ACTS

OF THE

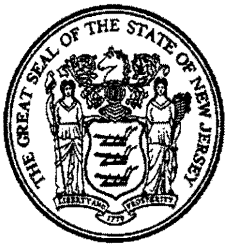
Second Annual Session

OF THE

Two Hundred and Sixteenth Legislature

OF THE

STATE OF NEW JERSEY



2015

CHAPTER 100

AN ACT concerning assaults on law enforcement officers and personnel and amending N.J.S.2C:12-1.

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

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

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in sub-

section f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19).

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a

hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph,

"driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

2. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 101

AN ACT concerning the definition of certain fuels and amending P.L.2010, c.22.

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

1. Section 2 of P.L.2010, c.22 (C.54:39-102) is amended to read as follows:

C.54:39-102 Definitions relative to taxation of motor fuel.

2. For the purposes of P.L.2010, c.22 (C.54:39-101 et al.):

"Aviation fuel" means aviation gasoline or aviation grade kerosene or any other fuel that is used in aircraft.

"Aviation fuel dealer" means a person that acquires aviation fuel from a supplier or from another aviation fuel dealer for subsequent sale.

"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).

"Biobased liquid fuel" means a liquid fuel that is derived principally from renewable biomass and meets the specifications or quality certification standards for use in residential, commercial, or industrial heating applications established under ASTM D6751, or the appropriate successor standard, as the case may be.

"Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animals matters which meet the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency under section 211 of the Clean Air Act, 42 U.S.C. s.7545, and the requirements of ASTM D6751.

"Blend stock" means a petroleum product component of motor fuel, such as naphtha, reformate, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products defined by regulations issued pursuant to sections 4081 and 4082 of the federal Internal Revenue Code of 1986 (26 U.S.C. ss. 4081 and 4082), but does not include any substance that:

a. will be ultimately used for consumer nonmotor fuel use; and

b. is sold or removed in fifty-five gallon drum quantities or less at the time of the sale or removal.

"Blended fuel" means a mixture composed of motor 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.

"Blender" means a person that produces blended motor fuel outside the terminal transfer system.

"Blending" means the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases, or the commingling of products during transportation in a pipeline.

"Blocked pump" means a pump that, because of the pump's physical limitations, for example, a short hose, cannot be used to fuel a vehicle, or a pump that is locked by the vendor after each sale and unlocked by the vendor in response to a request by a buyer for undyed kerosene for use other than as a fuel in a diesel-powered highway vehicle or train.

"Bulk plant" means a bulk fuel storage and distribution facility that is not a terminal within the terminal transfer system and from which fuel may be removed by truck or rail car.

"Bulk transfer" means a transfer of motor fuel from one location to another by pipeline tender, marine delivery, or any other conveyance within the terminal transfer system and includes a transfer within a terminal.

"Consumer" means the ultimate user of fuel.

"Delivery" means the placing of fuel into the fuel tank of a motor vehicle or into a bulk fuel storage and distribution facility.

"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, number 1 and number 2 diesel.

"Diesel-powered motor vehicle" means a motor vehicle that is propelled by a diesel-powered engine.

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

"Distributor" means a person who acquires motor fuel from a supplier, permissive supplier or from another distributor for subsequent sale.

"Dyed fuel" means dyed diesel fuel or dyed kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental

Protection Agency or Internal Revenue Service including any invisible marker requirements.

"Export" means to obtain fuel in this State for sale or other distribution outside of this State. In applying this definition, fuel delivered out-of-State by or for the seller constitutes an export by the seller, and fuel delivered out-of-State by or for the purchaser constitutes an export by the purchaser.

"Exporter" means any person, other than a supplier, who purchases fuel in this State for the purpose of transporting or delivering the fuel outside of this State.

"Fuel" means:

a. a liquid or gaseous substance commonly or commercially known or sold as gasoline, regardless of its classification or use; and

b. a liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, which is capable of generating power for the propulsion of motor vehicles upon the public highways.

"Fuel grade alcohol" means a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from that methanol and ethanol for blending with motor fuel.

"Fuel transportation vehicle" means any vehicle designed for highway use which is also designed or used to transport fuel.

"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 seventy-five 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.

"General aviation airport" means a civil airport located in this State other than the international airports located in Newark and Atlantic City.

"Gross gallons" means the total measured volume of fuel, measured in U.S. gallons, exclusive of any temperature or pressure adjustments.

"Import" means to bring fuel into this State by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, fuel delivered into this State from out-of-State by or for the seller constitutes an import by the seller, and fuel delivered into this State from out-of-State by or for the purchaser constitutes an import by the purchaser.

"Import verification number" means the number assigned by the director with respect to a single fuel transportation vehicle delivery into this State from another state upon request for an assigned number by an import-

er or the transporter carrying fuel into this State for the account of an importer.

"Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of fuel imported into this State, the owner of the fuel at the time it is brought into this State from another state or foreign country is the importer.

"Invoiced gallons" means the gallons actually billed on an invoice for payment to a supplier which shall be either gross gallons or net gallons on the original manifest or bill of lading.

"Kerosene" means the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius.

"Liquefied petroleum gas dealer" means a person who acquires liquefied petroleum gas for subsequent sale to a consumer and delivery into the vehicle fuel supply tank.

"Liquid" means any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute.

"Motor fuel" means gasoline, diesel fuel, kerosene and blended fuel.

"Motor vehicle" means an automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. "Motor vehicle" does not include tractor-type, motorized farm implements and equipment but does include motor vehicles of the truck-type, pickup truck-type, automobiles, and other vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this State. "Motor vehicle" does not include tractors and machinery designed for off-road use but capable of movement on roads at low speeds.

"Net gallons" means the total measured volume of fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute.

"Permissive supplier" means an out-of-State supplier that elects, but is not required, to have a supplier's license pursuant to P.L.2010, c.22 (C.54:39-101 et al.).

"Person" means an individual, a partnership, a limited liability company, a firm, an association, a corporation, estate, trustee, business trust, syndicate, this State, a county, city, municipality, school district or other politi-

cal subdivision of this State, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court.

"Position holder" means the person who holds the inventory position in fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for fuel at the terminal. The term includes a terminal operator who owns fuel in the terminal.

"Propel" means operate the drive engine of a motor vehicle, whether the vehicle is in motion or at rest.

"Qualified terminal" means a terminal which has been assigned a terminal control number by the federal Internal Revenue Service.

"Rack" means a mechanism for delivering fuel from a refinery or terminal into a railroad tank car, a fuel transportation vehicle or other means of transfer outside of the terminal transfer system.

"Racing gasoline" means gasoline that contains lead, has an octane rating of 110 or higher, does not have detergent additives, and is not suitable for use as a motor fuel in a motor vehicle used on public highways.

"Refiner" means a person that owns, operates, or otherwise controls a refinery.

"Refinery" means a facility used to produce fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which fuel may be removed by pipeline, by ship or barge, or at a rack.

"Removal" means any physical transfer of fuel from a terminal, manufacturing plant, pipeline, ship or barge, refinery, from customs custody, or from a facility that stores fuel.

"Renewable biomass" means a material, including crops and crop residues, trees and tree residues, organic portions of municipal solid waste, organic portions of construction and demolition debris, grease trap waste, and algae, that can be used for fuel but does not have a petroleum or other fossil fuel base.

"Retail dealer" means a person that engages in the business of selling or dispensing motor fuel to the consumer within this State.

"Supplier" means a person that is:

a. registered or required to be registered pursuant to section 4101 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.4101) for transactions in fuels in the terminal transfer system; and

b. satisfies one or more of the following:

(1) is the position holder in a terminal or refinery in this State;

(2) imports fuel into this State from a foreign country;

(3) acquires fuel from a terminal or refinery in this State from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

(4) is the position holder in a terminal or refinery outside this State with respect to fuel which that person imports into this State. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles fuel consigned to it within a terminal.

"Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this State, produces fuel grade alcohol or alcohol-derivative substances for import to this State into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances.

"Supplier" includes a permissive supplier unless the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) specifically provides otherwise.

"Terminal" means a bulk fuel storage and distribution facility:

a. which is a qualified terminal,

b. to which fuel is supplied by pipeline or marine vessel, or, for the purposes of fuel grade alcohol, is supplied by truck or railcar, and

c. from which fuel may be removed at a rack.

"Terminal bulk transfer" includes but is not limited to the following:

a. a boat or barge movement of fuel from a refinery or terminal to a terminal;

b. a pipeline movement of fuel from a refinery or terminal to a terminal;

c. a book transfer of product within a terminal between suppliers prior to completion of removal across the rack; and

d. a two-party exchange within a terminal between licensed suppliers.

"Terminal operator" means a person that owns, operates, or otherwise controls a terminal. A terminal operator may own the fuel that is transferred through, or stored in, the terminal.

"Terminal transfer system" means the fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Fuel in a refinery, pipeline, vessel, barge or terminal is in the terminal transfer system. Fuel in the fuel supply tank of an engine, or in a tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the terminal transfer system.

"Transmix" means the buffer or interface between two different products in a pipeline shipment, or a mix of two or more different products within a refinery or terminal that results in an off-grade mixture.

"Transporter" means an operator of a pipeline, barge, railroad or fuel transportation vehicle engaged in the business of transporting fuel.

"Two-party exchange" means a transaction in which:

a. the fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier;

b. the transaction includes a transfer from the person that holds the original inventory position for fuel in the terminal as reflected on the records of the terminal operator;

c. the exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner; and

d. the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this State.

"Ultimate vendor - blocked pumps" means a person that sells clear kerosene at a retail site through a blocked pump and who is registered with both the Division of Taxation in the Department of the Treasury and the federal Internal Revenue Service as an ultimate vendor - blocked pumps.

