the shelter or the request shall be submitted on the social worker's agency or professional practice letterhead and shall include the agency's or the professional practice's employer identification number and an attestation by the social worker that the person requesting the certificate is currently homeless. A certified copy of a birth certificate furnished pursuant to this subsection shall be transmitted to the social worker or coordinator who transmitted the request. No more than one certified copy of a birth certificate furnished to a homeless person pursuant to this subsection shall be provided without fee; all other copies of the birth certificate shall be subject to the statutory fee.

As used in this section:

"Fee" includes, but is not limited to, any search, certification, processing, authentication, standard shipping, or other fees that would ordinarily be assessed to furnish a certified copy of a certificate or transcript; and

"Homeless person" means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

2. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 99

AN ACT concerning non-driver identification cards and amending P.L.1980, c.47.

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

1. Section 6 of P.L.1980, c.47 (C.39:3-29.7) is amended to read as follows:

C.39:3-29.7 Fees.

6. a. The chief administrator shall charge fees as follows:

Identification Card, Original	\$18
Identification Card, Duplicate	\$5
Identification Card, Renewal	\$18
Digitized picture	\$6, in addition to the fees required above

b. The chief administrator may waive the fees established under subsection a. of this section for a homeless person who submits proof of temporary residence through a social worker or the coordinator of an emergency shelter for the homeless where the person is temporarily residing. For the purposes of this section, "homeless person" means a person without a domicile who is unable to secure permanent and stable housing as determined by a social worker or the coordinator of an emergency shelter for the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et seq.).

2. The Chief Administrator of the Motor Vehicle Commission shall, pursuant to the "Administrative Procedure Act," P.L.1938, c.410 (C.52:14B-1 et seq.), promulgate such rules and regulations as may be necessary to effectuate the provisions of this act.

3. This act shall take effect on the first day of the seventh month next following the date of enactment.

Approved January 9, 2017.

CHAPTER 100

AN ACT concerning the funding of school security improvements, amending P.L.2007, c.62, and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).

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

1. Section 6 of P.L.2007, c.62 (C.18A:7F-41) is amended to read as follows:

C.18A:7F-41 Supplementation of accounts, establishment of reserve accounts by board of education or board of school estimate.

6. Notwithstanding the provisions of any law or regulation to the contrary:

a. A board of education or board of school estimate, as appropriate, may supplement a capital reserve account through a transfer by board resolution at year end of any unanticipated revenue or unexpended line-item appropriation amounts, or both, for withdrawal in subsequent school years.

b. A board of education or board of school estimate, as appropriate, may supplement a maintenance reserve account through a transfer by board resolution at year end of any unanticipated revenue or unexpended line-item appropriation amounts, or both, for withdrawal in subsequent school years.

c. A board of education or a board of school estimate, as appropriate, may through the adoption of a board resolution establish the following reserve accounts:

(1) Current expense emergency reserve account. The funds in the reserve shall be used to finance unanticipated general fund current expense costs required for a thorough and efficient education, or to finance school security improvements, including improvements to school facilities. The account shall not exceed \$250,000 or one percent of the district's general fund budget up to a maximum of \$1,000,000, whichever is greater. A board of education may appropriate funds to establish or supplement the reserve in the district's annual budget or through a transfer by board resolution at year end of any unanticipated revenue and unexpended line-item appropriation amounts. Withdrawals from the reserve may be made at any time and shall require the approval of the commissioner unless the withdrawal is necessary to meet an increase in total health care costs in excess of four percent, or the withdrawal is included in the original budget certified for taxes to finance school security improvements, including improvements to school facilities.

As used in this paragraph, "school security improvements" means school security improvements, including improvements to school facilities, which are limited to safety and security measures involving building monitoring and communication technology designed to address school crime and the safety of students, staff, and visitors to school facilities. School security improvements may include, but need not be limited to: security cameras to monitor the school; an electronic notification system that automatically notifies parents in case of a school-wide emergency; an automatic door locking system for access control; and a badge system for school employees.

(2) Debt service reserve account in the debt service fund for proceeds from the sale of district property. The funds in the reserve shall be used to retire outstanding debt service obligations of the district. The reserve shall be liquidated within the lesser of five years from its inception or the remaining term on the obligations. Any remaining balance shall be used for tax relief.

(3) Federal impact aid reserve account in the case of a school district that receives federal impact aid pursuant to section 8002, 8003, 8007, or 8008 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. s.7702, 7703, 7707, or 7708). A board of education may appropriate federal impact aid funds to establish or supplement the reserve account in the district's annual budget, or through a transfer by a two-thirds affirmative vote of the authorized membership of the board between June 1 and June 30, for withdrawal in any subsequent school year. Any transfer to the reserve account shall not exceed the total amount of federal impact aid received in the fiscal year. The board, at its discretion, may use the funds in the reserve account to finance the district's general fund or to finance school facilities projects, in a manner consistent with federal law. The total amount of funds on deposit in the reserve account shall not be limited.

d. (1) All reserve accounts shall be established and held in accordance with GAAP and shall be subject to annual audit. Any capital gains or interest earned shall become part of the reserve account. A separate bank account is not required, however, a separate identity for each reserve account shall be maintained.

(2) A board of education that establishes a federal impact aid reserve account shall:

(a) report the amount of federal impact aid received, expended, and on deposit in the federal impact aid reserve account in its annual audit pursuant to N.J.S.18A:23-1, and in the budget made available in a "user-friendly" format using plain language pursuant to N.J.S.18A:22-8;

(b) report the amount of federal impact aid received, expended, and on deposit in the federal impact aid reserve account at each board of education

meeting, and shall include the information in the board secretary's monthly report in a format to be determined by the commissioner; and

(c) provide any additional supporting documentation that may be required by the commissioner pursuant to subsection c. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

C.18A:7G-15.2 Use of certain funds to improve school security.

2. Notwithstanding the provisions of subsection a. of section 14 of P.L.2000, c.72 (C.18A:7G-14) to the contrary, the proceeds of bonds authorized to be issued to fund the State share of the costs of SDA district school facilities projects or the State share of the costs of school facilities projects in all other districts, including county vocational school districts, may be used to fund the cost of a school facilities project designed to improve school security.

3. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 101

AN ACT concerning the Interstate Wildlife Violator Compact and supplementing Title 23 of the Revised Statutes.

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

C.23:13-1 Enactment, entry into Interstate Wildlife Violator Compact.

1. The State of New Jersey enacts and enters into the Interstate Wildlife Violator Compact with all other jurisdictions that legally join in the compact in the form substantially as follows:

Article I. Findings and Statement of Purpose.

1. a. The participating states to this compact find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors;

(2) The protection of wildlife resources is materially affected by the degree of compliance with the laws, rules, and regulations relating to the protection and management of such resources;

(3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of those natural resources;

(4) Wildlife resources are valuable without regard to political boundaries, and therefore, every person should be required to comply with the wildlife laws of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife;

(5) The violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property;

(6) The mobility of people who violate wildlife laws necessitates the maintenance of channels of communication among the various states;

(7) In most instances, a person who is cited for a wildlife violation in a state other than the person's home state is:

(a) required to post collateral or a bond to secure appearance for a trial at a later date;

(b) taken into custody until the collateral or bond is posted; or

(c) taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices described in paragraph (7) of this subsection of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on their way after receiving the citation, could return to their home state and disregard their duty under the terms of the citation;

(9) In most instances, a person receiving a wildlife citation in the person's home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on their way after agreeing or being instructed to comply with the terms of the citation;

(10) The practices described in paragraph (7) of this subsection of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until an alternative arrangement is made; and

(11) The enforcement practices described in paragraph (7) of this subsection of this article consume an undue amount of time of law enforcement agencies.

b. It is the policy of the participating states to:

(1) Promote compliance with wildlife laws in their respective states;

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat that suspension as if it had occurred in their state;

(3) Allow a violator, except as provided in subsection b. of Article III of the compact, to accept a wildlife citation and, without delay, proceed on their way, whether or not the violator is a resident of the state in which the citation was issued, if the violator's home state is party to this compact;

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state;

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;

(6) Extend cooperation to its fullest extent among the participating states for obtaining compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

(7) Maximize the effective use of law enforcement personnel and information; and

(8) Assist court systems in the efficient disposition of wildlife violations.

c. The purpose of this compact is to provide:

(1) a means by which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection b. of this article in a uniform and orderly manner; and

(2) for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

Article II. Definitions.

2. As used in this compact and sections 2 through 6 of this act:

"Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

"Collateral" means, except as used in section 3 of this act, any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

"Compact" means the Interstate Wildlife Violator Compact.

"Compliance" means, except as used in section 3 of this act, the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

"Conviction" means an admission of guilt of a violation of law by an accused defendant and the subsequent finding of guilt by a competent court of appropriate jurisdiction by way of trial, hearing, summary civil proceeding, or the payment of a fine or penalty to a court in lieu of a court appearance through a court's violations bureau, and includes any court conviction for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by wildlife law including any court conviction that results in suspension or revocation of a license, and the term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

"Court" means a court of law, including but not limited to magistrate's court, justice of the peace court, municipal court, and the State Superior Court.

"Division" or "Division of Fish and Wildlife" means the Division of Fish and Wildlife in the Department of Environmental Protection.

"Home state" means the state of primary residence of a person.

"Issuing state" means the participating state that issues a wildlife citation to a violator.

"License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by law, rule, or regulation; including any privilege to obtain such license, permit, or other public document, or any statutory exemption from the requirement to obtain such license, permit, or other public document.

"Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

"Participating state" means any state that enacts legislation to become a member of the Interstate Wildlife Violator Compact.

"Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

"State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, or other countries.

"Suspension" means any suspension, revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

"Terms of a citation" or "terms of the citation" means the conditions and options expressly stated in the citation.

"Wildlife" means all species of wild, non-domesticated animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as wildlife and are protected or otherwise regulated by wildlife law in a participating state. Species included in the definition of "wildlife" may vary among the states and the determination of whether a species is "wildlife" for the purposes of this compact shall be based on the laws, rules, and regulations of the issuing state.

"Wildlife law" means any law, rule, or regulation enacted for the management of wildlife resources and the uses thereof.

"Wildlife officer" means any person authorized by a participating state to issue a citation for a wildlife violation.

"Wildlife violation" means any cited violation of a wildlife law.

Article III. Procedures for Issuing State.

3. a. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state. The wildlife officer shall not require the person to post collateral to secure the person's appearance, subject to the exceptions set forth in subsection b. of this article, if the wildlife officer receives the person's personal recognizance that the person will comply with the terms of the citation.

b. Personal recognizance is acceptable if not prohibited by local law, by policy, procedure, rule, or regulation of the issuing agency, or by the compact manual, and if the person provides adequate proof of identification to the wildlife officer.

c. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with the procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

d. Upon receipt of the report of conviction or noncompliance pursuant to subsection c. of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

Article IV. Procedures for Home State.

4. a. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and may initiate a suspension action in accordance with the applicable suspension procedure of the home state. The licensing authority of the home state shall suspend the licensing privileges of the violator until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the licensing authority of the home state. Due process safeguards shall be accorded to the violator.

b. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and shall treat the conviction as though it occurred in the home state for purposes of the possible suspension of license privileges.

c. The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states as provided in the compact manual.

Article V. Reciprocal Recognition of Suspension.

5. a. Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation on which the suspension is based had occurred in that state and would have been the basis for suspension of license privileges in that state.

b. Each participating state shall communicate information concerning the suspension of license privileges to other participating states in the form and content prescribed in the compact manual.

Article VI. Applicability of Other Laws.

6. Except as expressly required by provisions of this compact, this compact shall not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

Article VII. Compact Administrator Procedures.

7. a. For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The Commissioner of Environmental Protection, in consultation with the Director of the Division of Fish and Wildlife and the Chief of the Bureau of Law Enforcement within the division, shall recommend to the Governor a nominee to serve as compact administrator for the State of New Jersey. No later than 90 days after receipt of the recommendation from the Commissioner of Environmental Protection, the Governor shall appoint the recommended nominee as the compact administrator for the State of New Jersey. The compact administrator shall serve and be subject to removal in accordance with the laws of the State of New Jersey. The compact administrator may provide for the discharge of duties and the performance of functions as a board member by an alternate. An alternate shall not serve unless written notification of the identity of the alternate has been given to the board.

b. Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the votes of the board is cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

c. The board shall elect annually from its membership a chairperson and vice chairperson.

d. The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and may amend and rescind its bylaws.

e. The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the federal government, or any governmental agency, and may receive, use, and dispose of the same.

f. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, corporation, or private nonprofit organization or institution.

g. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this com-

pact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

Article VIII. Entry into and Withdrawal from Compact.

8. a. This compact shall become effective upon adoption in substantially similar form by two or more states.

b. (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairperson of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and include the following:

(a) A citation of the authority by which the state is authorized to become a party to this compact;

(b) An agreement of compliance with the terms and provisions of the compact; and

(c) An agreement that entry into the compact is with all states participating in the compact and with any additional states that legally become party to the compact.

(3) The effective date of entry shall be specified by the applying state, but shall not be less than 60 days after notice has been given by the chairperson of the board of the compact administrators or by the secretary of the board to each participating state that the resolution from the applying state has been received.

c. A participating state may withdraw from the compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each participating state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

Article IX. Amendments to the Compact.

9. a. This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairperson of the board of compact administrators and may be initiated by one or more participating states.

b. Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

Article X. Construction and Severability.

10. This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of the compact are severable and if any phrase, clause, sentence, or provision of the compact is declared to be contrary to the constitution of any participating state or of the federal government, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of the compact shall not be affected thereby. If the compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

C.23:13-2 Compliance with compact; authority of division.

2. a. The Division of Fish and Wildlife shall comply with the Interstate Wildlife Violator Compact set forth in this act and shall effectuate the purpose and intent of the compact insofar as its ability within the jurisdiction outlined in Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes, and any rules and regulations adopted pursuant thereto.

b. The division is authorized, on behalf of the State, to:

(1) enter or withdraw from the Interstate Wildlife Violator Compact pursuant to the terms of article VIII of the compact pursuant to this act and subsection c. of this section; and

(2) adopt amendments to the compact pursuant to the terms of article IX of the compact pursuant to this act.

c. At least 45 business days prior to withdrawing from the Interstate Wildlife Violator Compact, the division shall send written notice of the decision to withdraw from the compact and an explanation of the reasoning therefor to the Governor, the President of the Senate, the Speaker of the General Assembly, and the respective chairpersons of the Senate Environment and Energy Committee and the Assembly Agriculture and Natural Resources Committee, or their designated successors.

C.23:13-3 Suspension of privileges.

3. a. When the Division of Fish and Wildlife receives notice of the suspension of the hunting, fishing, or trapping privileges of a person by a participating state, the division shall determine whether the violation leading to the suspension could lead to the suspension of privileges under State law, rule, or regulation. If the division determines that the suspension of privileges in the issuing state would initiate the suspension of a person's privileges according

to State law, rule, or regulation, the division may suspend the license privileges of that person to hunt, fish, or trap in New Jersey for the same period imposed by the issuing state not to exceed the time period prescribed by corresponding State law, rule, or regulation. The division shall provide written notification to the person of the suspension of their privileges to take or possess wildlife in New Jersey and the reason for the suspension.

b. When the Division of Fish and Wildlife receives notification of the conviction of a New Jersey resident from a licensing authority of a participating state, the division may suspend the resident's hunting, fishing, or trapping privileges, or other privileges to take or possess wildlife, if the conviction can be treated as if the violation had occurred in this State. The division shall determine if the conviction from a participating state would satisfy the suspension requirements of the resident's hunting, fishing, or trapping privileges, or other privileges to take or possess wildlife in New Jersey pursuant to Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes and any rules and regulations adopted pursuant thereto.

When the division determines the violation is a violation which can be considered for a suspension in New Jersey by (1) pre-requisite of an accumulation of violations, or (2) cause of collateral consequence, a suspension due to the nature of the violation corresponding with prescribed penalties of Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes and any rules and regulations adopted pursuant thereto, the division may suspend the resident's privileges to hunt, fish, or trap in this State for the same period imposed by the issuing state, not to exceed the time period prescribed by corresponding State law, rule, or regulation. The division shall provide written notification to the person of their suspension of privileges to take or possess wildlife in New Jersey in compliance with this act.

c. When notice of suspension is sent to a person, the person shall immediately surrender any current New Jersey wildlife licenses to the division.

d. A person whose privileges have been suspended and who hunts, fishes, or traps in this State, who applies for or purchases any license or permit to hunt, fish, or trap in this State, or who refuses to surrender any current hunting, fishing, or trapping license as required, shall be subject to penalties and sanctions prescribed in Title 23, Title 50, and chapter 24 of Title 58 of the Revised Statutes, and any rules and regulations adopted pursuant thereto.

C.23:13-4 Failure of resident to comply; violations, penalties.

4. a. When the Division of Fish and Wildlife receives notice that a resident of the State has failed to comply with the terms of a citation issued for

a wildlife violation in a participating state, the division shall send written notice to that person of their non-compliance. The written notification from the division shall provide a 30-day period to allow the person to comply with the issuing state's order to comply. If a resident's citation from the participating state remains outstanding or out of compliance 30 calendar days after the date of the division's notification, the person shall be in violation of the compact and subject to a penalty of \$50, and an additional \$10 for each month thereafter that the citation remains outstanding or out of compliance. In addition to the penalties prescribed, all licenses and privileges to take or possess wildlife shall be suspended until such time that the division receives notice from the issuing state that the citation has been satisfied and a disposition for the matter has been recorded.

b. In addition to the suspension provision set forth in subsection a. of this section, a violation of the compact as described in that subsection shall be considered in evaluating suspensions for accumulation of violations in R.S.23:3-22.

C.23:13-5 Contents of suspension notification letter.

5. a. A written suspension notification letter issued by the Division of Fish and Wildlife pursuant to section 3 or 4 of this act shall include, but need not be limited to, the following information: the period of suspension; the reason for suspension; identification of the violations leading to the suspension; and the procedure by which the person may appeal their suspension.

b. Upon receipt of a written request by a person suspended pursuant to the provisions of this act, a review of the suspension shall be conducted and a determination made concerning whether the suspension is eligible for early restoration pursuant to section 2 of P.L.1955, c.96 (C.23:3-22.1). If, following review, the person is aggrieved by disposition of the request, the person may, by written request to the division, within 20 days after notification of the completion of the initial review, request a hearing. Upon receipt of notification within the 20-day period, the division shall request a hearing be conducted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and the rules and regulations adopted pursuant thereto. All appeal considerations shall also conform to section 2 of P.L.1955, c.96 (C.23:3-22.1).

C.23:13-6 Grounds for suspension of enforcement.

6. If it is determined by the Bureau of Law Enforcement of the Division of Fish and Wildlife that the provisions of this compact, in full or in part, are not being implemented with respect to violations and suspensions

reported from the State of New Jersey by any other participating state, the Director of the Division of Fish and Wildlife, with the approval of the Commissioner of Environmental Protection, may suspend enforcement of the provisions of this compact as against such participating state until such time as the Chief of the Bureau of Law Enforcement determines that the participating state is fully implementing the provisions of the compact.

7. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 102

AN ACT concerning sewerage and water service fees for deployed military personnel, amending P.L.1992, c.215 and P.L.1994, c.78 , and supplementing chapter 62 of Title 40 of the Revised Statutes.

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

1. Section 1 of P.L.1992, c.215 (C.40:14B-22.2) is amended to read as follows:

C.40:14B-22.2 Reduced, abated rents, rates, fees by municipal authority providing electricity.

1. Any municipal or county authority, including any municipal authority which provides electricity to a single municipality, may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any municipal or county authority may establish within its district rates or schedules which provide for a reduction or total abatement of the rents, rates, fees, or other charges which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans

Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:

- a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;
- b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or
- c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

2. Section 1 of P.L.1994, c.78 (C.40:14A-8.2) is amended to read as follows:

C.40:14A-8.2 Rates or schedules established by sewerage authority.

1. Any county or municipal sewerage authority may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any county or municipal sewerage authority may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rents, rates, fees, or other charges for the use or services of the sewerage system which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the

disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

3. Section 5 of P.L.1994, c.78 (C.40A:26A-10.1) is amended to read as follows:

C.40A:26A-10.1 Establishment of rates or schedules for sewerage facilities.

5. Any local unit operating a county or municipal sewerage facility may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any local unit operating a county or municipal sewerage facility may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rates, rentals, or other charges for the use or services of the sewerage system which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under any federal law administered by the United States Depart-

ment of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

4. Section 7 of P.L.1994, c.78 (C.40A:31-10.1) is amended to read as follows:

C.40A:31-10.1 Establishment of rates, schedules by local unit operating water supply facility.

7. Any local unit operating a county or municipal water supply facility may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war. Any local unit operating a county or municipal water supply facility may establish within its district rates or schedules which provide for a reduction or total abatement of the periodic rates, rentals, or other charges for water supply service which are charged to or collected from any person residing in the district of the age of 65 or more years, or less than 65 years of age and permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. s.301 et seq., or disabled under

any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60 percent or higher, and the person either is annually eligible to receive assistance under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:

a. The federal Social Security Act, 42 U.S.C. s.301 et seq. and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under subsection a. of this section including, but not limited to, the federal "Railroad Retirement Act of 1974," 45 U.S.C. s.231 et seq., and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under subsection a. of this section except that, the total amount of benefits to be allowed exclusion by any owner under subsection b. or c. of this section shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under subsection a. of this section.

C.40:62-13.1 Rates, schedules established by municipal utility providing electricity.

5. Any municipal utility which provides electricity to a single municipality may establish within its district rates or schedules which provide for a reduction, deferment, without accruing interest during the period of the deferment, or total abatement of the rents, rates, fees, or other charges pertaining to a primary residence owned, in full or in part, by a person who is enlisted in any branch of the United States Armed Forces. The reduction, deferment, without interest, or total abatement shall be effective during the period of time in which that person is deployed for active service in time of war.

6. This act shall take effect immediately.

Approved January 9, 2017.

CHAPTER 103

AN ACT increasing the number of Superior Court judgeships to support the criminal justice reform established by the 2014 amendment to Article I,

paragraph 11 of the New Jersey Constitution and sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.), amending N.J.S.2B:2-1, and making an appropriation.

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

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

Number of judges.

2B:2-1. Number of Judges.

a. The Superior Court shall consist of 463 judges.

b. (1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were resident of each county:

Atlantic	11
Bergen	28
Burlington	10
Camden	16
Cape May	4
Cumberland	7
Essex	34
Gloucester	11
Hudson	24
Hunterdon	3
Mercer	9
Middlesex	24
Monmouth	18
Morris	16
Ocean	15
Passaic	17
Salem	3
Somerset	6
Sussex	4
Union	20
Warren	3

(2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

Atlantic	4
Bergen	12
Burlington	4
Camden	8
Cape May	2
Cumberland	4
Essex	14
Gloucester	6
Hudson	6
Hunterdon	2
Mercer	6
Middlesex	8
Monmouth	4
Morris	6
Ocean	8
Passaic	6
Salem	2
Somerset	4
Sussex	2
Union	6
Warren	2

2. There is appropriated from the General Fund to the Judiciary \$9,300,000 for costs associated with the additional Superior Court judgeships established by this act.

3. This act shall take effect on July 1, 2017.

Approved January 9, 2017.

JOINT RESOLUTIONS

(903)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the first week of March as “Consumer Protection Week” in New Jersey.

WHEREAS, Consumers are the driving force of the economy in New Jersey and the United States, and consumer protection is of vital importance to the overall prosperity of the nation and State; and

WHEREAS, Too often, consumers are the target of unfair, deceptive, or fraudulent practices and theft, which threaten the economic well-being of individuals and families who spend their lives striving to build a sense of security; and

WHEREAS, Strengthening consumer rights and building a more transparent, efficient, and effective marketplace benefits consumers and industry alike; and

WHEREAS, By virtue of Presidential Proclamation, commencing with President Clinton’s Proclamation 7164 of 1999 and continuing under President G. W. Bush and President Obama, “National Consumer Protection Week” is recognized annually in order to reaffirm a commitment to protecting consumer rights; and

WHEREAS, Each year the Bureau of Consumer Protection in the Federal Trade Commission partners with federal, state, and local entities and non-profit organizations to celebrate “National Consumer Protection Week,” a coordinated campaign that educates consumers, connects them with helpful resources, and encourages them to take full advantage of their rights and make better-informed decisions; and

WHEREAS, In New Jersey, the Division of Consumer Affairs in the Department of Law and Public Safety is charged with protecting the public from fraud, deceit, and misrepresentation in the sale of goods and services; and

WHEREAS, To this end, the responsibilities of the division include providing consumers with relevant and accurate information regarding the safety of products and services, as well as assuring consumers that the products and services are safe, that the businesses offering them are not fraudulent, and that business practices conform to law and regulation; and

WHEREAS, Consumer complaints regarding fraudulent business practices, identity theft, and imposter scams have continued to increase, highlighting the need to protect the majority of American consumers from the dishonest actions of the unscrupulous few; and

WHEREAS, Annually observing Consumer Protection Week in the State will help support and further the mission of the Division of Consumer Affairs and educate and inform consumers Statewide; and

WHEREAS, It is in the public interest for the State to educate citizens about the importance of consumer rights and protections as well as provide them with clear information about their rights as consumers and the resources available, and it is fitting and proper to designate and annually recognize the first week of March as "Consumer Protection Week" in New Jersey, in conjunction with "National Consumer Protection Week"; now, therefore,

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

C.36:2-271 "Consumer Protection Week," first week of March; designated.

1. a. The first week of March of each year is designated as "Consumer Protection Week" in New Jersey, in conjunction with "National Consumer Protection Week," in order to educate citizens and increase public awareness of consumer rights and protections.

b. The Governor is respectfully requested to issue a proclamation annually designating the first week of March of each year as "Consumer Protection Week" in New Jersey and calling upon the Division of Consumer Affairs, consumer advocates, and consumers in this State to observe the week with appropriate activities and programs.

2. This joint resolution shall take effect immediately.

Approved July 21, 2016.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION declaring August of each year as "Adult Vaccine Preventable Disease Awareness and Improvement Month."

WHEREAS, Vaccines have aided in reducing the burden of widespread and often fatal diseases, enabling individuals to lead longer and healthier lives while reducing health care costs; and

WHEREAS, Although much attention has been paid to the importance of childhood vaccinations, there is a general lack of awareness of adult-

recommended vaccines, and a misperception that immunizations are unnecessary for healthy adults; and

WHEREAS, Adult Vaccine-Preventable Diseases (VPDs), including diseases such as influenza and pneumonia, are a critical public health issue in the United States; and

WHEREAS, Influenza and pneumonia represent the seventh-leading cause of death among American adults age 65 and older; and

WHEREAS, As the population across the United States continues to age, the impact of VPDs on adults will likely increase; and

WHEREAS, For those with chronic health conditions, the complications from adult VPDs can include long-term illness, hospitalization, and death; and

WHEREAS, One way to potentially reduce adult VPDs is increased compliance rates for adult immunization; and

WHEREAS, The federal Centers for Disease Control and Prevention (CDC) currently recommends a variety of vaccines for adults who are age 18 and older; these recommendations include both universal vaccination recommendations and recommendations targeted to specific populations, such as people with specific risk factors for certain diseases, people who belong to certain age groups, and adults who may have missed certain childhood vaccines; and

WHEREAS, The CDC has consistently found adult vaccination compliance rates to be below target levels; as part of its Healthy People 2020 goal, the CDC seeks to increase compliance for influenza and pneumococcal pneumonia vaccination in adults; and

WHEREAS, To highlight the value of immunization across the lifespan, from infancy through childhood, adolescence, and adulthood, and to promote outreach and education efforts, August of each year is recognized as National Immunization Awareness Month; and

WHEREAS, Increasing adult immunization rates requires a continuous commitment from health care providers and government health agencies to help adults understand the importance of adult immunization, recommend they receive appropriate vaccines, and provide appropriate education and outreach to raise awareness among both health care professionals and the public concerning the importance of increasing adult vaccination rates and reducing the number of incidents of VPD; now, therefore,

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

C.36:2-272 “Adult Vaccine Preventable Disease Awareness and Improvement Month,” August; designated.

1. August of each year is designated as “Adult Vaccine Preventable Disease Awareness and Improvement Month” in New Jersey to increase public awareness of the importance of adults receiving vaccines against preventable diseases and to promote outreach and education efforts concerning adult vaccination.

C.36:2-273 Promotion to raise public awareness.

2. The Department of Health shall take appropriate action to promote Adult Vaccine Preventable Disease Awareness and Improvement Month, including urging health care practitioners to discuss vaccines for preventable diseases with adult patients and adopting appropriate programs and initiatives to raise public awareness of the importance of adult vaccination.

3. This joint resolution shall take effect immediately.

Approved August 18, 2016.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION recognizing the 100th anniversary of the National Park Service on August 25, 2016.

WHEREAS, The National Park Service is an agency of the federal government that manages all United States national parks, many national monuments, and other conservation and historical properties with various title designations; and

WHEREAS, The National Park Service was created by the “National Park Service Organic Act,” signed into law on August 25, 1916, to “conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations”; and

WHEREAS, The National Park Service preserves the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of today’s and future generations; and

WHEREAS, The National Park System comprises 410 units covering more than 84 million acres in every state, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands, including national

parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House; and

WHEREAS, Among the National Park System's designations in New Jersey are: three national historical parks -- Morristown, Paterson Great Falls, and Thomas Edison; two national recreation areas -- Delaware Water Gap and Gateway-Sandy Hook Unit; two national trails -- Appalachian and Washington-Rochambeau Revolutionary Route; one national monument -- Statue of Liberty/Ellis Island; five wild and scenic rivers -- Great Egg Harbor, Middle Delaware, Lower Delaware, Maurice, and Musconetcong; one national heritage area -- Crossroads of the American Revolution; and the nation's only national reserve -- New Jersey Pine-lands; and

WHEREAS, The National Park Service has recognized 11 National Natural Landmarks and 58 National Historic Landmarks of superlative natural and cultural significance to the nation as well as 1,673 properties inscribed on the National Register of Historic Places as significant to the nation; and

WHEREAS, The National Park Service's Federal Lands to Parks program has transferred 2,175 acres of federal lands to New Jersey for recreational purposes since 1948; and

WHEREAS, 46 municipalities in the State have been designated by the National Park Service as "Certified Local Governments" who have made a commitment to local historic preservation; and

WHEREAS, The National Park Service helps New Jersey preserve its natural and cultural heritage and create close-to-home recreational and educational opportunities through programs such as the Land and Water Conservation Fund (providing \$122,757,202 in grant funds since 1965) and historic preservation programs (providing \$26,938,171 in preservation grants since 1969); and

WHEREAS, The National Park Service has stimulated more than \$731,000,000 in historic preservation rehabilitation projects in New Jersey through the federal Historic Preservation Tax Credit Program since 1995; and

WHEREAS, The National Park Service will celebrate its centennial on August 25, 2016; now, therefore,

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

1. The State of New Jersey recognizes and celebrates the 100th anniversary of the National Park Service on August 25, 2016, and encourages residents of, and visitors to, New Jersey to explore the historical and recreational areas in the State that are part of the National Park System.

2. The Governor may issue a proclamation calling upon public officials and the citizens of this State to recognize and celebrate the 100th anniversary of the National Park Service on August 25, 2016 with appropriate programs and events.

3. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Secretary of the United States Department of the Interior, the Director of the National Park Service, and every member of the United States Congress elected from this State.

4. This joint resolution shall take effect immediately.

Approved August 18, 2016.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION urging the Congress of the United States to ask the Department of Education and the Department of Labor to revise specific proposed rules concerning the implementation of the “Workforce Innovation and Opportunity Act” in order to protect and maintain the rights of individuals with disabilities.