"Undyed diesel fuel" means diesel fuel that is not subject to the federal Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with federal Internal Revenue Service fuel dyeing provisions.

"Undyed kerosene" means kerosene that is not subject to the federal Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with federal Internal Revenue Service fuel dyeing provisions.

"Vehicle fuel supply tank" means any receptacle on a motor vehicle from which fuel is supplied to propel the motor vehicle.

2. Section 12 of P.L.2010, c.22 (C.54:39-112) is amended to read as follows:

C.54:39-112 Exemptions from tax.

12. a. Fuel used for the following purposes is exempt from the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), and a refund of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) 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) aircraft,

(5) ambulances,

(6) rural free delivery carriers in the dispatch of their official business,

(7) vehicles that run only on rails or tracks, and such vehicles as run in substitution therefor,

(8) highway motor vehicles that are operated exclusively on private property,

(9) 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,

(10) motor boats or motor vessels used exclusively for commercial fishing,

(11) motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties,

(12) cleaning,

(13) fire engines and fire-fighting apparatus,

(14) stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways,

(15) heating and lighting devices,

(16) motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America,

(17) emergency vehicles used exclusively by volunteer first-aid or rescue squads, and

(18) three cents per gallon, the difference between the rate of tax on diesel fuel and the rate of tax on gasoline, for diesel fuel used by passenger automobiles and motor vehicles of less than 5,000 pounds gross weight.

b. Subject to the procedural requirements and conditions set out in the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), the following uses are exempt from the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on fuel, and a deduction or a refund may be claimed by the supplier, permissive supplier or licensed distributor:

(1) fuel for which proof of export, satisfactory to the director, is available and is either:

(a) removed by a licensed supplier for immediate export to a state in which the supplier has a valid license;

(b) removed from a terminal by a licensed distributor for immediate export as evidenced by the terminal issued shipping papers; or

(c) acquired by a licensed distributor and which the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) has previously been paid or accrued either as a result of being stored outside of the terminal transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with P.L.2010, c.22 (C.54:39-101 et al.) and was subsequently exported from this State on behalf of the distributor.

The exemption pursuant to subparagraphs (a) and (b) of this paragraph shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this State. The exemption pursuant to subparagraph (c) of this paragraph shall be claimed by the distributor, upon a refund application made to the director within six months of the licensed distributor's acquisition of the fuel;

(2) undyed kerosene sold to a licensed ultimate vendor - blocked pumps; if the licensed ultimate vendor - blocked pumps does not sell the kerosene through dispensers that have been designed and constructed to prevent delivery directly from the dispenser into a motor vehicle fuel supply tank, the ultimate vendor - blocked pumps shall be responsible for the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) at the diesel fuel rate. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If rules or regulations are not promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. An ultimate vendor-blocked pumps who obtained undyed kerosene upon which the tax levied by section 3 of P.L.2010, c.22 (C.54:39-103) had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pur-

suant to an application, as provided by section 14 of P.L.2010, c.22 (C.54:39-114), to the director provided the ultimate vendor-blocked pumps did not charge that tax to the consumer;

(3) fuel sold to the United States or any agency or instrumentality thereof, and to the State of New Jersey and its political subdivisions, departments and agencies;

(4) aviation fuel sold to a licensed aviation fuel dealer;

(5) liquefied petroleum gas except when delivered to the tank of a highway vehicle;

(6) motor fuel on which tax has been paid under this act that is later contaminated in a manner making it unsuitable for taxable use. This credit or refund is limited to the remaining portion of taxed fuel in the contaminated mixture and is conditioned upon submitting to the director adequate documentation that the contaminated mixture was subsequently used in an exempt manner;

(7) fuel on which tax has been paid pursuant to P.L.2010, c.22 (C.54:39-101 et al.) that is either subsequently delivered back into the terminal transfer system for further distribution or delivered to a refinery for further processing;

(8) fuel on which tax has been previously imposed and paid pursuant to section 3 of P.L.2010, c.22 (C.54:39-103) and which is either subsequently exported, sold or distributed in this State in a manner which would result in a second tax being owed. If there is a second taxable distribution or sale, the party responsible for remittance of the second tax shall be the party eligible for claiming the refund or deduction;

(9) Fuel grade alcohol, biobased liquid fuel, or biodiesel fuel when sold to a licensed supplier and delivered to a qualified terminal.

3. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 102

AN ACT concerning efficiency and transparency in the distribution of Superstorm Sandy aid money and supplementing Title 52 of the Revised Statutes.

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

C.52:15D-3 Findings, declarations relative to Superstorm Sandy aid money.

1. The Legislature finds and declares that:

In the autumn of 2012, Superstorm Sandy ravaged New Jersey's shoreline, as well as many other communities in the State. The storm destroyed or damaged more than 72,000 of the State's homes and businesses, has driven more than a quarter-million State residents to seek governmental assistance, and has resulted in more than $36 billion in damage and recovery needs. In addition, due to the time it has taken to distribute recovery aid following Superstorm Sandy, many of those affected by the storm now face the reality of foreclosure on their home mortgages. While New Jersey communities have taken certain important steps toward recovery, the work to rebuild is not yet complete.

Recognizing that there are numerous challenges associated with the efficient and expedient distribution of federal recovery resources following a disaster of the scale of Superstorm Sandy, the processes for individuals and communities to obtain governmental assistance has not been as fast as the Governor and the Legislature would like, and can be improved. Although the reasons for delays in obtaining assistance vary, the State has an obligation to those affected by the storm to make the process of obtaining benefits as user friendly and transparent as possible. For these reasons and others, it is necessary for the Governor and the Legislature to codify and expand upon standards and safeguards for the treatment of individuals and communities seeking financial assistance in recovering from Superstorm Sandy.

C.52:15D-4 Definitions relative to Superstorm Sandy aid money.

2. As used in P.L.2015, c.102 (C.52:15D-3 et seq.):

"Agency" means the New Jersey Housing and Mortgage Finance Agency established pursuant to section 4 of P.L.1983, c.530 (C.55:14K-4).

"Applicant" means an individual or business that has applied for, is waiting for, or is receiving benefits under a recovery and rebuilding program , and shall include individuals who are awaiting the completion of a construction project using benefits received under a recovery and rebuilding program.

"Commissioner" means the Commissioner of Community Affairs.

"Department" means the Department of Community Affairs.

"FRM" means the Fund for Restoration of Multifamily Housing.

"Qualified contractor pool" means a listing of contractors approved by the Department of Community Affairs participating in the RREM program.

"LMI" means Low-to-Moderate Income and the program for which policies and procedures have been adopted by the Department of Community Affairs.

"Recovery and rebuilding program" means the use of funding provided by the federal government for the RREM and LMI programs, which are intended to help individuals rebuild and recover from Superstorm Sandy, the TBRA program, which is intended to assist renters in returning to and residing in areas impacted by Superstorm Sandy, and the FRM program, which is intended to assist developers in repairing or replacing rental housing units damaged or destroyed by Superstorm Sandy.

"RREM" means Reconstruction, Rehabilitation, Elevation and Mitigation.

"TBRA" means Tenant-Based Rental Assistance.

C.52:15D-5 Responsibilities of the department.

3. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall:

a. Provide each applicant to the RREM and LMI programs with a personal timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the RREM program and LMI program and a reasonable estimate of when the applicant can expect completion of the project for which they have requested assistance, based upon the department's past experience administering funds through the RREM program and LMI program. The timeline shall track the process of applying for assistance from the RREM and LMI programs from the time an applicant files his or her application with the department through the completion of the project for which the applicant requested assistance, and shall include:

(1) When the applicant should expect to receive 50 percent of the RREM grant money that the department has awarded the applicant; and

(2) When the applicant should expect to receive 100 percent of the RREM and LMI grant money that the department has awarded the applicant.

b. Provide each applicant to the RREM program and LMI program with information about the status of his or her individual application, including:

(1) the date on which the department received the application;

(2) a list of all required documents or other verifications submitted by the applicant related to the application and the date on which the department received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the RREM application and LMI application and the date on which each item must be received.

c. Upon request from an applicant to the RREM program and LMI program appealing a decision to deny the applicant benefits under the program, provide to the applicant information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the department's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the department will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the department denies an appeal by a RREM or LMI applicant, the department shall refer the applicant to a housing counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.

C.52:15D-6 Targets for distribution of assistance; quarterly goals.

4. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall develop targets for the distribution of assistance to homeowner and renter applicants through recovery and rebuilding programs. The department shall establish quarterly goals detailing the amount of assistance that the department intends to disburse through recovery and rebuilding programs. These goals shall be based upon the department's past experience administering funds through recovery and rebuilding programs and the experience of other states that have distributed federal funds for disaster recovery.

At a minimum, the targets shall provide for the majority of eligible RREM applicants to receive 50 percent or more of RREM program funding that the department has awarded them by December 31, 2015 and for all eligible RREM applicants to receive 100 percent of RREM program funding by September 30, 2017, provided that all funding distributions comply with applicable State and federal laws and regulations.

C.52:15D-7 Development, maintenance of website relative to recovery, rebuilding programs.

5. a. Within 180 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall develop and maintain an Internet website or webpage providing information concerning recovery and rebuilding programs. At a minimum, the website shall:

(1) Allow an applicant to a recovery and rebuilding program to submit securely through the website a request for specific information on the current status of his or her application for assistance from a recovery and rebuilding program, to which the department shall respond by phone or by email within two business days.

(2) Provide a plain language explanation of every recovery and rebuilding program, all requirements to apply for and receive benefits, how to file appeals, and a description of the process necessary to correct any deficiency with an application.