WHEREAS, The Congress defined “competitive integrated employment” in section 404 of the Workforce Innovation and Opportunity Act (“WIOA”) to mean, in part: “work that is performed on a full-time or part-time basis (including self-employment) . . . that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons”; and

WHEREAS, The Department of Education has proposed rules (80 FR 21059) adding unreasonable and complex restrictions on the meaning of integrated work, including an unrealistic requirement for integration to oc-

cur both within the particular work unit and across the entire work site (34 C.F.R. s.361 et al.); and

WHEREAS, New Jersey residents with disabilities are deserving of having the same choice of where, how, and with whom they work and spend their time as other New Jersey residents; and

WHEREAS, Programs and employment offered by community rehabilitation programs and community businesses such as industry specific skills training, work crews, call centers, manufacturing, employment through contracts under the New Jersey Rehabilitation Facilities Set-Aside Act, employment through AbilityOne contracts, and independent work assignments provide New Jersey residents with disabilities the opportunity to meet new people, gain new skills, and earn the respect, dignity, and other ancillary human benefits that come with earning a paycheck and making a contribution to society; and

WHEREAS, Many New Jersey residents with disabilities avail themselves of the opportunity to participate in these programs and related employment; and

WHEREAS, The parents, guardians, and caregivers of many of those participants support and attest to the benefits of those programs and the employment provided under those programs; and

WHEREAS, There is growing concern that these specific rules proposed by the Department of Education and any similar interpretation or rulemaking by the Department of Labor regarding the implementation of the WIOA go beyond the Congressional intent of the act, and substantively change and narrow the scope of the act, thereby reducing opportunities for individuals with disabilities to participate in programs and employment offered by community rehabilitation programs and community businesses; and

WHEREAS, Individuals with disabilities should be free to choose the settings in which they receive services or employment, including programs and employment offered by community rehabilitation programs and community businesses such as industry specific skills training, work crews, call centers, manufacturing, employment through contracts under the New Jersey Rehabilitation Facilities Set-Aside Act, employment through AbilityOne contracts, and independent work assignments; now, therefore,

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

1. The Congress of the United States is urged to ask the Department of Education and the Department of Labor to rely on the Congress's definition of "competitive integrated employment," without change, and to revise the proposed rules concerning the implementation of the Workforce Innovation and Opportunity Act (WIOA) in order to protect and maintain the rights of individuals with disabilities to participate in programs and employment offered by community rehabilitation programs and community businesses such as industry specific skills training, work crews, call centers, manufacturing, employment through contracts under the New Jersey Rehabilitation Facilities Set-Aside Act, employment through AbilityOne contracts, and independent work assignments.

2. The Congress of the United States also is urged to clarify to the Department of Education and Department of Labor that jobs where people with disabilities work alone or in groups still qualify as a competitive job placement for WIOA programs and still qualify for employers with federal contracts to meet their seven percent goal for employing persons with disabilities.

3. The Congress of the United States is further urged to request that the United States Department of Education and Department of Labor delay rules for the implementation of the WIOA, in particular the rules related to competitive integrated employment and the proposed regulatory addition of "work unit" into the Congress's definition of "competitive integrated employment," as needed to provide time to evaluate the implications of a major overhaul of workforce policy on the people the law is intended to serve and permit community rehabilitation providers, state and federal contractors, and advocacy organizations time to educate New Jersey residents with disabilities and their families and caregivers on how the law will change their lives.

4. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the President of the United States, the United States Secretary of Education, the Director of the Rehabilitation Services Administration, the United States Secretary of Labor, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the New Jersey delegation, and the news media of New Jersey.

5. This joint resolution shall take effect immediately.

Approved August 31, 2016.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION establishing the “New Jersey Biotechnology Task Force.”

WHEREAS, The biotechnology industry plays a pivotal role in the New Jersey economy, representing thousands of jobs and hundreds of companies in the State and billions of dollars in economic activity and tax revenue each year; and

WHEREAS, Part of the reason that the industry has played such a key role in the State is due to the activities of the Joint Legislative Task Force on Biotechnology and the Biotechnology Development Task Force created in the early 1990s by the New Jersey Legislature; and

WHEREAS, These legislative task forces fostered increased communication between the New Jersey Legislature and the biotechnology industry, culminating in initiatives to bolster the industry in the State; and

WHEREAS, For example, in 1995 the Legislature passed, and the Governor signed into law, the “New Jersey High Technology and Biotechnology Industry Promotion Act,” P.L.1995, c.277 (C.52:9X-9.1 et seq.), which established a program to promote biotechnology and other high technology industries in New Jersey and to attract biotechnology and other high technology companies to the State; and

WHEREAS, Since the early 1990s, when New Jersey had approximately 50 biotechnology companies located in the State, that number has increased to 379 companies, including many of the largest biotechnology companies in the world locating their operations and headquarters in the State; and

WHEREAS, New Jersey has been on the forefront in attracting biotechnology businesses to the State and it is in the State’s interest to continue to remain on the forefront of this growing industry in the future; and

WHEREAS, Due to the pivotal role this industry plays in the State in terms of economic activity, jobs, and tax revenues, it is important that the State government study ways in which to retain and attract new companies in the biotechnology industry into the State and increase communication between State government and the industry; now, therefore,

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

1. a. There is established the “New Jersey Biotechnology Task Force.”
 - b. The purpose of the task force shall be to communicate with the biotechnology industry and develop recommendations for actions the Legislature and State can take to retain and attract new biotechnology companies to the State.
2. a. The task force shall be comprised of nine members, as follows:
 - (1) Two members appointed by the Senate President who shall be members of the Senate;
 - (2) One member appointed by the Minority Leader of the Senate who shall be a member of the Senate;
 - (3) Two members appointed by the Speaker of the General Assembly who shall be members of the General Assembly;
 - (4) One member appointed by the Minority Leader of the General Assembly who shall be a member of the General Assembly;
 - (5) The Chief Executive Officer of the New Jersey Economic Development Authority, who shall serve *ex officio*; and
 - (6) Two public members, appointed by the Governor, from among a list of nominees provided by BioNJ, Inc.

Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made.

 - b. The task force shall organize as soon as may be practicable after the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among its members and appoint a secretary who need not be a member of the task force.
 - c. The members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.
 - d. The task force may meet and hold hearings at the places it designates during the sessions or recesses of the Legislature.
3. The task force shall issue a final report of its activities, findings, conclusions, and recommendations for legislation or administrative action, to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) no later than December 31 of the second year next following the effective date of this joint resolution.

4. This joint resolution shall take effect immediately and shall expire upon the issuance of the final report of the task force as provided in section 3 of this joint resolution.

Approved August 31, 2016.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating November of each year as “Pancreatic Cancer Awareness Month.”

WHEREAS, Over the course of the next year, more than 53,070 people in the United States will be diagnosed with pancreatic cancer. Out of this number, 41,780 will die from the disease; and

WHEREAS, Pancreatic cancer is the deadliest form of cancer; commonly offering little or no hope to the recently diagnosed. Pancreatic cancer is the third leading cause of cancer death in the United States and this number is rising; and

WHEREAS, 71 percent of pancreatic cancer patients will die within the first year of their diagnosis, and 93 percent of pancreatic cancer patients will die within the first five years. Nearly 1,260 deaths attributable to pancreatic cancer will occur in New Jersey; and

WHEREAS, There is no cure for pancreatic cancer, and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 25 years; and

WHEREAS, When symptoms of pancreatic cancer first present themselves, it is usually too late for an optimistic prognosis. The average life expectancy of those diagnosed with metastasis disease is only three to six months; and

WHEREAS, The incidence of pancreatic cancer is slightly higher in men than in women, and higher in African Americans than in other ethnic groups; and

WHEREAS, The federal government invests less money in pancreatic cancer research than it does in any other leading cancer research; and

WHEREAS, The health, safety, and welfare of the residents of the State of New Jersey are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

WHEREAS, The burden for people afflicted with pancreatic cancer has been lessened by the numerous organizations that serve the pancreatic cancer community in the State of New Jersey, and nationwide, by focusing their efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, The New Jersey State Legislature is strongly dedicated to preserving the health of the residents of this State, and in supporting the fight against pancreatic cancer; and

WHEREAS, It is fitting and proper that the Legislature designate the month of November as the time to bring pancreatic cancer into focus by increasing public understanding of the disease, including its prevalence, approaches to screening and prevention, treatment options, and resources that offer updated pancreatic cancer information throughout the year; now, therefore,

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

C.36:2-274 “Pancreatic Cancer Awareness Month,” November; designated.

1. November of each year is designated as “Pancreatic Cancer Awareness Month” in the State of New Jersey to help preserve the health of the residents of the State by fostering awareness and understanding of this deadly disease.

C.36:2-275 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and the citizens of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 31, 2016.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION designating the third week in October of each year as “New Jersey Careers in Utilities Week.”

- WHEREAS, New Jersey is home to a number of investor-owned public utility companies that serve New Jersey's residents and businesses by providing essential water, wastewater, electricity, natural gas, and telecommunications services 24 hours a day and 365 days a year; and
- WHEREAS, New Jersey's public utilities employ more than 28,000 service-oriented and safety-minded men and women for a combined payroll in excess of \$2.5 billion per year; and
- WHEREAS, These men and women work together to operate \$37 billion in critical utility infrastructure that serves as the backbone of the State's economy; and
- WHEREAS, New Jersey's public utilities have invested billions of dollars to enhance the integrity of public utility infrastructure in this State; and
- WHEREAS, New Jersey's public utilities have recognized that, in addition to investing in public utility infrastructure, it is vital to invest in the lives and careers of their employees; and
- WHEREAS, The Center for Energy and Workforce Development has found that, nationwide, nearly 55 percent of the electric and natural gas public utility workforce may need to be replaced in the next decade due to retirements; and
- WHEREAS, New Jersey's public utilities have developed strategic initiatives aimed at recruiting and training a future generation of public utility employees; and
- WHEREAS, These workforce development initiatives include a variety of certified apprenticeship programs, active partnerships with institutions of higher education and vocational schools, and participation in training programs coordinated through the collaborative efforts of the New Jersey Utilities Association, the New Jersey Community College Consortium for Workforce and Economic Development, and the New Jersey Department of Labor and Workforce Development; and
- WHEREAS, New Jersey's public utilities offer numerous opportunities for individuals of diverse backgrounds, career stages, and levels of education to obtain employment; and
- WHEREAS, There is a need for government and public utilities to work together to educate students about the benefits of working in the public utilities industry; now, therefore,

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

C.36:2-276 “New Jersey Careers in Utilities Week,” third week in October; designated.

1. The third week in October of each year is designated as “New Jersey Careers in Utilities Week” in New Jersey to recognize the State’s investor-owned public utility workforce and the various employment opportunities public utilities offer to thousands of hard working men and women, contributing to the welfare and prosperity of this State.

C.36:2-277 Annual observance.

2. The Governor is respectfully requested to issue an annual proclamation calling upon public officials and citizens of this State to observe “New Jersey Careers in Utilities Week” with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved November 2, 2016.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION designating the third weekend in October of each year as the “Shuck, Sip, and Slurp Weekend” for the promotion of New Jersey oysters, wine and beer.

WHEREAS, Demand for oysters is growing, driven by increased popularity at raw bars and seafood restaurants, and there is a renewed interest in the farming and culture of oysters in the State of New Jersey; and

WHEREAS, New Jersey’s coastal waters are particularly suited to aquaculture, including the production of oysters, and there is a strong local and regional demand for locally grown oysters; and

WHEREAS, The growth of oyster production in New Jersey benefits local small businesses, creates jobs and adds value to the State economy, and promotes the development of sustainable working waterfronts; and

WHEREAS, The New Jersey Agricultural Experiment Station at Rutgers University has pioneered cutting-edge research in oyster production, including sustainable farming techniques and varieties of oyster seed now in high demand nationally and internationally; and

WHEREAS, Oyster production involves no fertilizers, feeds, or other chemicals, and has been found to be environmentally beneficial to coastal waters by promoting biodiversity, denitrification, and clean water; and

WHEREAS, Oysters have a flavor unique to the waters they are grown in, and New Jersey oysters are unique local products with appeal to restaurants and raw bars; and

WHEREAS, Nationally, demand for craft beers has grown rapidly in recent years, with brewers realizing nationwide in 2014 a 22% increase in retail dollar value of craft beers, according to the Brewers Association, the national trade association representing small and independent American craft brewers, and New Jersey has seen the number of local breweries in the State grow to close to 30; and

WHEREAS, New Jersey has witnessed an incredible growth in wineries, from nine in the year 2000 to over fifty today, with a total economic impact of \$231 million, according to a report commissioned by the Garden State Wine Growers Association in 2011; and

WHEREAS, State oysters, wine, and beer represent food and agricultural products unique to New Jersey and provide a major economic benefit to the State economy; and

WHEREAS, Oysters are often paired with wine or beer, and there is a growing interest in local sources for these products; and

WHEREAS, Establishing an annual “Shuck, Sip, and Slurp Weekend” for the promotion of New Jersey oysters, wine, and beer would highlight local New Jersey food and agricultural products and promote economic growth in these areas; and

WHEREAS, The harvest season is an ideal time to highlight New Jersey’s local wine and beer, and by the third weekend in October, oysters have reached maturity and are an ideal size for consumption; now, therefore,

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

C.36:2-278 “Shuck, Sip, and Slurp Weekend,” third weekend in October; designated.

1. The third weekend in October of each year is designated as the “Shuck, Sip, and Slurp Weekend” for the promotion of New Jersey oysters, wine, and beer.

C.36:2-279 Annual observance.

2. The Governor may annually issue a proclamation calling upon public officials and citizens of the State to observe the “Shuck, Sip, and Slurp Weekend” with appropriate activities and programs.

C.36:2-280 Publicizing.

3. The Department of Agriculture shall take appropriate measures each year to publicize the “Shuck, Sip, and Slurp Weekend.”

4. This joint resolution shall take effect immediately.

Approved December 5, 2016.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION declaring aquaculture an important economic driver for the State, and urging the State to include the industry in its economic development plans.

WHEREAS, Aquaculture, also known as fish or shellfish farming, refers to the breeding, rearing, and harvesting of animals and plants in various types of water environments including ponds, rivers, lakes, and bays ; and

WHEREAS, The State’s history with aquaculture dates back to oyster culture operations in the early 19th century and the establishment of a private trout hatchery in the 1860s and an extensive freshwater finfish hatchery program in 1912; and

WHEREAS, New Jersey’s coastal location and its proximity to the largest consumer markets in the nation indicate that aquaculture can and should be a thriving and vital industry in the State; and

WHEREAS, Aquaculture plays an important role in meeting the dietary need of an increasingly health conscious and growing population, and fish farming can help supplement the harvest of wild caught fish to meet that demand; and

WHEREAS, Aquaculture is important to the future of natural resources and the world’s food supply because it can provide reasonably priced, good quality, highly nutritious food while helping to maintain the long-term sustainability of wild caught fisheries; and

WHEREAS, The New Jersey Department of Agriculture established an Aquatic Farmer License program in 2004 to foster the growth of a viable and vibrant aquaculture industry in New Jersey; and

WHEREAS, The Office of Aquaculture Coordination in the New Jersey Department of Agriculture is promoting the development of aquaculture

within the State by providing permitting guidance and marketing assistance to help new and existing growers; and

WHEREAS, New Jersey currently has over 160 licensed aquatic farmers who are producing a variety of finfish and shellfish for food, ornamental fish and plants for water gardens, and sport fish for stocking and fee fishing operations; and

WHEREAS, According to the Aquaculture Innovation Center at Rutgers, the State University, the total economic impact of aquaculture to New Jersey is as high as \$36 million; and

WHEREAS, It is necessary and proper for the State to declare aquaculture an important State economic driver and to include the industry in its economic development plans; now, therefore,

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

1. Aquaculture is declared to be an important economic driver for the State, and therefore the State is urged to include the industry in its economic development plans.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Governor, Lieutenant Governor, Secretary of Agriculture, and Commissioner of Environmental Protection.

3. This joint resolution shall take effect immediately.

Approved December 5, 2016.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION recognizing the Delaware Bayshore as a region of special significance in New Jersey.

WHEREAS, The Delaware Bayshore, which stretches along the southwestern coast of New Jersey in Cape May, Cumberland, and Salem counties, contains numerous farms, forests, rivers, streams, and wetlands; and

WHEREAS, The Delaware Bayshore is home or a critical migratory stopover for over 300 species of birds, including many threatened and endan-

gered species, and each year supports the second-largest shorebird congregation in North America; and

WHEREAS, The region also contains the world's largest population of horseshoe crabs, which march up bay beaches each spring to lay their eggs, and these eggs, in turn, provide food for thousands of shorebirds traveling from South America to the Arctic; and

WHEREAS, The wetlands of Delaware Bay are recognized as wetlands of international importance by the Ramsar Convention, an international treaty on wetlands, and as a Hemispheric Reserve by the Western Hemisphere Shorebird Reserve Network; and

WHEREAS, Delaware Bayshore residents and wildlife are dependent upon the area's wetlands, which help protect the region from floods, filter the water, and are among the most productive vegetative areas on earth, also hosting oysters, blue claws, stripers, and other seafood species; and

WHEREAS, The Delaware Bay, its rivers and many tributaries provide fresh water to residents, and help sustain the region's industries, including commercial and recreational fishing, farming, commercial food processing, and nature tourism; and

WHEREAS, The Delaware Bay is also responsible for much of the State's shellfish production, including oysters, crabs, and clams, which create millions of dollars in economic activity for the State each year; and

WHEREAS, In addition to its ecological importance, many towns in the Delaware Bayshore region are snapshots of a different era, providing cultural and historic opportunities and events; and

WHEREAS, Bridgeton and Greenwich in Cumberland County, in particular, are listed on the National and New Jersey Registers of Historic Places, and New Jersey's official Tall Ship, the A.J. Meerwald, sails out of Port Norris, Cumberland County; and

WHEREAS, Those who visit the Delaware Bayshore can take advantage of its many recreational opportunities, including world-class fishing, hiking, biking, kayaking, sailing, and dining in some of the best seafood restaurants in America; and

WHEREAS, The Delaware Bayshore is also home to some of the oldest lighthouses in New Jersey, such as the Cape May and East Point lighthouses, which have guided ships in the Delaware Bay since the mid-eighteenth century; and

WHEREAS, Despite the region's importance, loss of farmland and wildlife habitat, lack of historic preservation, contamination of streams and fisheries, depletion of drinking water, and natural disasters have threatened the Delaware Bayshore economy, traditions, and way of life; and

WHEREAS, In particular, Superstorm Sandy destroyed beaches, homes, and infrastructure along the Delaware Bayshore, and because Delaware Bayshore communities have had few resources to recover from the storm, some are facing extinction; and

WHEREAS, For these reasons, it is necessary and proper for the State to recognize and help preserve the important cultural, ecological, economic, historical, and recreational resources of the Delaware Bayshore; now, therefore,

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

1. The Delaware Bayshore, including Cape May, Cumberland, and Salem counties, is designated as an area of special significance in New Jersey due to its important cultural, ecological, economic, historical, and recreational resources.

2. The Delaware Bayshore Council is urged to submit a report to the Governor and the Legislature detailing various threats to the Delaware Bayshore's cultural, ecological, economic, historical, and recreational resources, and to make policy recommendations, including any proposed legislation, on how the State could design programs or direct resources to help address these threats.

3. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Delaware Bayshore Council.

4. This joint resolution shall take effect immediately.

Approved December 5, 2016.

JOINT RESOLUTION NO. 11

A JOINT RESOLUTION designating June of each year as "Native Plant Appreciation Month" in New Jersey.

- WHEREAS, Native plant species are a vital part of New Jersey's heritage, providing valuable aesthetic, economic, and ecological benefits to State residents; and
- WHEREAS, New Jersey possesses approximately 2,100 native plant species, a number that is comparable to states that are three to four times larger; and
- WHEREAS, This diverse native flora includes hundreds of different wild-flowers, like violets and orchids, as well as many different trees, shrubs, grasses, and ferns; and
- WHEREAS, Nineteen globally rare plants have their largest or most viable populations in New Jersey, and nine plants have been documented only in New Jersey and do not occur anywhere else on Earth; and
- WHEREAS, Some of the State's rare plants include the world's largest population of Torrey's mountain mint, a globally-rare orchid called small whorled pogonia, swamp pink, Hirst's panic grass, and the only population of American chaffseed located north of the Carolinas; and
- WHEREAS, New Jersey's floristic diversity is due in large part to its geographical diversity, which includes the mountainous Highlands in the north, the sandy Pine Barrens in the south, the rich Delaware River Valley in the west, and the salt marshes of the Atlantic Coast; and
- WHEREAS, Native fruits like the blueberry and the cranberry helped spur the development of the agricultural industry in New Jersey, and earned the State its nickname "the Garden State"; and
- WHEREAS, New Jersey's preserved open space and farmland, which make up close to a third of the State's total acreage and contain most of the State's native plant species, provide an estimated \$20 billion per year in ecosystem goods and services; and
- WHEREAS, An interest in protecting New Jersey's native plants has played a vital role in the creation of many parks in the State, including the Delaware Water Gap National Recreation Area, the Pinelands National Preserve, and the Sandy Hook area of the Gateway National Recreation Area; and
- WHEREAS, Native plants are vital to the State's biodiversity, which provides inhabitants with food, maintenance of water and air quality, waste decomposition and soil generation, nutrient cycling, climate stabilization, flood and erosion control, and medicines and pharmaceuticals; and
- WHEREAS, Native plants also provide food and shelter for native wildlife and insects, which in turn, perform essential ecological and agricultural services such as seed dispersal, predation, and pollination; and

WHEREAS, Studies have shown that New Jersey is rapidly losing its native plants, with roughly one-third of those plants designated as endangered or of special concern by the State's Natural Heritage Program; and

WHEREAS, Threats to native plants include habitat destruction caused by development and urbanization, pollution, and harmful invasive plant species; and

WHEREAS, New Jersey's nursery industry contributes over \$440 million annually to the State's agricultural output, with native plants being a continually growing segment of nursery production in the State, and many of the State's retail garden centers are supplied locally by New Jersey nurseries; and

WHEREAS, By observing "Native Plant Appreciation Month," the State recognizes the important role of native plants in the ecosystem, and encourages its residents to learn more about native plants, their habitats, and how to protect them; now, therefore,

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

C.36:2-281 "Native Plant Appreciation Month," June; designated.

1. June of each year is designated as "Native Plant Appreciation Month" in order to celebrate the diversity and value of New Jersey's native plants, recognize the critical role of native plants in the ecosystem, and encourage citizens to learn more about native plants and how to protect them.

C.36:2-282 Annual observance.

2. The Governor may annually issue a proclamation encouraging citizens of this State to observe "Native Plant Appreciation Month" with appropriate programs and activities, and to support local nurseries by buying native plants.

3. This joint resolution shall take effect immediately.

Approved December 5, 2016.

JOINT RESOLUTION NO. 12

A JOINT RESOLUTION designating a "Night of Conversation" about drug and alcohol addiction in November of each year.

WHEREAS, The deadly disease of addiction is prevalent in our society, with untold suffering in grief, lost productivity, health care costs, various family burdens and crime; and

WHEREAS, This resolution seeks to declare that prevention efforts be made on an annual basis in the form of a “Night of Conversation”; and

WHEREAS, The intent of this “Night of Conversation” will be for government, the private sector, the education system, religious communities and the media to designate communication resources regarding drug and alcohol addiction to this particular evening. The intent of this mass focus will be to ignite prevention efforts and reduce the harm of addiction in state residents; and

WHEREAS, Each year, on November 19th, or the Thursday one week before Thanksgiving if the 19th falls on a Friday, Saturday, or Sunday, New Jersey will observe a “Night of Conversation” in which families are encouraged to talk about drug addiction and alcoholism; and

WHEREAS, By declaring this “Night of Conversation,” schools, community organizations, youth organizations, and faith-based and secular groups will mention where to find reliable information and where to access help or care, as well as take this opportunity for their own drug abuse prevention activities; and

WHEREAS, As a lead up to this “Night of Conversation,” the New Jersey State Legislature and any relevant State agencies can post on their web sites and official communiqués a link to resources and support. These resources will join with the existing infrastructure maintained by the Division of Mental Health and Addiction Services in the New Jersey Department of Human Services; and

WHEREAS, An empty dinner plate will serve as a universal symbol for eternal recognition of the Night of Conversation. The empty dinner plate will symbolize that on the Night of Conversation, the focus of the evening is on discussion and not food; now, therefore,

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

C.36:2-283 “Night of Conversation,” November 19th; designated.

1. November 19th of each year, or the Thursday one week before Thanksgiving if the 19th falls on a Friday, Saturday, or Sunday, is designated as the “Night of Conversation” in which families are encouraged to talk about drug addiction and alcoholism.

C.36:2-284 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and the citizens of this State to observe the "Night of Conversation" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 9, 2017.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 201

- WHEREAS, Justice Marie L. Garibaldi, the first woman to serve on this State's highest court, was a brilliant and fair-minded jurist who has had a profound and lasting impact on the jurisprudence of the State of New Jersey; and
- WHEREAS, Justice Garibaldi was a quintessential New Jerseyan, who was born in Jersey City, attended school in Hoboken, and lived in Weehawken for most of her life; and
- WHEREAS, after earning her undergraduate degree from Connecticut College, Justice Garibaldi enrolled in Columbia Law School in 1956, where she was one of only twelve women in her class; and
- WHEREAS, following graduation from Columbia, Justice Garibaldi worked as a lawyer for the federal government, and thereafter entered the private practice of law; and
- WHEREAS, Justice Garibaldi distinguished herself as an exceptional attorney at a time when there were few women in the profession, was soon elevated to partnership at one of the State's most prestigious law firms, and later became the first woman to lead the New Jersey State Bar Association as its president; and
- WHEREAS, Justice Garibaldi's superior intellect and character were recognized by Governor Thomas Kean, who, in 1982, nominated her to the Supreme Court of New Jersey; and
- WHEREAS, after her confirmation by the Senate, Justice Garibaldi made history by becoming the first woman to serve on this State's Supreme Court; and
- WHEREAS, over the course of the next eighteen years, Justice Garibaldi demonstrated the highest degree of thoughtfulness and dedication and common-sense judgment as an Associate Justice, earning the utmost admiration of members of the bench and bar alike; and
- WHEREAS, Justice Garibaldi's many written opinions have had and continue to have a profound impact on the law of this State, and our system of justice has been made all the better as a result of her tireless work; and
- WHEREAS, following her retirement in 2000, Justice Garibaldi continued to provide guidance to attorneys in this State, serving as a true role model even after she left the bench; and
- WHEREAS, Justice Garibaldi was a proud Italian-American who embodied the ideals and spirit of those who share her heritage, and her life is a testament to the countless contributions Italian-Americans have made to our State and to our country; and
- WHEREAS, it is with deep sadness that we mourn the loss of Justice Garibaldi, and we extend our sincere sympathy to her family, friends, and colleagues; and
- WHEREAS, it is appropriate to honor the groundbreaking achievements, remarkable character, and cherished memory of Justice Garibaldi, and to mark her passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, January 21, 2016, in recognition and mourning of the passing of Justice Marie L. Garibaldi.
2. This Order shall take effect immediately.

Dated January 19, 2016.

EXECUTIVE ORDER NO. 202

WHEREAS, beginning on January 22, 2016, the State of New Jersey is expected to experience a severe winter storm with heavy snow, mixed precipitation, strong winds, and freezing temperatures throughout the State; and

WHEREAS, the National Weather Service has issued storm warnings throughout New Jersey, including Blizzard Warnings and Winter Storm Warnings; and

WHEREAS, this severe winter storm may cause hazardous travel conditions, fallen trees and power outages, and coastal, stream, and river flooding throughout the State; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, do DECLARE AND PROCLAIM that a State of Emergency exists 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, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33 et seq., through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress. I further authorize all law enforcement officers to enforce any such order of the Attorney General or the Superintendent of State Police within their respective municipalities or jurisdictions.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency, governmental, or essential personnel whose presence the State Director deems necessary, from any area where their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehi-

cles, 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, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any provision of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous, disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately, and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated January 22, 2016

EXECUTIVE ORDER NO. 203

WHEREAS, Port Authority Police Officer Elise Bastardo was born in Red Bank, New Jersey and was raised in Wall Township; and

WHEREAS, Officer Bastardo earned a Bachelor's Degree in Psychology and Criminal Justice from Rutgers University in 2013; and

WHEREAS, Officer Bastardo joined the Port Authority of New York and New Jersey Police Department as a graduate of the 113th Class of the Port Authority Police Academy, where she was a platoon leader; and

WHEREAS, Officer Bastardo was assigned to the Newark Airport Command; and

WHEREAS, on February 12, 2016, Officer Bastardo tragically passed away following a motor vehicle accident; and

WHEREAS, Officer Bastardo was a loving daughter, granddaughter, and sister, whose memory will be cherished by her family, friends, fellow officers, and all those fortunate to have known her; and

WHEREAS, Officer Bastardo served her State and the State of New York with professionalism and courage, and carried out her duties in accordance with the finest ideals and traditions of the Port Authority Police Department; and

WHEREAS, it is with deep sadness that we mourn the loss of Officer Bastardo, and we extend our sincerest sympathies to her family, friends, and fellow members of the Port Authority Police; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Officer Bastardo's passing and to honor her memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, February 18, 2016 in recognition and mourning of Port Authority Police Officer Elise Bastardo.
2. This Order shall take effect immediately.

Dated February 17, 2016.

EXECUTIVE ORDER NO. 204

WHEREAS, Antonin Gregory Scalia was a New Jersey native and Associate Justice of the Supreme Court of the United States, and we, the grateful citizens of this State and this country, shall be forever indebted to him for his outstanding service and enduring contributions to our system of justice; and

WHEREAS, Justice Scalia was born in 1936 to an Italian immigrant father and an Italian-American mother in our State's capital, Trenton; and

WHEREAS, even at a young age, Justice Scalia's brilliance was readily apparent, graduating as valedictorian of his high school class in 1953, and then earning a degree in history from Georgetown University in 1957, where he was a champion debater, and once again valedictorian; and

WHEREAS, Justice Scalia subsequently began his formal study of the law, enrolling at Harvard Law School, from which he graduated magna cum laude in 1960; and

WHEREAS, Justice Scalia filled important roles in the Nixon and Ford Administrations, including a leadership position in the United States Department of Justice, for which he was confirmed by the United States Senate in 1974; and

- WHEREAS, Justice Scalia's striking intellect and impeccable character were subsequently recognized by President Ronald Reagan, who, in 1982, appointed Justice Scalia to the influential United States Court of Appeals for the District of Columbia Circuit; and
- WHEREAS, President Reagan soon saw that Justice Scalia's distinctive talents warranted his appointment to our nation's highest court, and after winning unanimous confirmation from the Senate in 1986, Justice Scalia became the first Italian-American Supreme Court Justice in the history of the United States; and
- WHEREAS, over the following thirty years, Justice Scalia tirelessly immersed himself in the cases before him, authoring opinions that not only reflected his extraordinary legal acumen, unmistakable wit, and masterful writing style, but also his unparalleled understanding of history, government, and the United States Constitution; and
- WHEREAS, Justice Scalia was steadfast in his allegiance to the Constitution, interpreting it in accordance with its original intent, viewing our founding legal document as embodying the unwavering, bedrock principles of our nation, not subject to the whims of the day or popular opinion; and
- WHEREAS, Justice Scalia will be remembered among the most influential jurists in the history of the United States; and
- WHEREAS, Justice Scalia was a devoted husband to his wife of over 55 years, Maureen, with whom he had nine children and a remarkable 36 grandchildren; and
- WHEREAS, Justice Scalia was also man of deep religious conviction, who was guided by his unshakable faith in God and his fidelity to the teachings of the Roman Catholic Church; and
- WHEREAS, Justice Scalia will be remembered as a man of flawless character, with an endearing sense of humor and enrapturing charm, who was highly respected and loved by people across the ideological spectrum; and
- WHEREAS, although his passing is a tremendous and irreparable loss for our nation, we should be heartened that Justice Scalia has inspired and influenced countless judges, scholars, and lawyers, and that his professional legacy will live on in his insightful opinions and other writings, which will continue to have lasting, positive impacts on our nation's jurisprudence for many years to come; and
- WHEREAS, it is with profound sorrow that we mourn the heartbreaking loss of Justice Scalia, the longest-serving Justice on our current Supreme Court, and we extend our deepest sympathies to his wife, children, grandchildren, extended family, friends, colleagues, and many admirers; and
- WHEREAS, it is appropriate to honor and mark the passing of Antonin Gregory Scalia, an incomparable Justice of the Supreme Court of the United States, and extraordinary man whose memory will live on for generations to come;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours from Friday, February 19, 2016, through Saturday, February 20, 2016, in recognition and mourning of the passing of Justice Antonin Gregory Scalia.
2. This Order shall take effect immediately.