(3) Provide contact information for each builder in the qualified contractor pool, including each builder's telephone number and Internet website address, and identify any builders that have been removed from the qualified contractor pool.

(4) Provide and update information regarding the expenditure of recovery and rebuilding program funds and related contracts on the Internet website on a monthly basis. A full and current explanation of the criteria and process by which recovery and rebuilding program applications are prioritized shall also appear on the website. Changes to program policy, information on new contractor awards, and the status of work performed pursuant to the contractor awards shall be posted on the Internet website.

(5) Provide information on how all recovery and rebuilding program funding has been and will be allocated on the Internet website, including information about the allocation process for all rounds of funding distribution; and:

(a) the total number of applications submitted for recovery and rebuilding program funding;

(b) the number of applicants that have received 50 percent or more of the recovery and rebuilding program grant money that the department has awarded them;

(c) the number of applicants that have received 100 percent of the recovery and rebuilding program grant money that the department has awarded them;

(d) the number of applicants that have completed recovery and rebuilding program-funded construction or elevation projects in compliance with local, State, and federal building codes and regulations; and

(e) the number of applicants that have received a final certificate of occupancy and grant closeout.

b. The department shall develop and publish on the Internet website a description of how it developed the timelines for the disbursement of recovery and rebuilding program assistance developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 (C.52:15D-5, C.52:15D-9, and C.52:15D-10). The department shall allow an applicant to request his or her individualized timeline for the disbursement of program funding, developed pursuant to sections 3, 7, and 8 of P.L.2015, c.102 (C.52:15D-5, C.52:15D-9, and C.52:15D-10), through the website.

c. The department shall publish on the Internet website its quarterly goals for the disbursement of recovery and rebuilding program assistance developed pursuant to section 4 of P.L.2015, c.102 (C.52:15D-6).

d. The department shall publish on the Internet website the commissioner's report on the use of Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes for interim assistance submitted to the Governor and Legislature pursuant to section 6 of P.L.2015, c.102 (C.52:15D-8).

e. In addition to publishing the information as required in subsections a. through d. of this section, the department may distribute the information by any other method it deems appropriate.

C.52:15D-8 Report to Governor, Legislature.

6. a. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the commissioner shall report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), regarding the allocation of Community Development Block Grant Disaster Recovery funds and other funds that may be available for relief efforts associated with Superstorm Sandy. The commissioner shall evaluate and determine the extent to which the department may provide unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes to persons, who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department, as interim assistance for the applicants' mortgage payments and rent. If the commissioner determines that utilizing unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance is inappropri-

ate, then the commissioner shall issue a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing why the use of these funds for interim assistance is inappropriate. If the commissioner determines that utilizing unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance is appropriate, then the commissioner shall issue a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), establishing a strategy for the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds, other funds that may be available for similar purposes, or both, for interim assistance.

b. The report required by this section shall include:

(1) an estimate of the total need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department;

(2) the portion of the total need for interim assistance that the department intends to meet through the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes;

(3) the portion of the total need for interim assistance that the department intends not to meet through the rapid disbursement of unused Community Development Block Grant Disaster Recovery funds and other funds that may be available for similar purposes; and

(4) the means by which the department will decide which applicants will receive interim assistance if the department determines that it cannot satisfy the full need for interim assistance among persons who have submitted an application for assistance from a recovery and rebuilding program that is still pending before the department.

C.52:15D-9 Provision of timeline to TBRA applicant.

7. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall:

a. Provide each applicant to the TBRA program with a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the TBRA program, based upon the department's past experience administering funds through the TBRA program. The timeline shall track the process of applying for assistance from the TBRA program from the time an applicant files his or her application.

b. Provide each applicant to the TBRA program with information about the status of his or her individual application, including;

(1) the date on which the department received the application;

(2) a list of all required documents or other verifications submitted by the applicant related to the application and the date on which the department received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the TBRA application and the date on which each item must be received.

c. Upon request from an applicant to the TBRA program appealing a decision to deny the applicant benefits under the program, provide to the applicant information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the department's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the department will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the department denies an appeal by a TBRA applicant, the department shall refer the applicant to a housing counselor who is certified by the federal Department of Housing and Urban Development or is part of a program established by the department to provide housing counseling to people impacted by Superstorm Sandy.

C.52:15D-10 Provision of timeline to FRM applicant.

8. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the agency shall, at the request of the applicant:

a. Provide each applicant to the FRM program with a timeline setting forth a general estimation of the time in which an applicant can expect to receive assistance through the FRM program, based upon the agency's past experience administering funds through the FRM program. The timeline shall track the process of applying for assistance from the FRM program from the time an applicant files his or her application.

b. Provide each applicant to the FRM program with information about the status of his or her individual application, including;

(1) the date on which the application was received;

(2) a list of all required documents or other verification submitted by the applicant related to the application and the date on which the agency received each document; and

(3) a list of all documents or other verifications which still need to be submitted by the applicant in order to complete the FRM application and the date on which each item must be received.

c. Provide to each applicant to the FRM program appealing a decision to deny the applicant benefits under the program information about the status of his or her appeal, including:

(1) the date on which the applicant filed the appeal;

(2) all pending reviews of the appeal and the date of any upcoming hearings related to the appeal;

(3) the agency's final determination, if one is made as of the date the request for information is fulfilled, or otherwise the date on which the applicant can expect that the agency will make a final determination concerning the appeal; and

(4) a list of all documents related to the appeal and the date on which each document was filed.

d. In the event the agency denies an appeal by a FRM applicant, the agency shall refer the applicant to a housing professional at the State housing recovery center serving the area in which the applicant resides.

C.52:15D-11 Telephone hotline.

9. Within 60 days of the effective date of P.L.2015, c.102 (C.52:15D-3 et seq.), the department shall establish a telephone hotline available, at a minimum, weekdays between 9:00 a.m. and 9:00 p.m. through which applicants may request the general or individualized information that the department and agency must provide pursuant to P.L.2015, c.102 (C.52:15D-3 et seq.).

C.52:15D-12 Actions relative to National Flood Insurance claim payments.

10. The department shall not, to the full extent permitted by federal law or regulation, deem any National Flood Insurance Program claim payments to any National Flood Insurance Program policy holder made on or after May 18, 2015 to be a duplication of benefits of any federal grant award, or to require any other reduction of a previously determined grant or benefit to an applicant based on such payments. The department shall take available steps, including the submission of a waiver request to the United States Department of Housing and Urban Development or the Federal Emergency Management Agency, if either agency legally can grant such a waiver, in order to ensure that National Flood Insurance Program claim payments made on or after May 18, 2015 do not operate as a duplication of benefits with any existing federal grant award, or otherwise reduce the amount of an applicant's award.

11. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 103

AN ACT concerning central municipal courts and amending N.J.S.2B:12-1 and R.S.39:5-41.

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

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

Establishment of municipal courts.

2B:12-1. Establishment of municipal courts.

a. Every municipality shall establish a municipal court. If a municipality fails to maintain a municipal court or does not enter into an agreement pursuant to subsection b. or c. of this section, the Assignment Judge of the vicinage shall order violations occurring within its boundaries heard in any other municipal court in the county until such time as the municipality establishes and maintains a municipal court. The municipality without a municipal court shall be responsible for all administrative costs specified in the order of the Assignment Judge pending the establishment of its municipal court.

b. Two or more municipalities, by ordinance, may enter into an agreement establishing a single joint municipal court and providing for its administration. A copy of the agreement shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a joint municipal court.

c. Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.

d. An agreement pursuant to subsection b. or c. of this section may be terminated as provided in the agreement. If the agreement makes no provision for termination, it may be terminated by any party with reasonable notices and terms as determined by the Assignment Judge of the vicinage.

e. Any county of the first class with a population of over 900,000 and a population density of less than 4,000 persons per square mile according to the 2010 federal decennial census may establish, by ordinance, a central municipal court, which shall be an inferior court of limited jurisdiction, to adjudicate cases filed by agents of the county health department, agents of the county office of consumer affairs, members of the county police department and force, county park police system, or sheriff's office, or other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court, and provide for its administration. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a central municipal court.

f. Nothing in P.L.2015, c.103 shall require a county that has established and maintained a central municipal court in accordance with subsection e. of N.J.S.2B:12-1 prior to the date of the enactment of P.L.2015, c.103 to re-establish that court.

2. R.S.39:5-41 is amended to read as follows:

Fines, penalties, forfeiture, disposition of; exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a county police department and force, a county park police system, or a sheriff's office in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total

amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force, a county park police system, or a county sheriff's office in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, $1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those moneys so forwarded an amount not to exceed $400,000 to the Department of the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" tel-

ephone hotline established and maintained under the provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1 and C.26:2NN-2).

e. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, $2 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed $475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

h. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to $475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.

3. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 104

AN ACT appropriating $4,750,000 from the "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection the sum of $4,750,000 from the "Garden State Green Acres Preservation Trust Fund" and the various funds established pursuant to Green Acres bond acts, made available due to project cancellations, for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes pursuant to subsection b. of this section and for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to develop lands for recreation and conservation purposes pursuant to subsection c. of this section.