Dated February 17, 2016.

EXECUTIVE ORDER NO. 205

WHEREAS, First Lady Nancy Reagan was born Anne Frances Robbins in 1921, and following her adoption by her stepfather, she became known as Nancy Davis; and

WHEREAS, after graduating from Smith College in 1939, Nancy Davis subsequently became a professional actress, and starred in a number of films beginning in the late 1940s; and

WHEREAS, it was through her acting career that Nancy Davis met Ronald Reagan, who at the time was a successful Hollywood actor and the president of the Screen Actors Guild, and the two married in 1952; and

WHEREAS, in 1967, following her husband's successful campaign for Governor of California, Nancy Reagan became First Lady of that state, where she became a leading voice for various causes and charities, earning recognition as "A Model First Lady"; and

WHEREAS, Nancy Reagan played a vital and active role in her husband's presidential campaigns, culminating in his historic victory in the presidential election of 1980; and

WHEREAS, Nancy Reagan served as a loving protector and confidant to President Reagan throughout his presidency and represented the United States as First Lady with grace and dignity; and

WHEREAS, throughout her years as First Lady, Nancy Reagan was a passionate advocate who inspired countless Americans to reject the temptation of illegal drugs, and raised the nation's awareness about breast cancer, saving lives in the process; and

WHEREAS, even after leaving the White House, Nancy Reagan continued serving the public, focusing her energies on combatting the scourge of substance abuse and championing the effort to treat and cure Alzheimer's Disease; and

WHEREAS, in the years following her husband's presidency, Nancy Reagan became a steward of the legacy of one the greatest leaders of our time, most nota-

bly through her tireless work in support of the Reagan Presidential Foundation and Library, an organization that teaches Americans about the life of President Reagan and cultivates new generations of public servants eager to follow his shining example; and

WHEREAS, Nancy Reagan was deeply devoted to her husband of over 50 years, caring for him with incredible love, strength and dignity as his health declined, until his passing in 2004; and

WHEREAS, it is with sincere and profound sorrow that we mourn the loss of Nancy Reagan, and we extend our deepest sympathies to her family, friends, and many admirers; and

WHEREAS, it is appropriate to honor First Lady Nancy Reagan and to mark the passing of this strong and inspiring woman, whose impact on American life will continue to be felt for generations to come;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, March 11, 2016, in recognition and mourning of the passing of First Lady Nancy Reagan.

2. This Order shall take effect immediately.

Dated March 8, 2016.

EXECUTIVE ORDER NO. 206

WHEREAS, New Jersey State Trooper Sean Cullen was born in Dublin, Ireland, and emigrated to the United States with his family when he was a child; and

WHEREAS, Trooper Cullen was a resident of Cinnaminson, New Jersey, and graduated from Cinnaminson High School in 2003; and

WHEREAS, Trooper Cullen subsequently became a police officer, serving in the Sea Isle City, Mount Holly, and Westampton Township Police Departments; and

WHEREAS, in 2014, Trooper Cullen joined the New Jersey State Police as a graduate of the 154th Class of the New Jersey State Police Academy, and was assigned to Bellmawr Station; and

WHEREAS, on March 8, 2016, Trooper Cullen tragically passed away following a motor vehicle accident that occurred while he was on duty and responding to an incident; and

WHEREAS, at the time of his passing, Trooper Cullen was engaged to be married, and was further a loving and devoted father, son, and brother, whose memory will live on in the hearts of his family, friends, and colleagues; and
WHEREAS, Trooper Cullen made the ultimate sacrifice on behalf of the citizens of this State, and served with courage, professionalism, and a commitment to the finest ideals and traditions of the New Jersey State Police; and
WHEREAS, it is with profound sadness that we mourn the loss of Trooper Cullen, and we extend our sincere sympathy to his family, friends, and fellow law enforcement officers; and
WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Trooper Cullen's passing and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, March 14, 2016 in recognition and in mourning of a brave and loyal hero, New Jersey State Trooper Sean Cullen.
2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Trooper Sean Cullen.
3. This Order shall take effect immediately.

Date March 11, 2016.

EXECUTIVE ORDER NO. 207

WHEREAS, Private Tysheena Lynette James, of Jersey City, New Jersey, enlisted in the United States Army in 2015; and
WHEREAS, Private James was deployed to Fort Hood, Texas as a motor transport operator; and
WHEREAS, Private James served honorably in the United States Army in the 3rd Battalion, 16th Field Artillery Regiment, 2nd Armored Brigade Combat Team, 1st Cavalry Division; and
WHEREAS, Private James tragically lost her life on June 2, 2016, as a result of a training accident at Fort Hood; and
WHEREAS, Private James was a loving daughter and granddaughter, who will be deeply missed by her family, friends, and fellow soldiers; and

WHEREAS, Private James was a brave and dedicated soldier, whose awards include the National Defense Service Medal, the Global War on Terrorism Medal, and the Army Service Ribbon; and

WHEREAS, along with Private James, eight other soldiers lost their lives in the same incident, namely: Staff Sergeant Miguel Angel Colonvazquez, Specialist Christine Faith Armstrong, Specialist Yingming Sun, Private First Class Brandon Austin Banner, Private First Class Zachery Nathaniel Fuller, Private Isaac Lee Deleon, Private Eddy Raelaurin Gates, and Cadet Mitchell Alexander Winey; and

WHEREAS, it appropriate and fitting for the State of New Jersey to remember Private James and all the victims of this terrible incident, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, June 11, 2016, in recognition and mourning of a courageous and loyal American soldier, United States Army Private Tysheena Lynette James, and the other soldiers who lost their lives as a result of this tragedy.

2. This Order shall take effect immediately.

Dated June 10, 2016.

EXECUTIVE ORDER NO. 208

WHEREAS, on June 12, 2016, barbaric acts of terrorism were committed at a nightclub in Orlando, Florida; and

WHEREAS, the atrocities carried out in Orlando took the lives of 49 innocent people, and seriously injured dozens of others; and

WHEREAS, this shocking and horrific attack constitutes the deadliest act of terrorism carried out in the United States since September 11, 2001; and

WHEREAS, this hateful terrorist attack was purposely directed against members of the LGBT community, and represents a deliberate and callous assault on the freedoms we cherish as Americans; and

WHEREAS, it is with profound sadness that we mourn the loss of the victims of the terrorist attack in Orlando, Florida, and pause to offer our deepest sympathies to their families, friends, and loved ones; and

WHEREAS, it is appropriate to recognize the victims, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, June 17, 2016, in recognition of the lives and in mourning of the passing of the victims of the terrorist attack in Orlando, Florida.
2. This Order shall take effect immediately.

Dated June 16, 2016

EXECUTIVE ORDER NO. 209

WHEREAS, on February 16, 2016, I fulfilled my obligations as Governor of the State of New Jersey by delivering the Governor's annual budget recommendations to the Legislature with respect to Fiscal Year 2017; and

WHEREAS, in recognition of ongoing, skyrocketing growth in health care costs that threatens to erode the State's ability to address important priorities including pensions, education, public safety, and critical services to those in need, my budget recommendations included an assumption that a combination of reasonable, common-sense reforms would be implemented to save \$250 million in public employee and retiree health care costs to offset anticipated growth in those costs during Fiscal Year 2017; and

WHEREAS, on May 19, 2016, the Acting State Treasurer ("Treasurer") appeared before the Senate and General Assembly budget committees to update the Governor's Fiscal Year 2017 budget recommendations, reiterating the need for health care savings to offset anticipated growth in health care costs during the upcoming fiscal year, and that the Governor's budget recommendations did not otherwise include funding for those escalating costs; and

WHEREAS, on June 3, 2016, my Administration transmitted to the Legislature a series of budget resolutions to implement the Governor's updated budget recommendations, consistent with the Treasurer's May testimony; and

WHEREAS, one of those resolutions recommended an item of budget language establishing an orderly procedure for achieving the assumed budget savings in a timely manner, prior to the expiration of Fiscal Year 2017; and

WHEREAS, more specifically, the recommended budget language provided: "Notwithstanding the provisions of P.L.2011, c.78 or any other law or regulation to the contrary, the amounts hereinabove appropriated for employee health benefits are subject to the following conditions: (1) the employee health benefits appropriations do not provide for year-over-year growth in State health benefits spending, instead of approximately \$250 million in additional new State spending that would be required in FY 2017 without common sense reforms; accordingly,

within 30 days of the effective date of this act, the State Health Benefits Program (SHBP) Plan Design Committee and the School Employees' Health Benefits Program (SEHBP) Plan Design Committee (Plan Design Committees) shall approve cost-saving measures that will result in FY 2017 State health benefits savings totaling not less than \$250 million; (2) provided further, in the event that the PDCs fail to satisfy the first condition set forth in this paragraph by approving less than \$250 million in health benefits savings for FY 2017 within the specified time period, the State Treasurer, in consultation with the Division of Pensions and Benefits and the Division of Budget and Accounting, shall identify cost-saving measures that will result in FY 2017 State health benefits savings totaling \$250 million, or such lesser amount as the State Treasurer shall determine, and those measures shall be implemented as plan design changes."

WHEREAS, instead of including the recommended budget language, or restoring the funding that would be necessary to support anticipated growth during Fiscal Year 2017 in the unreformed health benefits system, the legislative majority included the following budget language in its appropriations bill: "The State Health Benefits Program Plan Design Committee and the School Employees' Health Benefits Program Plan Design Committee may review potential cost-savings for FY 2017 State health benefits of \$250,000,000."; and

WHEREAS, the permissive nature of the Legislature's budget language, considered in conjunction with the historical reluctance of some members of the Plan Design Committees to embrace even the most modest of common-sense reforms, calls into question whether the Fiscal Year 2017 health benefits savings embedded in the Legislature's budget is realistically likely to be achieved; 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, including ensuring compliance with the constitutional mandate that a balanced State budget be maintained, N.J.Const. (1947) Article VIII, Section 2, Paragraph 2; and

WHEREAS, during the course of a fiscal year, the Director of the Division of Budget and Accounting ("Director") may take steps to freeze State spending by placing certain funds in reserve in order to ensure that the State's budget remains balanced and to protect against and meet emergencies that may arise during the fiscal year pursuant to N.J.S.A. 52:27B-26, and the Governor also may enjoin expenditures and prescribe the terms on which such expenditures may be made, if at all, pursuant to N.J.S.A. 52:27B-31 to ensure that appropriations are not used to support waste, mismanagement or extravagance in a time of potentially diminished fiscal resources; and

WHEREAS, failure to exercise any of these powers risks the State potentially lacking resources necessary to maintain a responsible fund balance while providing for essential State services and basic operations of State government for Fiscal Year 2017, potentially causing immediate adverse impacts on the residents of the State;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. In light of these facts and circumstances described above, the Director is hereby ordered immediately to identify and place into reserve items of appropriation, pursuant to N.J.S.A. 52:27B-26, in an amount sufficient to ensure that the State budget remains in balance while maintaining a responsible anticipated closing fund balance. The amounts immediately reserved shall include all legislative additions to my recommended budget for Fiscal Year 2017, as determined by the Director, and half of the appropriation for Transitional Aid to Localities, along with such other amounts of such items of appropriation as the Director shall determine to be necessary to effectuate the purposes of this Order. The Director shall notify the Governor immediately of the list of items placed into reserve.

2. The Treasurer shall monitor the meetings and activities of the Plan Design Committees, and shall identify the value of estimated health benefits savings achieved by the Committees for Fiscal Year 2017, in addition to the impact that any reforms may have in future fiscal years. The Treasurer shall immediately notify the Governor as such savings are achieved. Thereafter, upon receiving notification from the Treasurer that health benefits savings have been achieved, the Director may release from reserve, pursuant to N.J.S.A. 52:27B-26, items of appropriation in consideration of the savings achieved.

3. The Treasurer is further ordered, in consultation with the Acting Attorney General ("Attorney General"), to determine the specific steps that would be necessary to withdraw the State of New Jersey from the Reciprocal Personal Income Tax Agreement Between the Commonwealth of Pennsylvania and the State of New Jersey, and shall prepare an estimate of the effects such a withdrawal would have on New Jersey's revenue collections.

4. All State officials and agencies shall cooperate fully in the implementation of this Order.

5. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented by me.

Dated June 30, 2016.

EXECUTIVE ORDER NO. 210

WHEREAS, among the most basic responsibilities of government is to provide for its citizens a safe, efficient, fully integrated, and properly balanced system of transportation, including roads, bridges, buses, rail, and light rail; and

WHEREAS, a well-kept infrastructure is crucial to the operation of the New Jersey economy and the provision of goods and services all over the State, and the

people of the State of New Jersey rely upon that system of transportation as they conduct all aspects of their daily lives; and

WHEREAS, the New Jersey Transportation Trust Fund Authority (“TTFA”), established pursuant to N.J.S.A. 27:1B-1, et seq., exists to finance the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of the State’s transportation system through the issuance of State-contract Bonds and pay-as-you-go capital; and

WHEREAS, the TTFA provides funds to the New Jersey Department of Transportation (“DOT”) and to New Jersey Transit to carry out transportation projects; and

WHEREAS, currently, absent additional funding sources, the TTFA will exhaust all of its available funds in August 2016; and

WHEREAS, to date, the New Jersey State Senate has failed to act on reauthorization of the TTFA and therefore there is no established plan for providing additional funding sources for the TTFA; and

WHEREAS, if the TTFA runs out of funds, it would have a disastrous effect on the State’s ability to maintain the transportation infrastructure, thereby jeopardizing the health, safety, and welfare of all persons who rely on that infrastructure; and

WHEREAS, it is therefore necessary to take action before the funds are depleted and carefully ration the existing funds of the TTFA to obtain the greatest effect out of those remaining dollars; and

WHEREAS, the New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed; and

WHEREAS, the Governor of the State of New Jersey is entrusted with the responsibility to protect the health, safety, and welfare of the citizens of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergencies affecting the State; and

WHEREAS, in order to protect the health, safety, and welfare of the citizens of this State, it is necessary that the remaining amounts held by the TTFA not be spent on any transportation project that is not absolutely essential; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. The Commissioner of DOT and the Executive Director of New Jersey Transit are instructed to plan an immediate and orderly shutdown of all ongoing work that is funded by the TTFA, with the understanding that any work that is funded by federal funds may continue. The respective plans for such orderly shutdown shall be completed no later than 11:59 pm on Saturday, July 2, 2016.

2. All work that is funded by the TTFA shall cease according to the shutdown plans established respectively by the Commissioner and Executive Director, with the understanding that any work that is funded by federal funds may continue.

3. The Commissioner of DOT shall take all appropriate steps to ensure that work performed at the municipal level that is funded by the TTFA, through grant or otherwise, shall cease in a manner consistent with this Executive Order, with the understanding that any work that is funded by federal funds may continue.