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

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
(1) American Littoral Society	Delaware Bay Acquisitions	Cape May	Dennis Twp Lower Twp Middle Twp Upper Twp	$175,000
		Cumberland	Bridgeton City Deerfield Twp Fairfield Twp Greenwich Twp Hopewell Twp Millville City Stow Creek Twp Upper Deerfield Twp Vineland City	
		Salem	Alloway Twp Elsinboro Twp Lower Alloways Creek Twp Mannington Twp Pennsville Twp Quinton Twp	
(2) D & R Greenway Land Trust	Greenway Acq: Central Stony Brook Greenway	Hunterdon	Delaware Twp East Amwell Twp	350,000
		Mercer	Hopewell Twp Lawrence Twp Pennington Boro Princeton Boro	
		Middlesex	Cranbury Twp	
	Crossroads of the American Revolution	Bergen	Bogota Boro Carlstadt Boro East Rutherford Boro Fort Lee Boro Garfield City Hackensack City Hasbrouck Heights Boro Leonia Boro	

	Little Ferry Boro
	Lodi Boro
	Lyndhurst Twp
	Maywood Boro
	Moonachie Boro
	New Milford Boro
	North Arlington Boro
	Palisades Park Boro
	Ridgefield Park Village
	River Edge Boro
	Rochelle Park Twp
	Rutherford Boro
	South Hackensack Twp
	Teterboro Boro
	Wallington Boro
	Wood-Ridge Boro
Burlington	Beverly City
	Bordentown City
	Bordentown Twp
	Burlington City
	Burlington Twp
	Chesterfield Twp
	Cinnaminson Twp
	Delanco Twp
	Delran Twp
	Edgewater Park Twp
	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro

	Essex	Belleville Twp
		Irvington Twp
		Livingston Twp
		Maplewood Twp
		Millburn Twp
		Newark City
		Nutley Twp
	Gloucester	National Park Boro
		West Deptford Twp
		Westville Boro
	Hudson	East Newark Boro
		Harrison Town
		Kearny Town
	Hunterdon	Delaware Twp
		East Amwell Twp
		Flemington Boro
		Franklin Twp
		Frenchtown Boro
		Kingwood Twp
		Lambertville City
		Raritan Twp
		Readington Twp
		Stockton Boro
		West Amwell Twp
	Mercer	East Windsor Twp
		Ewing Twp
		Hamilton Twp
		Hightstown Boro
		Hopewell Boro
		Hopewell Twp
		Lawrence Twp
		Pennington Boro
		Princeton Boro
		Trenton City
		Washington Twp
		West Windsor Twp
	Middlesex	All municipalities
Delaware Bay Estuary Acq	Cumberland	Deerfield Twp
		Fairfield Twp
		Greenwich Twp
		Hopewell Twp
		Stow Creek Twp
		Upper Deerfield Twp
	Salem	Elinsboro Twp
		Lower Alloways Creek Twp
		Mannington Twp
		Pennsville Twp
Delaware River Tributaries Acq	Burlington	Bordentown City
		Bordentown Twp
		Chesterfield Twp
		North Hanover Twp
	Mercer	Hamilton Twp
		Hopewell Twp
		Lawrence Twp
		Robbinsville Twp

			West Windsor Twp	
			Trenton City	
		Middlesex	Monroe Twp	
		Monmouth	Allentown Boro	
			Upper Freehold Twp	
	Griggstown Canal Acq	Middlesex	Highland Park Boro	
		Somerset	Franklin Twp	
			Rocky Hill Boro	
	Sourlands Mountain Acq	Hunterdon	East Amwell Twp	
			Lambertville City	
			West Amwell Twp	
		Mercer	Hopewell Twp	
		Somerset	Branchburg Twp	
			Hillsborough Twp	
			Montgomery Twp	
	Upper Millstone Greenway	Mercer	West Windsor Twp	
		Middlesex	Cranbury Twp	
			Highland Park Boro	
			Monroe Twp	
			Plainsboro Twp	
			South Brunswick Twp	
		Monmouth	Millstone Twp	
(3) Friends of Hopewell Valley Open Space	Hopewell Valley Park Acq	Mercer	Hopewell Boro Hopewell Twp Lawrence Twp	175,000
(4) Friends of West Windsor Open Space	Duck Pond Run – Greenway	Mercer	West Windsor Twp	175,000
(5) Harding Land Trust	Open Spaces & Natural Places of Harding Twp	Morris	Harding Twp	125,000
(6) Hunterdon Land Trust	Priority Areas	Hunterdon	All municipalities	350,000
(7) New Jersey Conservation Foundation	Priority Area Acq:			350,000
	Appalachian Trail Buffers	Sussex	Wantage Twp	
	Arthur Kill Greenway	Middlesex	Edison Twp	
		Union	Linden City	
			Springfield Twp	
			Union Twp	
	Black River Greenway	Hunterdon	Clinton Twp	
			Lebanon Boro	
			Lebanon Twp	
			Readington Twp	
			Tewksbury Twp	
		Morris	Chester Boro	
			Chester Twp	
		Somerset	Bedminster Twp	
			Bernards Twp	
			Bernardsville Boro	
			Branchburg Twp	
			Bridgewater Twp	
			Far Hills Boro	

		Hillsborough Twp
		Peapack-Gladstone Boro
		Raritan Boro
Burden Hill	Cape May	Cape May
Forest/		Middle Twp
Delaware Bay	Cumberland	Fairfield Twp
		Greenwich Twp
		Hopewell Twp
		Millville City
		Stow Creek Twp
		Upper Deerfield Twp
		Vineland City
	Gloucester	Logan Twp
		South Harrison Twp
		Woolwich Twp
	Salem	Alloway Twp
		Carneys Point Twp
		Elmer Boro
		Elsinboro Twp
		Lower Alloways Creek Twp
		Mannington Twp
		Oldmans Twp
		Pennsville Twp
		Pilesgrove Twp
		Pittsgove Twp
		Quinton Twp
		Upper Pittsgrove Twp
		Woodstown Boro
South Jersey		
Metro:		
Camden	Camden	Camden City
Greenway		
Delaware	Burlington	Beverly City
River Heritage		Bordentown City
Trail		Bordentown Twp
		Burlington City
		Burlington Twp
		Cinnaminson Twp
		Delanco Twp
		Delran Twp
		Edgewater Park Twp
		Fieldsboro Boro
		Florence Twp
		Mansfield Twp
		Palmyra Boro
		Riverside Twp
		Riverton Boro
		Willingboro Twp
	Camden	Merchantville Boro
		Pennsauken Twp
	Mercer	Hamilton Twp
		Trenton City
Pine Barrens:		
Ellwood	Atlantic	Buena Vista Twp
Corridor		Egg Harbor City

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

			Montville Twp	
	Scotts Mtn Acq	Warren	Harmony Twp	
			Lopatcong Twp	
			White Twp	
	Sparta Mountain Greenway	Morris	Jefferson Twp	
			Mendham Boro	
			Mendham Twp	
			Mine Hill Twp	
			Mount Arlington Boro	
			Randolph Twp	
			Roxbury Twp	
			Washington Twp	
		Sussex	Andover Twp	
			Byram Twp	
			Hopatcong Boro	
			Sparta Twp	
	Vernon Marsh	Sussex	Vernon Twp	
	Western Piedmont:			
	Back Brook	Hunterdon	East Amwell Twp	
			Lambertville City	
			West Amwell Twp	
	Sourland Mountain	Mercer	Hopewell Twp	
			Princeton Boro	
		Somerset	Montgomery Twp	
	Wickecheoke Creek Acq	Hunterdon	Delaware Twp	
			Franklin Twp	
			Kingwood Twp	
			Raritan Twp	
			Stockton Boro	
(8) NY-NJ Trail Conference	Green Corridors 2	Bergen	Mahwah Twp	175,000
		Hunterdon	Alexandria Twp	
			Bethlehem Twp	
			Holland Twp	
			Lebanon Boro	
			Union Twp	
		Morris	Chester Twp	
			Jefferson Twp	
			Morris Twp	
			Mt. Olive Twp	
			Rockaway Boro	
			Washington Twp	
		Passaic	Ringwood Boro	
			Wanaque Boro	
			West Milford Twp	
		Sussex	Byram Twp	
			Green Twp	
			Hopatcong Boro	
			Sparta Twp	
			Vernon Twp	
		Warren	Allamuchy Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Harmony Twp	
			Hope Twp	

			Independence Twp	
			Liberty Twp	
			Lopatcong Twp	
			Mansfield Twp	
			Oxford Twp	
			Washington Twp	
			White Twp	
(9) Open Space Institute Land Trust	Project Priority Areas	Bergen	All municipalities	175,000
		Hudson	All municipalities	
		Morris	All municipalities	
		Warren	All municipalities	
(10) Save Hamilton Open Space	Hamilton Twp Greenways, Trails & Rural Conservation	Mercer	Hamilton Twp	175,000
(11) South Jersey Land and Water Trust	South Jersey Watersheds	Gloucester	All municipalities	100,000
		Salem	Carneys Point Twp	
			Oldmans Twp	
			Pilesgrove Twp	
(12) Stony Brook Millstone Watershed Association	Watershed Connectors	Mercer	Hopewell Boro	175,000
			Hopewell Twp	
			Princeton Boro	
(13) Tewksbury Land Trust	Land Acq	Hunterdon	Tewksbury Twp	175,000
(14) The Land Conservancy of New Jersey	Priority Areas Acq	Bergen	Mahwah Twp	350,000
			Oakland Twp	
		Essex	Bloomfield Twp	
			Caldwell Boro	
			Livingston Twp	
			West Orange Twp	
		Morris	Boonton Twp	
			Chatham Boro	
			Chatham Twp	
			Denville Twp	
			East Hanover Twp	
			Florham Park Boro	
			Jefferson Twp	
			Kinnelon Boro	
			Lincoln Park Boro	
			Madison Boro	
			Mine Hill Twp	
			Montville Twp	
			Morris Twp	
			Morristown Town	
			Mount Olive Twp	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Randolph Twp	
			Riverdale Boro	
			Rockaway Twp	
			Roxbury Twp	
			Washington Twp	
		Passaic	Ringwood Boro	
			West Milford Twp	

		Somerset	Peapack-Gladstone Boro	
		Sussex	Andover Boro	
			Byram Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hopatcong Boro	
			Lafayette Twp	
			Stillwater Twp	
			Vernon Twp	
		Warren	Allamuchy Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Greenwich Twp	
			Hardwick Twp	
			Harmony Twp	
			Pohatcong Twp	
(15) The Nature Conservancy	Priority Areas Acq:			350,000
	Cape May Project Area	Cape May	Cape May City	
			Cape May Point Boro	
			Dennis Twp	
			Lower Twp	
			Middle Twp	
			West Cape May Boro	
		Cumberland	Maurice River Twp	
	Delaware Bay Greenway	Cumberland	Commercial Twp	
			Downe Twp	
			Fairfield Twp	
			Lawrence Twp	
			Maurice River Twp	
			Millville City	
			Vineland City	
	East and West Plains	Burlington	Bass River Twp	
			Pemberton Boro	
			Pemberton Twp	
			Washington Twp	
			Woodland Twp	
	Ellwood Corridor	Atlantic	Estell Manor City	
			Galloway Twp	
			Hamilton Twp	
			Mullica Twp	
	Forked River Mountain	Ocean	Lacey Twp	
			Ocean Twp	
	High Mt Project Area	Passaic	North Haledon Boro	
			Wayne Twp	
	Hirst Ponds	Atlantic	Galloway Twp	
	Limestone Forest Acq	Sussex	Andover Boro	
			Andover Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hardyston Twp	

			Lafayette Twp	
			Montague Twp	
			Newton Town	
			Sandyston Twp	
			Stillwater Twp	
			Walpack Twp	
			Wantage Twp	
		Warren	Allamuchy Twp	
			Blairstown Twp	
			Frelinghuysen Twp	
			Hardwick Twp	
			Hope Twp	
	Maurice River Project Area	Cumberland	Maurice River Twp	
			Millville City	
	Oswego River Lowlands	Ocean	Barnegat Twp	
			Eagleswood Twp	
			Little Egg Harbor Twp	
			Stafford Twp	
	Willow Grove	Gloucester	Franklin Twp	
		Salem	Pittsgrove Twp	
(16) Trust For Public Land	Project Priority Areas:			350,000
	Atlantic Balanced Communities Acq	Atlantic	Absecon City	
			Egg Harbor City	
			Egg Harbor Twp	
			Galloway Twp	
			Hamilton Twp	
			Linwood City	
			Northfield City	
			Pleasantville City	
			Port Republic City	
			Somers Point City	
	Bay to Bay	Monmouth	Allenhurst Boro	
			Asbury Park City	
			Avon-By-The-Sea Boro	
			Belmar Boro	
			Bradley Beach Boro	
			Brielle Boro	
			Deal Boro	
			Interlaken Boro	
			Loch Arbour Village	
			Long Branch City	
			Manasquan Boro	
			Monmouth Beach Boro	
			Neptune Twp	
			Sea Bright Boro	
			Sea Girt Boro	
			Spring Lake Boro	
			Spring Lake Heights Boro	
			Wall Twp	
	Bergen Co. Open Space Partnership	Bergen	All municipalities	
	Beyond the Century Plan – Barnegat Bay Initiative	Monmouth	Freehold Twp	
		Ocean	Barnegat Light Boro	
			Berkeley Twp	

		Brick Twp
		Eagleswood Twp
		Jackson Twp
		Lacey Twp
		Little Egg Harbor Twp
		Long Beach Twp
		Manchester Twp
		Ocean Twp
		Stafford Twp
		Toms River Twp
		Tuckerton Boro
Camden Balanced Communities Acquisition	Camden	Berlin Boro
		Camden City
		Cherry Hill Twp
		Clementon Boro
		Gloucester Twp
		Haddon Twp
		Lindenwold Boro
		Pennsauken Twp
		Voorhees Twp
Delaware River Inland	Burlington	Bordentown Twp
		Burlington Twp
		Cinnaminson Twp
		Delran Twp
		Florence Twp
		Mansfield Twp
		Mount Laurel Twp
		Springfield Twp
		Willingboro Twp
Essex Co. Open Space	Essex	All municipalities
Harbor Estuaries Acq	Bergen	East Rutherford Boro
	Hudson	Jersey City
		Secaucus Town
	Middlesex	Carteret Boro
		Old Bridge Twp
		Woodbridge Twp
	Monmouth	Aberdeen Twp
		Atlantic Highlands Boro
		Fair Haven Boro
		Hazlet Twp
		Highlands Boro
		Keansburg Boro
		Keyport Boro
		Matawan Boro
		Middletown Twp
		Rumson Boro
		Union Beach Boro
	Union	Linden City
		Rahway City
Hudson Co Open Space	Hudson	All municipalities
Hunterdon Co Open Space Partnership	Hunterdon	All municipalities

Interstate 195 Corridor	Mercer	Hamilton Twp
		Robbinsville Twp
	Monmouth	Allentown Boro
		Freehold Boro
		Freehold Twp
		Howell Twp
		Millstone Twp
		Upper Freehold Twp
		Wall Twp
Metedeconk Watershed Protection	Monmouth	Freehold Twp
		Howell Twp
		Millstone Twp
		Wall Twp
	Ocean	Brick Twp
		Jackson Twp
		Lakewood Twp
Morris Open Space Acq	Morris	All municipalities
Passaic Open Space	Passaic	All municipalities
Somerset Open Space Acq	Somerset	All municipalities
Sussex Open Space Partnership	Sussex	All municipalities
Upper Delaware River Watershed	Hunterdon	Alexandria Twp
		Bethlehem Twp
		Bloomsbury Boro
		Hampton Boro
		Holland Twp
		Lebanon Boro
		Lebanon Twp
	Morris	Mount Arlington Boro
		Mount Olive Twp
		Netcong Boro
		Roxbury Twp
		Washington Twp
	Sussex	Andover Boro
		Andover Twp
		Branchville Boro
		Byram Twp
		Frankford Twp
		Fredon Twp
		Green Twp
		Hampton Twp
		Hardyston Twp
		Hopatcong Boro
		Lafayette Twp
		Montague Twp
		Newton Town
		Sandyston Twp
		Sparta Twp
		Stanhope Boro
		Stillwater Twp
		Walpack Twp

			Wantage Twp	
		Warren	All municipalities	
	Wanaque Gap Acq	Bergen	Mahwah Twp	
TOTAL				**$3,725,000**

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

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
Camden Special Services District	Joseph Cooper House Renovation	Camden	Camden City	$175,000
Cooper's Ferry Partnership	N. Camden Waterfront Park II	Camden	Camden City	175,000
Cramer Hill Community Development Corp.	Von Nieda Park Improvement III	Camden	Camden City	175,000
Hamilton Area YMCA	Sawmill Improvement Project	Mercer	Hamilton Twp	175,000
Passaic River Rowing Association	Passaic River Rowing Association Boathouse	Bergen	Lyndhurst Twp North Arlington Boro	175,000
Washington Park Association	Washington & Lincoln Park Improvements	Hudson	Jersey City Union City	150,000
TOTAL				**$1,025,000**

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

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

f. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres

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

g. For the purposes of this section:

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

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

2. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 105

AN ACT appropriating $88,592,361 from the "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds to assist local government units to acquire or develop lands for recreation and conservation purposes.

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

1. As used in this act:

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

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

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

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

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

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

a. $1,700,000 from the "Garden State Green Acres Preservation Trust Fund," made available due to loan repayments;

b. $19,330,422 from the "1995 New Jersey Green Trust Fund," established pursuant to section 23 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, made available due to loan repayments and interest earnings;

c. $7,147,246 from the "1992 New Jersey Green Trust Fund," established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, made available due to loan repayments and interest earnings;

d. $24,205,185 from the "1989 New Jersey Green Trust Fund," established pursuant to section 19 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, made available due to loan repayments and interest earnings;

e. $31,285,106 from the "Green Trust Fund," established pursuant to section 16 of the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, made available due to loan repayments and interest earnings; and

f. $4,924,402 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to project cancellations, withdrawals, and cost savings.

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

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Oakland Boro	Bergen	Open Space & Recreation Plan	$550,000
Ridgewood Village	Bergen	Open Space Project	415,000
River Vale Twp	Bergen	Watershed Property Acq	550,000
Bordentown Twp	Burlington	Bordentown Twp Open Space Acq	550,000
Eastampton Twp	Burlington	Planning Incentive	550,000
Medford Twp	Burlington	Open Space Incentive	550,000
Moorestown Twp	Burlington	Open Space Preservation Plan	550,000
Gibbsboro Boro	Camden	Greenway Acq	3,000
Haddonfield Boro	Camden	Open Space Acq	550,000
Voorhees Twp	Camden	Planning Incentive Grant	199,000
Cumberland County	Cumberland	Trails & Open Space Acq	500,000
Upper Deerfield Twp	Cumberland	Open Space Acq	550,000
Gloucester County	Gloucester	Open Space Plan	1,100,000
Harrison Twp	Gloucester	Planning Incentive Grant	315,750
Woolwich Twp	Gloucester	Open Space Plan	375,000
Clinton Twp	Hunterdon	Open Space Acq	550,000
Delaware Twp	Hunterdon	Open Space Acq	550,000
East Amwell Twp	Hunterdon	Open Space & Recreation Plan	310,000
Franklin Twp	Hunterdon	Franklin Open Space Plan	220,000
High Bridge Boro	Hunterdon	Open Space Plan	550,000
Kingwood Twp	Hunterdon	Open Space Plan	550,000
Raritan Twp	Hunterdon	Land Acq Plan	550,000
Readington Twp	Hunterdon	Greenway Incentive Plan	550,000
Tewksbury Twp	Hunterdon	Recreation and Open Space Plan	350,000
East Windsor Twp	Mercer	East Windsor Open Space Acq	550,000
Hopewell Boro	Mercer	Hopewell Boro Greenbelt Acq	100,000
Hopewell Twp	Mercer	Hopewell Open Space Acq	550,000
Pennington Boro	Mercer	Pennington Greenbelt Planning Incentive	200,000
Princeton Boro	Mercer	Princeton Open Space Acq	550,000
West Windsor Twp	Mercer	West Windsor Planning Inc.	550,000
Millstone Twp	Monmouth	Millstone Planning Incentive – Project Evergreen	550,000
Tinton Falls Boro	Monmouth	Tinton Falls Acq	550,000
Chester Twp	Morris	Chester Twp Open Space Acq	205,000
Hanover Twp	Morris	Open Space Acq	300,000
Harding Twp	Morris	Harding Open Space Acq	550,000
Madison Boro	Morris	Madison Boro Open Space Acq	500,000
Mendham Twp	Morris	Mendham Twp Open Space Acq	187,800
Pequannock Twp	Morris	Planning Incentive	302,000
Rockaway Twp	Morris	Open Space Acq	550,000
Ocean County	Ocean	Planning Incentive Grant	1,375,000
Little Egg Harbor Twp	Ocean	Planning Incentive	550,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	550,000
Bedminster Twp	Somerset	Bedminster Parks Exp	521,000