4. Notwithstanding the above paragraphs, transportation project work may continue when it is, in the discretion of the Commissioner and Executive Director, respectively, after consultation with the Office of the Governor, determined that such projects are absolutely essential for the protection of the health, safety, and welfare of the citizens of the State of New Jersey, or are required to ensure the receipt of federal funding.

5. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

6. All State officials and agencies shall cooperate fully in the implementation of this Order.

7. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

8. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

9. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the Commissioner in all matters concerning this state of emergency.

10. This Order shall take effect immediately and shall remain in full force and effect until such time as it is determined by me that an emergency no longer exists.

Dated June 30, 2016.

EXECUTIVE ORDER NO. 211

WHEREAS, in 2014, the citizens of New Jersey voted overwhelmingly to amend the State Constitution to eliminate the State's "resource-based" approach to pretrial release of individuals facing criminal charges, which allowed potentially dangerous defendants to be released if they had the financial wherewithal to make bail, while requiring defendants who posed no threat to the community to remain in jail simply because of an inability to pay bail or post bond; and

WHEREAS, in lieu of the resource-based system, the voters authorized a "risk-based" system, which, through individualized, objective, and scientifically-based assessments, allows for the detention of criminal defendants who pose a danger to the community, a flight risk, or potential to obstruct justice, where these concerns cannot be mitigated through release conditions; and

WHEREAS, the Legislature passed, and I subsequently signed, P.L. 2014, c. 31, implementing legislation that will take effect on January 1, 2017, and will bring about the sweeping reforms to New Jersey's adult criminal justice system consistent with the the aforementioned constitutional amendment; and

WHEREAS, upon full implementation of the constitutional amendment and the implementing legislation, fewer defendants will be incarcerated in county jails at taxpayer expense while awaiting trial; and

WHEREAS, the speedy indictment and speedy trial deadlines in the implementing legislation will result in shorter periods of pretrial detention for defendants who are not eligible for release based on the objective risk assessment; and

WHEREAS, the Judiciary is currently revising the Rules of Court to implement the aforementioned reforms and establish new practices and procedures that will impact the operations and workload of police agencies and prosecutors' offices; and

WHEREAS, the Attorney General, in his capacity as the State's chief law enforcement officer, is preparing to issue a Law Enforcement Directive to provide guidance to police and prosecutors to ensure the uniform and efficient implementation of these reforms and the new Court Rules; and

WHEREAS, the Directive will encourage prosecutors to review arrests for certain offenses before a decision is made whether to issue a complaint-summons (allowing release of the defendant pending a court appearance) or to apply for a complaint-warrant (requiring evaluation of the defendant by the risk-based assessment to determine if release is appropriate), which represents a significant change in practice for most prosecutors, and may require significant realignment of resources to perform these early case-screening functions quickly and efficiently, often outside of normal business hours; and

WHEREAS, the reforms will require the appropriate prioritization of judicial and prosecutorial resources; and

WHEREAS, it is necessary and appropriate to study, project, and monitor the savings and the costs associated with these reforms, and to develop additional policies and procedures to address administrative challenges in order to successfully implement the reforms to our pretrial release system; and

WHEREAS, preparations for implementation are sufficiently advanced such that the savings and costs resulting from the reforms can be reasonably estimated;

NOW, THEREFORE, I, CHRIS CHRISTIE, 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. The Attorney General shall evaluate the costs, savings, and administrative challenges associated with the reforms to our pretrial release system set forth in the State Constitution, implementing legislation, and the forthcoming Attorney General Law Enforcement Directive, with specific focus on County Prosecutors' Offices, county jails, and local police departments.

2. The study shall be conducted by the Division of Criminal Justice and the Office of Law Enforcement Professional Standards in the Department of Law and Public Safety, in consultation with the State Police and the County Prosecutors Association of New Jersey, and shall solicit the input of appropriate stakeholders.

3. To effectuate the study, the Attorney General 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 as deemed necessary to discharge the duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Attorney General within the limits of its statutory authority and to furnish such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

4. The Attorney General shall, within 60 days, report to the Governor on the progress of the study of anticipated costs, savings, and administrative challenges.

5. This Order shall take effect immediately.

Dated June 30, 2016.

EXECUTIVE ORDER NO. 212

WHEREAS, Senator Raymond Bateman was born in Somerville, New Jersey in 1927, and attended Somerville High School and Wesleyan University; and

WHEREAS, in 1946, Senator Bateman began his outstanding career in public service in the United States Army, serving in Japan after World War II; and

WHEREAS, after serving his country in the Army, Senator Bateman was as an assistant to State Senator Malcolm S. Forbes, and then Executive Director of the New Jersey Republican State Committee; and

WHEREAS, Senator Bateman then served in the New Jersey General Assembly beginning in 1958, and was subsequently elected to the Senate in 1967; and

WHEREAS, in 1970, Senator Bateman became President of the New Jersey State Senate and, when necessary, served as Acting Governor; and

WHEREAS, during his two decades in the Legislature, Senator Bateman sponsored legislation that has had a profound, positive, and lasting impact on the State, including a landmark 1962 bill that created New Jersey's community college system; and

WHEREAS, after leaving the Legislature, Senator Bateman continued to serve New Jersey in various roles, including as chairman of the Raritan Valley Community College and as chairman of the New Jersey Sports and Exposition Authority; and

WHEREAS, most of all, Senator Bateman was a loving husband, father, grandfather, and great-grandfather, whose presence will be sorely missed by his family, his many friends and colleagues, and the people of New Jersey overall; and

WHEREAS, it is with profound sadness that we mourn the passing of Senator Bateman, and we extend our deepest sympathy to his family, friends, and colleagues; and

WHEREAS, it is appropriate to honor the outstanding character, remarkable achievements, and cherished memory of Senator Raymond Bateman, and to mark his passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, July 9, 2016, in recognition and mourning of the passing of Senator Raymond Bateman.
2. This Order shall take effect immediately.

Dated June 30, 2016.

EXECUTIVE ORDER NO. 213

WHEREAS, on June 30, 2016, the final day of State Fiscal Year 2016 ("FY 2016"), I signed Executive Order No. 210 (2016) declaring a state of emergency occasioned by the failure of the Legislature to send any bill to my desk providing for reauthorization of the Transportation Trust Fund Authority ("TTFA") following expiration of the five-year funding authorization that financed transportation projects from FY 2012 through the end of FY 2016; and

WHEREAS, at the time of that signing, it was evident that, absent additional funding sources, the TTFA would exhaust its remaining available funds no later than August 2016; and

WHEREAS, pursuant to Executive Order No. 210, work on most transportation projects funded by the TTFA was shut down in an orderly manner in early July

and the remaining TTFA funds have been carefully rationed to support projects determined to be absolutely essential for the protection of the health, safety, and welfare of the citizens of the State of New Jersey, or that are required to ensure the receipt of federal funding; and

WHEREAS, the TTFA is days away from exhausting all of its available funds; and
WHEREAS, no evident progress has been made by the Legislature to pass a single, viable bill to reauthorize the TTFA; and

WHEREAS, the current situation will persist until such time as the Senate and the General Assembly pass a TTFA funding bill acceptable to all parties; and

WHEREAS, a well-maintained transportation infrastructure is essential to the operation of New Jersey's economy and the people of the State of New Jersey who rely upon that system of transportation as they conduct all aspects of their daily lives; and

WHEREAS, suspending emergency TTFA work while the people of New Jersey wait for the Senate and the General Assembly to pass a TTFA reauthorization bill would jeopardize the health, safety, and welfare of all who rely on our transportation infrastructure; and

WHEREAS, the New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed; and

WHEREAS, the Governor of the State of New Jersey is entrusted with the responsibility to protect the health, safety, and welfare of the citizens of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergencies affecting 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., and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, DO DECLARE and PROCLAIM that a State of Emergency continues to exist in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. The State Treasurer, as well as the Director of the Division of Budget and Accounting ("OMB Director"), the Commissioner of the Department of Transportation ("Commissioner"), and the Executive Director of the New Jersey Transit Corporation ("Executive Director"), are instructed to undertake all steps necessary and appropriate to effectuate the purposes of Executive Order No. 210, as continued and supplemented by this Order, using general State funds. More specifically, pursuant to the authority granted to the Governor in General Provision No. 24 of the Fiscal Year 2017 Appropriations Act, P.L.2016, c.10, I hereby direct the State Treasurer to transfer from any State department to the TTFA such amounts as are determined to be necessary by the OMB Director, in consultation with the Commissioner and the

Executive Director, to support transportation projects that are determined to be absolutely essential for the protection of the health, safety, and welfare of the people of the State of New Jersey, or are required to ensure the receipt of federal funding, according to the standards set forth in paragraph 4 of Executive Order No. 210.

2. All State officials and agencies shall cooperate fully in the implementation of this Order.

3. This Order shall take effect immediately and shall remain in full force and effect until it is determined by me that an emergency no longer exists.

Dated August 17, 2016.

EXECUTIVE ORDER NO. 214

WHEREAS, the National Weather Service is forecasting Tropical Storm Hermine will impact New Jersey beginning on September 3, 2016, bringing tropical storm force winds, very heavy and sustained rain, as well as moderate to major coastal flooding with heavy surf and beach erosion to parts of the State; and

WHEREAS, the National Weather Service forecast currently indicates that Hermine is a slow-moving storm that likely will impact the entire New Jersey shoreline for several days, and Ocean County, Atlantic County and Cape May County in particular; and

WHEREAS, these impending weather conditions may threaten homes and other structures, endanger lives, jeopardize public and private property, cause power outages, impede transportation and the flow of traffic in New Jersey, and thereby make it difficult or impossible for residents to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of Ocean County, Atlantic County and Cape May County; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in Ocean County, Atlantic County and Cape May County, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE AND PROCLAIM that a State of Emergency exists in Ocean County, Atlantic County, and Cape May County, and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33 et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities or jurisdictions.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency, governmental, or essential personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public

health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and -51, as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated September 3, 2016.

EXECUTIVE ORDER NO. 215

WHEREAS, on September 11, 2001, unprecedented acts of terrorism were committed in New York, Washington, D.C., and Pennsylvania; and

WHEREAS, the horrific attacks of September 11, 2001, took the lives of nearly 3,000 people, almost 700 of whom were residents of New Jersey; and

WHEREAS, these attacks not only caused a tremendous loss of life, but also inflicted immense pain and anguish on the survivors of the attacks, as well as the families of those killed that day; and

WHEREAS, fifteen years later, a great many New Jerseyans continue to endure the devastating loss of a parent, spouse, child, or other loved one; and

WHEREAS, September 11, 2001, will be remembered by all New Jerseyans, privately and at public remembrances and memorials, as we continue to display the patriotism and compassion that defines us as Americans and as New Jerseyans; and

WHEREAS, we remain grateful to our law enforcement officers and our Armed Forces for their invaluable sacrifices in the protection of our country and our State; and

WHEREAS, on this fifteenth anniversary of September 11, 2001, it is fitting that this day be observed with full solemnity, in tribute to the innocent victims who perished in the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on Sunday, September 11, 2016, in recognition and in mourning of the victims of the attacks of September 11, 2001, including those from our home State.

2. This Order shall take effect immediately.

Dated September 7, 2016.

EXECUTIVE ORDER NO. 216

WHEREAS, it is a fundamental obligation of government to provide for a safe, efficient, fully integrated, and properly balanced system of transportation; and

WHEREAS, the New Jersey Transportation Trust Fund Authority ("TTFA"), established pursuant to N.J.S.A. 27:1B-1, et seq., and which exists to finance the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of the State's transportation system, was approaching the exhaustion of its available funds during the Summer of 2016; and

WHEREAS, on June 30, 2016, in order to preserve the remaining TTFA funds for projects deemed absolutely essential for the protection of the health, safety, and welfare of the citizens of the State of New Jersey, or where expenditure was necessary to ensure the receipt of federal funding, I signed Executive Order No. 210, which declared a State of Emergency and ordered the Commissioner of the Department of Transportation ("DOT") and the Executive Director of New Jersey Transit ("NJT") to plan an immediate and orderly shutdown of all non-essential work on the State's transportation infrastructure that was funded by the nearly depleted TTFA; and

WHEREAS, on August 17, 2016, the TTFA was days away from exhausting its funds even for essential work on the State's transportation infrastructure, and I therefore signed Executive Order No. 213, which declared a continuing State of Emergency and ordered that general State funds be transferred to the TTFA in amounts sufficient to permit essential transportation projects to continue; and

WHEREAS, on October 7, 2016, both houses of the New Jersey Legislature passed Assembly Bill No. 10 and Assembly Bill No. 12; and

WHEREAS, among other things, the aforesaid legislation provides for funding of the TTFA and amends laws concerning the financing and construction of transportation infrastructure in the State going forward; and

WHEREAS, today, October 14, 2016, I have signed both Assembly Bill No. 10 and Assembly Bill No. 12 into law; and

WHEREAS, as a result of the enactment of Assembly Bill Nos. 10 and 12, the shutdown required by Executive Order No. 210 can be lifted, such that work on transportation projects in the State may resume in the normal course; and

WHEREAS, general State funds may still need to be used until the steady funding stream provided for within the legislation reaches the TTFA;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the power vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 210, signed on June 30, 2016, and Executive Order No. 213, signed on August 17, 2016, are hereby rescinded.
2. The State Treasurer, the Director of the Division of Budget and Accounting and the DOT Commissioner shall implement an interim funding solution in order to permit the immediate recommencement of transportation projects funded by the TTFA.
3. This Order shall take effect immediately.

Dated October 14, 2016.

EXECUTIVE ORDER NO. 217

WHEREAS, New Jersey State Trooper Frankie Williams was a resident of Egg Harbor Township, New Jersey;

WHEREAS, Trooper Williams earned an Associate Degree from Atlantic Cape Community College, a Bachelor of Arts in Criminal Justice from Rutgers University, and was working towards a Master's Degree in Criminal Justice at Rutgers University; and

WHEREAS, on January 29, 2016, Trooper Williams joined the New Jersey State Police as a graduate of the 156th Class of the New Jersey State Police Academy; and

WHEREAS, Trooper Williams was initially assigned to the Woodstown Station, then to the Port Norris Station; and

WHEREAS, in his short time in the State Police, Trooper Williams gained the respect and admiration of his colleagues for his good judgment and thoughtful approach to his duties; and

WHEREAS, on December 5, 2016, Trooper Williams tragically passed away following a motor vehicle accident that occurred while he was on duty and responding to an incident; and

WHEREAS, Trooper Williams was a loving and devoted husband and son, and his memory will live on in the hearts of his family, friends, and colleagues; and

WHEREAS, Trooper Williams made the ultimate sacrifice on behalf of the citizens of this State, and served with courage, professionalism, and a commitment to the finest ideals and traditions of the New Jersey State Police; and

WHEREAS, it is with profound sadness that we mourn the loss of Trooper Williams, and we extend our deepest sympathy to his family, friends, and fellow law enforcement officers; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Trooper Williams's passing and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, December 12, 2016, in recognition and in mourning of a brave and loyal hero, New Jersey State Trooper Frankie Williams.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Trooper Frankie Williams.

3. This Order shall take effect immediately.

Dated December 9, 2016.

EXECUTIVE ORDER NO. 218

WHEREAS, New Jersey State Police Lieutenant William G. Fearon was born in Kearny, New Jersey, graduated from Seton Hall Preparatory School in West Orange, New Jersey, and lived in Cedar Grove, New Jersey; and

WHEREAS, Lieutenant Fearon joined the New Jersey State Police as a graduate of the 114th Class of the New Jersey State Police Academy on September 23, 1994; and

WHEREAS, Lieutenant Fearon served in various positions in the New Jersey State Police throughout his distinguished twenty-two-year career, including as an Assistant Division Operations Officer and as an Assistant Station Commander; and

WHEREAS, on December 28, 2016, Lieutenant Fearon passed away following a long battle with an illness he contracted in the line of duty while responding to the World Trade Center terrorist attacks on September 11, 2001; and

WHEREAS, Lieutenant Fearon was a loving and devoted husband, son, and father, whose memory will live in the hearts of his family, friends, and fellow members of the New Jersey State Police; and

WHEREAS, Lieutenant Fearon served his State with courage, professionalism, and commitment to the finest ideals and traditions of the New Jersey State Police; and

WHEREAS, it is with deep sadness that we mourn the loss of Lieutenant Fearon, and we extend our sincerest sympathy to his family, friends, and fellow members of the New Jersey State Police; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Lieutenant Fearon's passing and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, December 31, 2016 in recognition and mourning of a brave and loyal hero, New Jersey State Police Lieutenant William G. Fearon, Badge 5147.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of New Jersey State Police Lieutenant William G. Fearon.