Montgomery Twp	Somerset	Open Space Acq 5	550,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	550,000
Wantage Twp	Sussex	Wantage Twp Open Space Plan	550,000
Warren County	Warren	Warren County Open Space Plan	1,000,000
Allamuchy Twp	Warren	Allamuchy Twp Open Space Acq	150,000
Alpha Boro	Warren	Alpha Borough Open Space	350,000
Blairstown Twp	Warren	Blairstown Township Planning Incentive	165,000
Frelinghuysen Twp	Warren	Open Space & Recreation Plan	200,000
TOTAL			**$24,193,550**

(2) Site Specific Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Mantua Twp	Gloucester	Fossil Park Acq	$550,000
Lambertville City	Hunterdon	McCann Tract Acq	470,000
Long Hill Twp	Morris	Passaic River Basin Property Acq	500,000
TOTAL			**$1,520,000**

(3) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Brigantine City	Atlantic	Former Gulf Station Acq	$27,125
Hammonton Town	Atlantic	Hammonton Lake Park Expansion	550,000
Westwood Boro	Bergen	Flood Damaged Properties Acq	200,000
North Caldwell Boro	Essex	North Caldwell Boro Open Space Acq	550,000
Secaucus Town	Hudson	Downtown Recreation Acq	550,000
Milltown Boro	Middlesex	Acquisition for Public Park	311,750
Ocean Twp	Monmouth	Blue Acres Matching funds	550,000
Lincoln Park Boro	Morris	Lincoln Park Floodplain Acq Project	550,000
TOTAL			**$3,288,875**

b. The following projects to acquire lands for recreation and conservation purposes located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either as of June 30, 2014 or the effective date of this act, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bloomfield Twp	Essex	Third River Park and Preserve	$1,100,000
Union City	Hudson	Weehawken – Union City Reservoir Acq	1,100,000
Weehawken Twp	Hudson	Weehawken – Union City Reservoir Acq	1,100,000

Carteret Boro	Middlesex	Noe Street Park Acq	1,042,500
Asbury Park City	Monmouth	Bradley Cove Acq	1,100,000
TOTAL			**$5,442,500**

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

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
New Milford Boro	Bergen	New Milford Open Space Plan	$425,000
North Arlington Boro	Bergen	River Road Acq	362,500
Evesham Twp	Burlington	Planning Incentive	570,000
Mount Laurel Twp	Burlington	Mt. Laurel Acq Plan	825,000
Gloucester Twp	Camden	Open Space Acq	1,100,000
Washington Twp	Gloucester	Open Space & Recreation Project	825,000
Harrison Town	Hudson	Waterfront Park Walkway Acq	825,000
Mercer County	Mercer	Mercer County Planning Incentive	1,375,000
Hamilton Twp	Mercer	Hamilton Twp Open Space Acq	410,000
North Brunswick Twp	Middlesex	North Brunswick Plan	825,000
South Brunswick Twp	Middlesex	Open Space Acq	744,000
Monmouth County	Monmouth	Planning Incentive Acq	1,375,000
Marlboro Twp	Monmouth	Marlboro Open Space Acq	825,000
Middletown Twp	Monmouth	Middletown Twp Planning Incentive	825,000
Morris County	Morris	Morris County Planning Incentive	1,175,000
Manchester Twp	Ocean	Planning Incentive	825,000
Seaside Heights Boro	Ocean	Marina Acq	825,000
Somerset County	Somerset	County Open Space Acq	1,375,000
Franklin Twp	Somerset	Open Space Plan Acq	825,000
Union County	Union	Union County Open Space & Recreation Plan	1,650,000
TOTAL			**$17,986,500**
GRAND TOTAL			**$52,431,425**

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

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Buena Vista Twp	Atlantic	Michael Debbi Park Improvements	$550,000
Cape May City	Cape May	Lafayette Street Park Development Phase 1	500,000

Wildwood City	Cape May	Fox Park Improvements	550,000
Manasquan Boro	Monmouth	Mallard Park Improvements	550,000
Barnegat Twp	Ocean	Barnegat Blvd Rec Complex	550,000
TOTAL			**$2,700,000**

b. The following projects to develop lands for recreation and conservation purposes, located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either as of June 30, 2014 or the effective date of this act, or sponsored by densely populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Garfield City	Bergen	20th Century Field Improvements	$1,100,000
Burlington County	Burlington	Willingboro Lakes Park Development	1,100,000
Mount Holly Twp	Burlington	Mill Dam Park Redevelopment	1,100,000
Pemberton Twp	Burlington	West End Park Development	1,100,000
Camden City	Camden	Whitman Park Improvement Project	300,000
Winslow Twp	Camden	Daniel Calabrese Memorial Park	306,500
Bridgeton City	Cumberland	City Park Splash Park	400,000
Vineland City	Cumberland	Multi-Field Improvements	330,000
Essex County	Essex	Multi-Park Improvements	1,650,000
East Orange City	Essex	Elmwood Park Court Reconstruction	990,000
Irvington Twp	Essex	40th Street Park Upgrades	650,500
Newark City	Essex	Jesse Allen Park	850,000
Orange City Twp	Essex	Multi-Park Development Project	1,100,000
Glassboro Boro	Gloucester	Town Square Park Improvements	850,000
Monroe Twp	Gloucester	Monroe Township Dog Park	780,000
Woodbury City	Gloucester	Woodbury Creek/Stewart Lake Improvements	700,000
Hudson County	Hudson	Lincoln Park West Development Project	1,650,000
Jersey City	Hudson	Berry Lane Park Development	1,100,000
Kearny Town	Hudson	Gunnell Oval Sports Complex Reconstruction	1,100,000
North Bergen Twp	Hudson	76th Street Little League Field Improvements	1,100,000
West New York Town	Hudson	Donnelly and Veteran's Park Rehab	1,100,000
Middlesex County	Middlesex	Medwick Park 2	1,375,000
Perth Amboy City	Middlesex	Raritan Riverfront Park	1,100,000
Woodbridge Twp	Middlesex	East William Street Park Development	105,000
Long Branch City	Monmouth	Manahassett Creek Park	624,800
Neptune Twp	Monmouth	Shark River Marina Improvements	400,000
Brick Twp	Ocean	Multi-Park Improvements	1,100,000
Lakewood Twp	Ocean	Multi-Park Improvements	1,100,000
Passaic County	Passaic	Garret Mountain Improvements	1,375,000

Passaic City	Passaic	McDonald Brook Improvements Ph II	1,100,000
Plainfield City	Union	Multi-Parks Improvements	1,100,000
Roselle Boro	Union	Arminio Field Park Improvement	1,100,000
TOTAL			**$29,836,800**

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

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Cliffside Park Boro	Bergen	Zalewski Park Improvements	$79,000
Teaneck Twp	Bergen	Terhune North Trail	60,136
Caldwell Boro	Essex	Kiwanis Oval Field Improvement	825,000
Guttenberg Town	Hudson	Multi Park Improvements	185,000
Belmar Boro	Monmouth	Maclearie Park Improvements	825,000
Red Bank Boro	Monmouth	Count Basie Park Phase III	825,000
Wayne Twp	Passaic	Alps Road Ballfields	825,000
TOTAL			**$3,624,136**
GRAND TOTAL			**$36,160,936**

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

b. To the extent that moneys remain available after the projects listed in section 3 or 4 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

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

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

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

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2015, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act or in the "Garden State Green Acres Preservation Trust Fund," for the purpose of providing:

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

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

7. This act shall take effect immediately.

Approved August 10, 2015.

CHAPTER 106

AN ACT concerning environmental infrastructure projects and amending various parts of the statutory law.

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

1. Section 6 of P.L.1985, c.334 (C.58:11B-6) is amended to read as follows:

C.58:11B-6 Issuance of bonds, notes, other obligations.

6. a. Except as may be otherwise expressly provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), the trust may from time to time issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes or other obligations or the interest or redemption premiums thereon to be funded or refunded have or have not become due, the establishment or increase of reserves or other funds to secure or to pay the bonds, notes or other obligations or interest thereon and all other costs or expenses of the trust incident to and necessary to carry out its corporate purposes and powers.

b. Whether or not the bonds, notes or other obligations of the trust are of a form and character as to be negotiable instruments under the terms of Title 12A of the New Jersey Statutes, the bonds, notes and other obligations are made negotiable instruments within the meaning of and for the purposes of Title 12A of the New Jersey Statutes, subject only to the provisions of the bonds, notes and other obligations for registration.

c. Bonds, notes or other obligations of the trust shall be authorized by a resolution or resolutions of the trust and may be issued in one or more series and shall bear any date or dates, mature at any time or times, bear interest at any rate or rates of interest per annum, be in any denomination or denominations, be in any form, either coupon, registered or book entry, carry any conversion or registration privileges, have any rank or priority, be executed in any manner, be payable in any coin or currency of the United States which at the time of payment is legal tender for the payment of public and private debts, at any place or places within or without the State, and be subject to any terms of redemption by the trust or the holders thereof, with or without premium, as the resolution or resolutions may provide. A resolution of the trust authorizing the issuance of bonds, notes or other obligations may provide that the bonds, notes or other obligations be secured by a trust indenture between the trust and a trustee, vesting in the trustee any property, rights, powers and duties in trust consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) as the trust may determine.

d. Bonds, notes or other obligations of the trust may be sold at any price or prices and in any manner as the trust may determine. Each bond, note or other obligation shall mature and be paid not later than 30 years from the effective date thereof, or the certified useful life of the project or projects to be financed by the bonds, whichever is less, 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 such price or prices and in such manner as the trust shall determine, after notice of sale, a summary of which shall be published at least once in at least three newspapers published in the State of New Jersey and at least once in a publication carrying municipal bond notices and devoted primarily to financial news published in New Jersey or the city of New York, the first summary notice to be at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the trust, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The trust may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at private sale, without advertisement.

e. Bonds, notes or other obligations of the trust may be issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) without obtaining the consent of any department, division, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things, other than those consents, proceedings, conditions or things which are specifically required by P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.).

f. Bonds, notes or other obligations of the trust issued under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) shall not be a debt or liability of the State or of any political subdivision thereof other than the trust and shall not create or constitute any indebtedness, liability or obligation of the State or any political subdivision, but all these bonds, notes and other obligations, unless funded or refunded by bonds, notes or other obligations, shall be payable solely from revenues or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each bond, note and obligation shall contain on its face a statement to the effect that the trust is obligated to pay the principal thereof or the interest thereon only from its reve-

nues, receipts or funds pledged or available for their payment as authorized in P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), and that neither the State, nor any political subdivision thereof, is obligated to pay the principal or interest and that neither the faith and credit nor the taxing power of the State, or any political subdivision thereof, is pledged to the payment of the principal of or the interest on the bonds, notes or other obligations.

g. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the trust, shall not exceed (1) $5,000,000,000 with respect to bonds, notes or other obligations issued to finance the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), and (2) $2,800,000,000 with respect to bonds, notes or other obligations issued for all other purposes of the trust. In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the trust, which shall be issued for refunding purposes, whenever the refunding shall be determined to result in a savings.

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

(2) The Joint Budget Oversight Committee or its successor shall have the authority to approve or disapprove the sales of refunding bonds as included in each report submitted in accordance with paragraph (1) of this subsection. The committee shall notify the trust in writing of the approval or disapproval within 30 days of receipt of the report. Should the committee not act within 30 days of receipt of the report, the trust may proceed with the sale of the refunding bonds, provided that the sale of refunding bonds shall realize not less than 3.00% net present value debt service savings.

(3) No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee or its successor as set forth in paragraphs (1) and (2) of this subsection.

(4) Within 30 days after the sale of the refunding bonds, the trust shall notify the committee of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

(5) The committee shall review all information and reports submitted in accordance with this subsection and may, on its own initiative, make observations to the trust, or to the Legislature, or both, as it deems appropriate.

h. Each issue of bonds, notes or other obligations of the trust may, if it is determined by the trust, be general obligations thereof payable out of any revenues, receipts or funds of the trust, or special obligations thereof payable out of particular revenues, receipts or funds, subject only to any agreements with the holders of bonds, notes or other obligations, and may be secured by one or more of the following:

(1) Pledge of revenues and other receipts to be derived from the payment of the interest on and principal of notes, bonds or other obligations issued to the trust by one or more local government units, and any other payment made to the trust pursuant to agreements with any local government units, or a pledge or assignment of any notes, bonds or other obligations of any local government unit and the rights and interest of the trust therein;

(2) Pledge of rentals, receipts and other revenues to be derived from leases or other contractual arrangements with any person or entity, public or private, including one or more local government units, or a pledge or assignment of those leases or other contractual arrangements and the rights and interest of the trust therein;

(3) Pledge of all moneys, funds, accounts, securities and other funds, including the proceeds of the bonds, notes or other obligations;

(4) Pledge of the receipts to be derived from the payments of State aid, payable to the trust pursuant to section 12 of P.L.1985, c.334 (C.58:11B-12);

(5) A mortgage on all or any part of the property, real or personal, of the trust then owned or thereafter to be acquired, or a pledge or assignment of mortgages made to the trust by any person or entity, public or private, including one or more local government units and the rights and interest of the trust therein.

i. The trust shall not issue any bonds, notes or other obligations, or otherwise incur any additional indebtedness, on or after June 30, 2033.

j. (Deleted by amendment, P.L.1996, c.88).

2. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local 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 an-

num 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 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").

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Financing Program 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 June 30 of each year. The Interim Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. 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 environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

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), 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), section 1 of P.L.2013, c.93 (C.58:11B-9.5), or section 1 of P.L.2014, c.28 (C.58:11B-9.6), 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 temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9), 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), section 1 of P.L.2013, c.93 (C.58:11B-9.5), or section 1 of P.L.2014, c.28 (C.58:11B-9.6), and any notes or other obligations issued by project sponsors to evidence such short-term or temporary loans, except as provided in section 1 of P.L.2009, c.59 (C.58:11B-9.2), 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.

3. Section 4 of P.L.2007, c.138 (C.58:11B-9.1) is amended to read as follows:

C.58:11B-9.1 "Emergency Loan Fund."

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

The Emergency Loan Fund shall be credited with:

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

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

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

(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 Emergency Financing Program; and

(5) any other source of available funds deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the Emergency Loan Fund to finance or refinance emergency short-term or temporary loans pursuant to the Emergency Financing Program, including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, 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 Emergency Loan Fund to

finance or refinance emergency short-term or temporary loans pursuant to the 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 loans to (1) local government units to finance or refinance wastewater treatment system projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, whenever the Commissioner of Environmental Protection has determined and certified, in writing, that any such project constitutes an emergency project because of an imminent threat to the environment or the public health, safety or welfare caused by structural or mechanical failure, sabotage or act of God, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

4. Section 1 of P.L.2009, c.59 (C.58:11B-9.2) is amended to read as follows:

C.58:11B-9.2 "Planning and Design Fund.

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Planning and Design Fund") for the short-term or temporary financing or refinancing of environmental planning and engineering design costs (hereinafter referred to as the "Planning and Design Financing Program").

The Planning and Design 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) moneys deposited in the Interim Financing Program Fund established pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) subject to the provisions of subsection c. of this section;

(5) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance short-term or temporary loans pursuant to the Planning and Design Financing Program; and

(6) any other source of available funds deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the Planning and Design Fund to finance or refinance short-term or temporary loans pursuant to the Planning and Design Financing Program, including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, 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 Planning and Design Fund to finance or refinance short-term or temporary loans pursuant to the Planning and Design Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make short-term or temporary loans for environmental planning and engineering design costs to (1) local government units to finance or refinance wastewater treatment system projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. Except for Combined Sewer Overflow Abatement Projects, any such short-term or temporary loan made pursuant to the Planning and Design Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the Planning and Design loan was made by the trust to the project sponsor. Planning and Design loans made to Combined Sewer Overflow Abatement Projects shall mature no later than the last day of the tenth succeeding fiscal year following the closing date on which the Planning and Design loan was made by the trust to the project sponsor.

c. 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 utilize moneys deposited in the Interim Financing Program Fund established

pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) to make short-term or temporary loans for environmental planning and engineering design costs to (1) local government units to finance or refinance wastewater treatment system projects included on the project priority list pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects included on the project priority list pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-9) to be financed or refinanced through the issuance of bonds, notes or other obligations of the trust authorized under section 6 of P.L.1985, c.334 (C.58:11B-6), without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

5. Section 2 of P.L.2011, c.94 (C.58:11B-9.4) is amended to read as follows:

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

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

The Supplemental Loan Fund shall be credited with:

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

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

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

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

(5) any other source of available funds deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the Supplemental Loan Fund to finance or refinance short-term or temporary loans pursuant to the Supplemental Financing Program, including, without limita-

tion, 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 Supplemental Loan Fund to finance or refinance short-term or temporary loans pursuant to the Supplemental Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make short-term or temporary loans for a project for which a loan has been previously issued pursuant to subsection a. of section 9 of P.L.1985, c.334 (C.58:11B-9) to pay for eligible costs incurred in excess of the previous loan amount for activities specifically approved in the previous project loan to: (1) local government units to finance or refinance wastewater treatment system projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); or (2) public water utilities or private persons to finance or refinance water supply projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

6. 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 a revolving line of credit or other similar financial vehicle, 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 prior three fiscal years that gave rise to a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration; or mitigate the risk of future damage to a wastewater treatment system or water supply facility from an act of terrorism, seismic activity, or weather

conditions comparable in scope and severity to the act of terrorism, seismic activity, or weather conditions that occurred within the prior three fiscal years that gave rise to a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. Any such short-term or temporary loan pursuant to the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, identified on the Disaster Relief Emergency Financing Program project priority list (hereinafter referred to as the "Disaster Relief Emergency Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection. The Disaster Relief Emergency Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. An environmental infrastructure project or a project sponsor thereof not identified on the Disaster Relief Emergency Financing Program Eligibility List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

7. Section 1 of P.L.2014, c.28 (C.58:11B-9.6) is amended to read as follows:

C.58:11B-9.6 "Equipment Loan Fund," "Equipment Loan Program."