3. This Order shall take effect immediately.

Dated December 29, 2016.

**AMENDMENTS
ADOPTED IN 2016 TO
THE 1947 CONSTITUTION**

AMENDMENT ADOPTED IN 2016 TO THE 1947 CONSTITUTION

ARTICLE VIII, SECTION II, PARAGRAPH 4

Amend Article VIII, Section II, paragraph 4 to read 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 through the State fiscal year commencing on July 1, 2015 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, and for each State fiscal year thereafter, an amount equivalent to all revenue derived from the collection of the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes or any other subsequent law of similar effect;

(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, for each State fiscal year from State fiscal year 2002 through State fiscal year 2016 an amount not less than \$200,000,000 derived from those revenues, and for each State fiscal year thereafter, an amount equivalent to all revenue derived from the collection of 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

(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.

Adopted November 8, 2016.

Effective December 8, 2016.

**PROPOSED AMENDMENT
TO THE 1947 CONSTITUTION
THAT HAS BEEN REJECTED
IN 2016**

**PROPOSED AMENDMENT TO THE
1947 CONSTITUTION THAT HAS
BEEN REJECTED IN 2016**

ARTICLE IV, SECTION VII, PARAGRAPH 2

Amend Article IV, Section VII, paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of bona fide veterans' organizations and senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes,

in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of bona fide veterans' organizations and senior citizen associations or clubs to the support of such organizations, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions and State aid for education; provided, however, that it shall not be competent for the Legislature to borrow, appropriate or use, under any pretense whatsoever, lottery net proceeds for the confinement, housing, supervision or treatment of, or education programs for, adult criminal offenders or juveniles adjudged delinquent or for the construction, staffing, support, maintenance or operation of an adult or juvenile correctional facility or institution;

D. (1) It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

(2) It shall also be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes

place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place.

(3) (a) It shall also be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of no more than two gambling houses or casinos, each one to be located in different counties of this State, and to license and tax such operations and equipment used in connection therewith. The boundaries of each municipality in which each gambling house or casino is located shall be partially or completely outside a 72 mile radius calculated from the outermost boundary, as heretofore established, of the city of Atlantic City in the county of Atlantic.

(b) (i) Any law authorizing the establishment and operation of such gambling establishments shall provide that, in the first State fiscal year in which State revenues are derived under part (3) of subparagraph D. of this paragraph, those State revenues shall be credited to a special account and dedicated for the purposes specified under part (1) of subparagraph D. of this paragraph and shall be used for those purposes.

(ii) Any law authorizing the establishment and operation of such gambling establishments shall provide that, commencing in the second State fiscal year in which State revenues are derived under part (3) of subparagraph D. of this paragraph and thereafter, State revenues derived under part (1) and part (3) of subparagraph D. of this paragraph shall be credited to a special New Jersey Investment Fund. The revenues credited to the investment fund in each State fiscal year shall be applied solely as follows.

Two percent of the amount so credited in each State fiscal year first shall be dedicated as State aid with each half of the two percent allocated to the locality in which each of the two gambling establishments is located and operating. Locality shall mean the host municipality, county, or both.

Then, there shall be the following incremental allocations for each State fiscal year. The remaining revenues credited to the investment fund in each State fiscal year up to \$150,000,000 shall be dedicated 50 percent for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City, and 50 percent for the following purposes: 60 percent for the purposes specified under part (1) of subparagraph D. of this paragraph to be used for those purposes, and 40 percent for State aid to each county and municipality in the State for programs and property tax relief for senior citizens and disabled residents and for such other purposes as the Legislature shall by law provide.

Then, remaining revenues credited to the investment fund in each State fiscal year up to an additional \$150,000,000 shall be dedicated 40 percent

for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City, and 60 percent for the following purposes: 60 percent for the purposes specified under part (1) of subparagraph D. of this paragraph to be used for those purposes, and 40 percent for State aid to each county and municipality in the State for programs and property tax relief for senior citizens and disabled residents and for such other purposes as the Legislature shall by law provide.

Then, remaining revenues credited to the investment fund in each State fiscal year up to an additional \$150,000,000 shall be dedicated 30 percent for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City, and 70 percent for the following purposes: 60 percent for the purposes specified under part (1) of subparagraph D. of this paragraph to be used for those purposes, and 40 percent for State aid to each county and municipality in the State for programs and property tax relief for senior citizens and disabled residents and for such other purposes as the Legislature shall by law provide.

Then, remaining additional revenues credited to the investment fund in each State fiscal year shall be dedicated 20 percent for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City, and 80 percent for the following purposes: 60 percent for the purposes specified under part (1) of subparagraph D. of this paragraph to be used for those purposes, and 40 percent for State aid to each county and municipality in the State for programs and property tax relief for senior citizens and disabled residents and for such other purposes as the Legislature shall by law provide.

Commencing in the 17th State fiscal year and for the next subsequent nine State fiscal years, the percentages dedicated above for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City shall decrease by, and the percentage dedicated above for the purposes specified under part (1) of subparagraph D. of this paragraph, for State aid to each county and municipality in the State for programs and property tax relief for senior citizens and disabled residents, and for such other purposes as the Legislature shall by law provide shall increase by, the same number of percentage points from the prior State fiscal year percentage, to achieve a final dedication of 10 percent/90 percent, 8 percent/92 percent, 6 percent/94 percent, and 4 percent/96 percent, respectively, for each of the four incremental allocations of the remaining revenues credited to the investment fund, and shall remain at those levels for each State fiscal year thereafter.

Of the percentage of revenues from the investment fund dedicated for State aid to each county and municipality in the State for programs and

property tax relief for senior citizens and disabled residents and for such other purposes as the Legislature shall by law provide, not less than two percentage points in each State fiscal year shall be dedicated for the purposes of programs designed to aid the thoroughbred and standardbred horsemen in this State.

Notwithstanding the dedications above, the total amount dedicated in each State fiscal year for the purposes of the recovery, stabilization, or improvement of the city of Atlantic City shall not exceed one third of the total revenues credited to the investment fund in each State fiscal year. Any amounts allocated pursuant to the dedications in (b) (ii) in excess of this limitation shall be reallocated for the purposes specified under part (1) of subparagraph D. of this paragraph.

If in any State fiscal year the allocations of revenue pursuant to the dedications in (b) (ii) for the purposes specified under part (1) of subparagraph D. of this paragraph are less than the amount of State revenues derived under and for the purposes specified in part (1) of subparagraph D. of this paragraph in State fiscal year 2015, the amounts allocated to all other purposes shall be proportionately reduced by an amount not exceeding the difference between the amount of State revenues derived under and for the purposes specified in part (1) of subparagraph D. of this paragraph in State fiscal year 2015 and the amount allocated pursuant to the dedications in (b) (ii) for the purposes specified under part (1) of subparagraph D. of this paragraph.

(c) The eligibility for each initial license to establish a gambling house or casino under part (3) of subparagraph D. of this paragraph shall be limited to persons whose majority equity owners: a) are holders of a New Jersey casino license that were operating a casino which was conducting gambling as of the date of passage by the Legislature of the concurrent resolution that proposed the amendment that added part (3) of subparagraph D. of this paragraph to this Constitution; or b) were principal owners of a holder of a New Jersey casino license that was operating a casino which was conducting gambling as of the date of passage by the Legislature of the concurrent resolution that proposed the amendment that added part (3) of subparagraph D. of this paragraph to this Constitution, if that principal owner or subsidiary also holds a valid license to own and operate a casino in another jurisdiction with licensing standards similar to those in New Jersey. A principal owner shall mean any person who, directly or indirectly, owns 50 percent or more of a holder of a New Jersey casino license that was operating a casino which was conducting gambling as of the date of passage by the Legislature of the concurrent resolution that proposed the amendment that added part (3) of subparagraph D. of this paragraph to this Constitution.

(d) If a person described under (c) above does not apply for a license within 60 days following the date on which the licensing entity indicates that applications are being accepted, or does apply but fails to meet certain progress requirements that shall be prescribed by law, within the time periods that shall be prescribed by law, toward the establishment and operation of a gambling house or casino, any person may apply for that license in accordance with law.

(e) An application for a license to establish a gambling house or casino shall be approved only if the applicant commits to and makes an investment of at least \$1,000,000,000 in the acquisition, construction, and development of the facility, which amount shall be ascertained as provided by law, in which the gambling house or casino is located prior to the commencement of gambling operations in that facility.

(f) The location and type of such casinos or gambling houses, and of the gambling games which may be conducted in any such establishment, shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific kind, restrictions and control of wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law; and

F. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State. The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place.

Rejected November 8, 2016.

INDEX

AGRICULTURE

Aquaculture declared important State economic driver, inclusion in State economic development plans urged, J.R.9.

Aquaculture projects:

Coordinated permit application, review program, adoption; required, C.4:27-10.2 et seq., Ch.96.

Joint permit application process, establishment; required, C.4:27-10.1, Ch.95.

“Native Plant Appreciation Month,” June; designated, C.36:2-281 et seq., J.R.11.

ANIMALS

Animals, certain, possession, transport of parts, products at PANYNJ airports, port facilities; prohibited, C.32:1-177 et seq., Ch.7.

Artificial turf, use by animal facilities in outdoor enclosures; permitted, C.4:19-15.14a, Ch.44.

Diamondback terrapin, protection as nongame indigenous species; provided, C.23:2A-4.1, Ch.17.

Interstate Wildlife Violator Compact, C.23:13-1 et seq., Ch.101.

NJ Transit, treatment of people with guide or service dogs; regulated, Access Link Customer Service Group; established, C.27:25-5b et seq., Ch.25.

Species threatened by extinction, certain actions relative to; prohibited, C.23:2A-6.1 et seq., amends C.23:2A-2 et al., Ch.6.

APPROPRIATIONS

Annual, Ch.10.

New Jersey Environmental Infrastructure Trust, loans for certain projects for FY2017; authorized, Ch.31.

DEP for infrastructure projects for FY2017, Ch.32.

Judiciary, for additional Super Court judgeships, \$9,300,000, Ch.103.

Supplemental, various, Ch.8,

CIVIL ACTIONS

“Uniform Interstate Family Support Act,” C.2A:4-30.124 et seq., amends C.2A:17-56.49 et al., repeals C.2A:4-30.65 et seq., Ch.1.

CIVIL RIGHTS

Pregnancy discrimination in higher education; prohibited, C.18A:3B-74 et seq., Ch.88.

COLLEGES AND UNIVERSITIES

Graduation, transfer rates of State tuition aid grant recipients, information, certain provided to Higher Education Student Assistance Authority; required, C.18A:71B-19.1, Ch.47.

Law enforcement officers, certain, provision of security in schools, county colleges; authorized, amends C.40A:14-146.10 et al., Ch.68.

“Madison Holleran Suicide Prevention Act,” C.18A:3B-72 et seq., Ch.18.

Pregnancy discrimination in higher education; prohibited, C.18A:3B-74 et seq., Ch.88.

Public institutions of higher education, making purchases, contracting for services as participating contracting unit; permitted, C.18A:64-63.1 et al., amends C.52:34-6.2, Ch.50.

COLLEGES AND UNIVERSITIES (Continued)

School of Osteopathic Medicine at Rowan University, maintenance of principal clinical affiliation with osteopathic or allopathic hospital; permitted, amends C.18A:64M-31, Ch.28.

Student loans, certain, forgiveness under certain circumstances; permitted, C.18A:71C-31.1 et seq., Ch.71.

CONSTITUTION, STATE

Casinos, establishment in certain counties; authorized, amends Article IV, Section VII, paragraph 2; not adopted.

Motor fuels, petroleum products gross receipts tax, dedication of funds to transportation system, amends Article VIII, Section II, paragraph 4; adopted.

CORRECTIONS

Prescription medications, provision to certain incarcerated persons; required, C.30:4-16.6 et al., Ch.70.

Telephone service contracts for inmates in certain correctional facilities, regulations; imposed, C.30:4-8.11 et seq., Ch.37.

Work First New Jersey General Assistance benefits, treatment eligibility, certain; revised, amends C.44:10-48, Ch.69.

COUNTIES

“Hunterdon-Somerset Flood Advisory Task Force”; established, Ch.34.

Land use planning, nearby military installations, coordination between military and civilian interests; provided, C.52:16A-120, amends C.40:55D-2 et al., Ch.21.

Local government entities, certain, payment of certain claims through use of standard electronic funds transfer technologies; authorized, C.40A:5-16.5, Ch.29.

Superstorm Sandy-impacted counties, expiration date of permits, certain; extended, amends C.40:55D-136.3 et seq., Ch.14.

COURTS

Superior Court judgeships; number increased, amends N.J.S.2B:2-1, Ch.103.

CRIMES AND OFFENSES

Cyber-harassment, crime added to domestic violence statutes, amends C.2C:25-19, Ch.77.

Firearms, access by certain persons convicted of domestic violence; restricted, minimum terms of incarceration for certain offenders; provided, C.2C:43-6.8, amends C.2C:25-27 et seq., Ch.91.

Invasion of privacy, “upskirting”; included, fourth degree crime, amends C.2C:14-9 et al., Ch.2.

“New Jersey Task Force on Abuse of Persons who are Elderly or Disabled”; established, Ch.3.

“Sexual Assault Survivor Protection Act of 2015,” scope; modified, amends C.2C:14-14 et al., Ch.93.

“Victim,” definition in “Crime Victim’s Bill of Rights”; revised, amends C.52:4B-37, Ch.15.

Witnesses, certain, payment of relocation expenses; authorized, C.52:4B-12.1, Ch.97.

DOMESTIC RELATIONS

Administrative law judges, current, retired, authority to solemnize marriages, civil unions; provided, amends R.S.37:1-13, Ch.61.
Child placement review hearings, time for initiation; changed, amends C.30:4C-58, Ch.90.
“Uniform Interstate Family Support Act,” C.2A:4-30.124 et seq., amends C.2A:17-56.49 et al., repeals C.2A:4-30.65 et seq., Ch.1.

DRUGS

Abandoned prescription medication, re-dispensing up to one year after original preparation; permitted, C.45:14-57.1, Ch.42.
Drug manufacturer, filing of registration statement, certain approvals not required, amends C.24:6B-1 et seq., Ch.73.
Medical marijuana, prescription for qualifying patients with PTSD; authorized, amends C.24:6I-3, Ch.53.
Prescription medications, provision to certain incarcerated persons; required, C.30:4-16.6 et al., Ch.70.

ELECTIONS

Moving date of certain school districts’ annual school election, moratorium; provided, study commission; created, Ch.27.

FISH, GAME AND WILDLIFE

Animals, certain, possession, transport of parts, products at PANYNJ airports, port facilities; prohibited, C.32:1-177 et seq., Ch.7.
Diamondback terrapin, protection as nongame indigenous species; provided, C.23:2A-4.1, Ch.17.
Species threatened by extinction, certain actions relative to; prohibited, C.23:2A-6.1 et seq., amends C.23:2A-2 et al., Ch.6.

ENVIRONMENT

“Electronic Waste Management Act”; revised, C.13:1E-99.105 a et seq., amends C.13:1E-99.94 et al., repeals C.13:1E-99.96 et al., Ch.87.
Environmental infrastructure projects, financing, submission, notice requirements; changed, amends C.58:11B-9 et al., repeals C.58:11B-9.1 et al., Ch.30.
“Preserve New Jersey Act,” C.13:8C-43 et seq., amends C.13:8C-24, Ch.12.
Remediation of property in environmental opportunity zone, exemption from remediation funding source requirement; provided, amends C.54:4-3.158, Ch.85.
State Oceanographer; position established, C.13:19-46, amends C.13:19-36, Ch.59.

EXECUTIVE ORDERS

First Lady Nancy Reagan; death commemorated, No.205.
Health benefit costs, review ordered by Governor, No.209.
Justice Antonin Gregory Scalia; death commemorated, No. 204.
Justice Marie L. Garibaldi; death commemorated, No.201.
New Jersey State Police Lieutenant William G. Fearon; death commemorated, No.218.
New Jersey State Trooper Frankie Williams; death commemorated, No.217.
New Jersey State Trooper Sean Cullen; death commemorated, No.206

EXECUTIVE ORDERS (Continued)

Orlando, Florida terrorist attack on June 12, 2016, death of victims; commemorated, No.208.

Port Authority Police Officer Elise Bastardo; death commemorated, No.203.

Pretrial release system, evaluation by Attorney General; required, No.211.

Private Tysheena Lynette James; death commemorated, No.207.

Senator Raymond Bateman; death commemorated, No.212.

September 11, 2016, flags flown at half-staff in commemoration of the September 11, 2001 victims of terror attacks, No.215.

State of emergency relative to severe winter storm on January 22, 2016; declared, No.202.

Tropical Storm Hermine, September 3, 2016, State of Emergency; declared, No.214.

TTFA, shutdown of all work ordered by, No.210; implementation, transfer of funds; directed, No.213; rescinded, No.216.

GAMES AND GAMBLING

“Casino Property Tax Stabilization Act,” C.52:27BBBB-18 et seq., amends R.S.54:5-6 et al., repeals C.5:12-221 et al., Ch.5.

Horse racing permit, issuance of special for steeplechase races; authorized, wagering; permitted, C.5:5-38.2, Ch.54.

HANDICAPPED PERSONS

Developmentally disabled individuals, timeline to benefit from State, federal programs, development, posting; required, C.30:1-1.4 et al., amends C.9:3A-7, Ch.72.

“New Jersey Task Force on Abuse of Persons who are Elderly or Disabled”; established, Ch.3.

HEALTH

Birth certificates, certified copy, issuance to homeless persons without fee; permitted, amends R.S.26:8-63, Ch.98.

Law enforcement assisted addiction, recovery referral programs; established, C.30:6C-11 et seq., Ch.58

Prescription medications, provision to certain incarcerated persons; required, C.30:4-16.6 et al., Ch.70.

Sterile syringe access programs; permanent; established, amends C.26:5C-26 et al., Ch.36.

HIGHWAYS

“Roberto Clemente Memorial Highway,” portion of Rt.21; designated, Ch.13.

“State Trooper Anthony A. Raspa Memorial Highway,” portion of Route 195 in Upper Freehold; designated, Ch.92.

HOLIDAYS AND OBSERVANCES

“Adult Vaccine Preventable Disease Awareness and Improvement Month,” August; designated, C.36:2-272 et seq., J.R.2.

“Consumer Protection Week,” first week of March; designated, C.36:2-271, J.R.1.

National Park Service, 100th anniversary, August 25, 2016; recognized, J.R.3.

“Native Plant Appreciation Month,” June; designated, C.36:2-281 et seq., J.R.11.

HOLIDAYS AND OBSERVANCES (Continued)

“New Jersey Careers in Utilities Week,” third week in October; designated, C.36:2-276 et seq., J.R.7.

“Night of Conversation,” night in November; designated, C.36:2-283 et seq., J.R.12.

“Pancreatic Cancer Awareness Month,” November; designated, C.36:2-274 et seq., J.R.6.

“Shuck, Sip, and Slurp Weekend,” third weekend in October; designated, C.36:2-278 et seq., J.R.8.

HOSPITALS

“Local Hospital Authority Law,” C.30:9-23.24, amends C.30:9-23.15 et al., Ch.55.

HOUSING

Veterans’ affordable housing assistance preference, provision; required, C.40A:12A-20.1, amends C.55:14K-8, Ch.19.

HUMAN SERVICES

Child placement review hearings, time for initiation; changed, amends C.30:4C-58, Ch.90.

Developmentally disabled individuals, timeline to benefit from State, federal programs, development, posting; required, C.30:1-1.4 et al., amends C.9:3A-7, Ch.72.

Law enforcement assisted addiction, recovery referral programs; established, C.30:6C-11 et seq., Ch.58

Supplemental Nutrition Assistance Program recipients, certain, waiver of time limits; permitted, C.44:10-105 et seq., Ch.11.

Work First New Jersey General Assistance benefits, treatment eligibility, certain; revised, amends C.44:10-48, Ch.69.

INSURANCE

Calculation of net premiums on certain life insurance policies for certain assessments, amends C.17:1C-20 et al., Ch.38.

INTERNATIONAL RELATIONS

Pension, annuity funds, investment by State in companies which boycott Israel, Israeli businesses; prohibited, C.52:18A-89.13 et seq., Ch.24.

INTERSTATE RELATIONS

Animals, certain, possession, transport of parts, products at PANYNJ airports, port facilities; prohibited, C.32:1-177 et seq., Ch.7.

Interstate Wildlife Violator Compact, C.23:13-1 et seq., Ch.101.

JOINT RESOLUTIONS

“Adult Vaccine Preventable Disease Awareness and Improvement Month,” August; designated, C.36:2-272 et seq., J.R.2.

Aquaculture declared important State economic driver, inclusion in State economic development plans urged, J.R.9.

“Consumer Protection Week,” first week of March; designated, C.36:2-271, J.R.1.

Delaware Bayshore, recognized as region of special significance, J.R.10.

National Park Service, 100th anniversary, August 25, 2016; recognized, J.R.3.

“Native Plant Appreciation Month,” June; designated, C.36:2-281 et seq., J.R.11.

JOINT RESOLUTIONS (Continued)

“New Jersey Biology Task Force”; established, J.R.5.

“New Jersey Careers in Utilities Week,” third week in October; designated, C.36:2-276 et seq., J.R.7.

“Pancreatic Cancer Awareness Month,” November; designated, C.36:2-274 et seq., J.R.6.

“Shuck, Sip, and Slurp Weekend,” third weekend in October; designated, C.36:2-278 et seq., J.R.8.

Workforce Innovation and Opportunity Act, Congress to request modifications of regulations; urged, J.R.4.

JUDGES

Administrative law judges, current, retired, authority to solemnize marriages, civil unions; provided, amends R.S.37:1-13, Ch.61.

Superior Court judgeships; number increased, amends N.J.S.2B:2-1, Ch.103.

LABOR

Business incentive programs, certain, eligible areas; expanded, amends C.34:1B-243 et al., Ch.75.

New Jersey Military Skills Council; established, C.34:15D-27, Ch.16.

Priority schedule for issuance of converted tax credits under Business Employment Incentive Program; revised, amends C.34:1B-129, Ch.9

“Small Business Bonding Readiness Assistance Program”; established, C.34:1B-252 et seq., Ch.84.

MILITARY AND VETERANS

Land use planning, nearby military installations, coordination between military and civilian interests; provided, C.52:16A-120, amends C.40:55D-2 et al., Ch.21.

National Guard, Reserve members, certain, temporary deferral of mortgage, property tax payments; permitted, C.38:23C-23.1, amends C.54:4-8.25 et seq., Ch.63.

Sewerage, water service fees, waiver, reduction, deferment for deployed military personnel; permitted, C.40:62-13.1, amends C.40:14B-22.2 et al., Ch.102.

New Jersey Military Skills Council; established, C.34:15D-27, Ch.16.

Registry for organizations providing services to veterans, creation; required, C.38A:3-46a, Ch.82.

Veterans’ affordable housing assistance preference, provision; required, C.40A:12A-20.1, amends C.55:14K-8, Ch.19.

Veterans’ organizations, exemptions from nonprofit corporation annual report filing fee; provided, C.15A:4-6, Ch.39.

MOTOR VEHICLES

Autocycles, regulation as motorcycles; provided, C.39:3-10.34, amends R.S.39:1-1 et al., Ch.35.

Fuel cell vehicles, certain, exemption from certain labeling requirements; provided, amends C.39:3-79.4, Ch.89.

Non-driver identification cards, exemption from fee for homeless persons; provided, amends C.39:3-29.7, Ch.99.

MOTOR VEHICLES (Continued)

Road test, use of rear view backup camera, parking sensors; permitted, amends R.S.39:3-10, Ch.41.
“Rosa-Bonilla Family Act,” development of carbon monoxide poisoning education program for drivers, amends C.27:5F-41 et al., Ch.81.

MUNICIPALITIES

“Casino Property Tax Stabilization Act,” C.52:27BBBB-18 et seq., amends R.S.54:5-6 et al., repeals C.5:12-221 et al., Ch.5.
Land use planning, nearby military installations, coordination between military and civilian interests; provided, C.52:16A-120, amends C.40:55D-2 et al., Ch.21.
Local government entities, certain, payment of certain claims through use of standard electronic funds transfer technologies; authorized, C.40A:5-16.5, Ch.29.
“Municipal Stabilization and Recovery Act,” C.52:27BBBB-1 et seq., amends C.34:13A-16 et al., Ch.4

PENSIONS AND RETIREMENT

Accidental death benefit for surviving children of SPRS or PFRS members; provided, C.53:5A-14.3 et al., amends C.53:5A-3 et al., Ch.26.
Pharmacy Benefits Manager for certain pension plans, hiring; authorized, Ch.67.
State pension contributions, payment on quarterly basis; required, amends C.43:3C-14, Ch.83.
TPAF member, reemployment as athletic coach, certain circumstances, permitted amount of compensation; increased, amends N.J.S.18A:66-53.2, Ch.76.

POLICE

Law enforcement agencies, provision of uniform cultural diversity training course materials, online tutorial; required, C.52:17B-77.13 et seq., amends C.52:9DD-9, Ch.23.
Law enforcement assisted addiction, recovery referral programs; established, C.30:6C-11 et seq., Ch.58
Law enforcement officers, certain, provision of security in schools, county colleges; authorized, amends C.40A:14-146.10 et al., Ch.68.

PROFESSIONS AND OCCUPATIONS

Bio-analytical and clinical laboratories, promulgation of rules, regulations for use of quality control programs; required, amends C.45:9-42.2 et al., Ch.86.
Intraoperative monitoring services, certain, exemption from physician self-referral restrictions; provided, amends C.45:9-22.5, Ch.20.

PUBLIC CONTRACTS

Submissions relative to corporations bidding for public contracts, regulations; revised, amends C.52:25-24.2, Ch.43.

PUBLIC UTILITIES

NJ Clean Energy Program’s Residential New Construction incentives; Statewide availability; required, C.48:3-60.4, Ch.60.

RACING

Horse racing permit, issuance of special for steeplechase races; authorized, wagering; permitted, C.5:5-38.2, Ch.54.

REAL PROPERTY

Millburn Regional Day School; sale authorized, Ch.94.

SCHOOLS

Expulsions, suspensions for young students; limited, early detection, prevention programs for behavioral issues in certain grades; required, C.18A:37-2a et seq., amends C.18A:36A-9, Ch.45.

Law enforcement officers, certain, provision of security in schools, county colleges; authorized, amends C.40A:14-146.10 et al., Ch.68.

Moving date of certain school districts' annual school election, moratorium; provided, study commission; created, Ch.27.

Nonpublic school pupil transportation pilot program; established, C.18A:39-1d, Ch.22.

Response to intervention framework; established, use by school districts; encouraged, C.18A:6-135, Ch.48.

"Secure Schools for All Children Act," C.18A:58-37.8 et seq., Ch.49.

Security improvements, use of funding from certain bonds; permitted, C.18A:7G-15.2, amends C.18A:7F-41, Ch.100.

Security measures, certain, incorporation in certain new construction and existing buildings; required, C.18A:7G-5.2, Ch.79.

Security training, certain, for school employees, law enforcement attendance at at least one school security drill; required, amends N.J.S.18A:41-1 et al., Ch.80.

Substance abuse instruction provided to public school students, review of Core Curriculum Content Standards; required, C.18A:40A-2.1, Ch.46.

SENIOR CITIZENS

"New Jersey Task Force on Abuse of Persons who are Elderly or Disabled"; established, Ch.3.

STATE GOVERNMENT

Amber and Silver Alert Information, dissemination through social media by Attorney General; directed, amends C.52:17B-194.3 et seq., Ch.78.

Business incentive programs, certain, eligible areas; expanded, amends C.34:1B-243 et al., Ch.75.

"Casino Property Tax Stabilization Act," C.52:27BBBB-18 et seq., amends R.S.54:5-6 et al., repeals C.5:12-221 et al., Ch.5.

Economic Redevelopment and Growth Grant Program, additional tax credits; authorized, amends C.52:27D-489f, Ch.51.

Law enforcement agencies, provision of uniform cultural diversity training course materials, online tutorial; required, C.52:17B-77.13 et seq., amends C.52:9DD-9, Ch.23.

"Municipal Stabilization and Recovery Act," C.52:27BBBB-1 et seq., amends C.34:13A-16 et al., Ch.4.

Pension, annuity funds, investment by State in companies which boycott Israel, Israeli businesses; prohibited, C.52:18A-89.13 et seq., Ch.24.

Pharmacy Benefits Manager for certain pension plans, hiring; authorized, Ch.67.

STATE GOVERNMENT (Continued)

“Preserve New Jersey Act,” C.13:8C-43 et seq., amends C.13:8C-24, Ch.12.

“Small Business Bonding Readiness Assistance Program”; established, C.34:1B-252 et seq., Ch.84.

State Oceanographer; position established, C.13:19-46, amends C.13:19-36, Ch.59.

TAXATION

Motor fuel distributors, heating oil dealers, refund of petroleum products gross receipts tax, certain circumstances; permitted, C.54:15B-14 et al., Ch.66.

Priority schedule for issuance of converted tax credits under Business Employment Incentive Program; revised, amends C.34:1B-129, Ch.9.

Remediation of property in environmental opportunity zone, exemption from remediation funding source requirement; provided, amends C.54:4-3.158, Ch.85.

Stadiums, arenas owned by local government entities, exemption from property taxation; provided, amends C.54:4-2.12 et al., Ch.65.

State taxes, certain; adjusted to support certain investments, C.54:15B-13 et al., amends C.54:32B-3 et al., Ch.57.

Veterans’ organizations, exemptions from nonprofit corporation annual report filing fee; provided, C.15A:4-6, Ch.39.

TRADE REGULATION

“Secondhand Valuables Transaction Reporting Task Force”; established, Ch.40.

TRANSPORTATION

Bus, rail services, certain, curtailment, public hearing, notice required prior by NJ Transit, amends C.27:25-8, Ch.52.

NJ Transit trains, operation by person with driver’s license suspended for DWI; prohibited, C.27:25-5.20 et seq., Ch.33.

NJ Transit, treatment of people with guide or service dogs; regulated, Access Link Customer Service Group; established, C.27:25-5b et seq., Ch.25.

“New Jersey Transportation Trust Fund Authority Act”; revised, State Transportation Infrastructure Bank; established, NJ Environmental Infrastructure Trust; renamed, C.58:11B-10.3 et al., amends C.27:1B-3 et al., repeals C.27:1B-21.10 et seq., Ch.56.

UNEMPLOYMENT COMPENSATION

Benefits, on-line application for certain groups; permitted, amends R.S.43:21-6, Ch.62.

VITAL STATISTICS

Birth certificates, certified copy, issuance to homeless persons without fee; permitted, amends R.S.26:8-63, Ch.98.

WATER SUPPLY

Environmental infrastructure projects, financing, submission, notice requirements; changed, amends C.58:11B-9 et al., repeals C.58:11B-9.1 et al., Ch.30.

WEAPONS

Law enforcement agencies, purchase of firearms directly from manufacturer; permitted, amends N.J.S.2C:58-3, Ch.74.

WORKERS' COMPENSATION

Electronic medical bills for compensation claims, certain circumstances; permitted,
regulated, C.34:15-143 et seq., Ch.64