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Equipment Loan Fund") for the short-term or temporary equipment loan program of the trust (hereinafter referred to as the "Equipment Loan Program").

The Equipment Loan Fund shall be credited with:

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

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

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

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance short-term or temporary loans pursuant to the Equipment Loan 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 short-term or temporary loans pursuant to the Equipment Loan 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 short-term or temporary loans pursuant to the Equipment Loan Program, including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle, that may be procured by the trust, either through a competitive or negotiated process, 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 short-term or temporary loans pursuant to the Equipment Loan Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make short-term or temporary equipment loans to: (1) local government units to finance wastewater treatment system equipment projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.332 (C.58:11B-20); or (2) public water utilities or private persons to finance water supply equipment projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1).

The loans may be made without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

8. Section 1 of P.L.2005, c.202 (C.58:11B-10.2) is amended to read as follows:

C.58:11B-10.2 Loan Origination Fee Fund.

1. a. There is established in the New Jersey Environmental Infrastructure Trust a special fund to be known as the Loan Origination Fee Fund.

The 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 loan origination fees.

b. Moneys in the 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 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 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, "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.

9. Section 20 of P.L.1985, c.334 (C.58:11B-20) is amended to read as follows:

C.58:11B-20 Project priority list.

20. a. 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 a 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. 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 at any time between January 15th and May 15th of each year. On or before May 15 of each year, the trust shall submit the project priority list, 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 Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the project priority 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 priority 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 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 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.

10. 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. 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 commis-

sioner shall set forth a 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. 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 at any time between January 15th and May 15th of each year. On or before May 15 of each year, the trust shall submit the project priority list, 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 Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

b. The Senate Environment Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the project priority 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 priority 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 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 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.

11. This act shall take effect immediately.

Approved August 25, 2015.

CHAPTER 107

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 $1.94 billion 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, and section 1 of P.L.2014, c.26 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.2015, c.108 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 and section 10 of P.L.2015, c.107 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, and P.L.2015, c.107.

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**
Caldwell Borough	S340523-04-1	$664,500	$886,000
Camden County MUA	S340640-06-2/09-2/11-2	$1,890,000	$2,520,000
Camden County MUA	S340640-14-1	$1,417,500	$1,890,000
Old Bridge MUA	S340945-08-1	$945,000	$1,260,000
Total Projects: 4		**$4,917,000**	**$6,556,000**

(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 2007, 2010, 2012, and 2015 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 project:

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
North Jersey District Water Supply Comm.	1613001-017-1	$1,069,124	$1,425,498
Total Projects: 1		**$1,069,124**	**$1,425,498**

(2) The loan 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 year 2006 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loan authorized in this subsection shall be made to or on behalf of the project sponsor 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 al-

lowable 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 2016 Clean Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Camden County MUA	S340640-17	$3,220,875	$4,294,500
Camden County MUA	S340640-15	$6,752,250	$9,003,000
Rahway Valley SA	S340547-14	$3,532,725	$4,710,300
Camden County MUA	S340640-16	$10,237,784	$13,650,378
Warren Township SA	S340964-01	$2,346,421	$3,128,561
Newark City	S340815-22	$4,009,517	$5,346,023
Newark City	S340815-24	$15,458,625	$20,611,500
Camden City	S340366-07	$5,394,375	$7,192,500
Middlesex County UA	S340699-15	$22,990,492	$30,653,989
Camden County MUA	S340640-18	$14,565,600	$19,420,800
Jersey City MUA	S340928-13	$12,456,045	$16,608,060
Jersey City MUA	S340928-14	$2,147,395	$2,863,193
Jersey City MUA	S340928-15	$30,292,766	$40,390,354

Jersey City MUA	S340928-16	$7,077,656	$9,436,875
Jersey City MUA	S340928-17	$12,897,596	$17,196,795
Jersey City MUA	S340928-18	$5,182,853	$6,910,470
Jersey City MUA	S340928-19	$5,209,167	$6,945,556
Jersey City MUA	S340928-20	$31,974,738	$42,632,984
Elizabeth City	S340942-13	$9,294,750	$12,393,000
Elizabeth City	S340942-17	$3,984,750	$5,313,000
Elizabeth City	S340942-18	$3,471,000	$4,628,000
Elizabeth City	S340942-19	$2,766,179	$3,688,239
Kearny Town	S340259-11	$12,592,986	$16,790,648
Ocean County UA	S340372-56	$5,957,847	$7,943,796
Bayshore Regional SA	S340697-05	$45,731,788	$60,975,717
Bayshore Regional SA	S340697-06	$8,425,007	$11,233,343
Atlantic County UA	S340809-23	$6,780,504	$9,040,672
Atlantic County UA	S340809-25	$10,742,395	$14,323,193
Atlantic County UA	S340809-26	$10,586,249	$14,114,998
Atlantic County UA	S340809-27	$2,369,250	$3,159,000
Middletown Township SA	S340097-04	$15,620,021	$20,826,694
Hoboken City	S340635-04	$11,992,032	$15,989,376
Hoboken City	S340635-05	$3,811,619	$5,082,159
Hoboken City	S340635-06	$19,205,715	$25,607,620
North Hudson SA	S340952-19	$5,890,700	$7,854,266
North Hudson SA	S340952-21	$2,140,833	$2,854,444
North Hudson SA	S340952-22	$12,168,329	$16,224,439
North Hudson SA	S340952-23	$1,245,825	$1,661,100
North Hudson SA	S340952-24	$2,347,695	$3,130,260
Perth Amboy City	S340435-12	$546,509	$728,678
Perth Amboy City	S340435-11	$1,099,912	$1,466,549
West Milford Township MUA	S340701-12	$249,968	$333,291
Cumberland County UA	S340550-07	$783,563	$1,044,750
Millville City	S340921-07	$8,528,389	$11,371,185
Delran Township	S340794-08	$1,424,115	$1,898,820
Pompton Lakes Borough MUA	S340636-08	$799,313	$1,065,750
Passaic Valley SC	S340689-22	$2,830,418	$3,773,890
Passaic Valley SC	S340689-25	$8,367,115	$11,156,153
Passaic Valley SC	S340689-30	$1,655,388	$2,207,184
Passaic Valley SC	S340689-31	$2,746,847	$3,662,462
Passaic Valley SC	S340689-32	$2,701,125	$3,601,500
Passaic Valley SC	S340689-33	$39,074,175	$52,098,900
Passaic Valley SC	S340689-34	$1,767,134	$2,356,179
Northwest Bergen County UA	S340700-13	$2,389,275	$3,185,700
Jersey City MUA	S340928-21	$8,686,913	$11,582,550
Bergen County UA	S340386-17	$12,175,636	$16,234,181
Gloucester City	S340958-06	$573,000	$764,000

Cinnaminson SA	S340170-07	$6,238,890	$8,318,520
Wanaque Valley Regional SA	S340780-04	$3,054,476	$4,072,635
Raritan Township MUA	S340485-09	$2,061,400	$2,748,533
Gloucester County UA	S340902-14	$33,536,475	$44,715,300
Stafford Township	S344100-02	$4,674,095	$6,232,127
Stafford Township	S344100-03	$2,634,424	$3,512,565
Hammonton Town	S340927-07	$3,044,643	$4,059,524
Hightstown Borough	S340915-05	$958,482	$1,277,976
Ocean County	S344080-04	$709,694	$946,258
Point Pleasant Beach Borough	S344190-02	$7,043,608	$9,391,477
Ocean Gate Borough	S344180-01	$1,814,348	$2,419,130
Bay Head Borough	S344120-01	$197,573	$263,430
Kearny MUA	S340259-07	$7,023,300	$9,364,400
Willingboro MUA	S340132-08	$1,326,600	$1,768,800
North Wildwood City	S340663-06	$10,309,134	$13,745,512
Cumberland County UA	S340550-08	$838,688	$1,118,250
Princeton Borough	S340656-08	$2,918,042	$3,890,723
Little Egg Harbor MUA	S340579-02	$1,715,929	$2,287,905
Warren Township SewerAuthority	S340964-02	$530,792	$707,722
Milltown Borough	S340102-03	$12,155,063	$16,206,750
Tuckerton Borough	S340034-02	$1,610,707	$2,147,609
Middlesex County UA	S340699-12	$69,607,125	$92,809,500
Middlesex County UA	S340699-13	$32,204,586	$42,939,448
Middlesex County UA	S340699-14	$13,362,596	$17,816,795
Ocean County UA	S340372-53	$2,985,213	$3,980,284
Ocean County UA	S340372-54	$3,581,738	$4,775,651
Ocean County UA	S340372-57	$2,054,430	$2,739,240
Atlantic County UA	S340809-24	$786,089	$1,048,119
Atlantic County UA	S340809-29	$3,012,975	$4,017,300
Cape May County MUA	S340661-22	$3,147,947	$4,197,262
Rockaway Valley Regional SA	S340821-06	$5,660,786	$7,547,715
Old Bridge MUA	S340945-13	$3,870,986	$5,161,314
Gloucester Township MUA	S340364-13	$913,500	$1,218,000
South Monmouth Regional SA	S340377-03	$7,195,869	$9,594,492
South Monmouth Regional SA	S340377-04A	$7,195,869	$9,594,492
South Monmouth Regional SA	S340377-05	$2,181,375	$2,908,500
Washington Township MUA	S340930-03	$1,140,379	$1,520,505
Egg Harbor Township MUA	S340753-04	$1,183,500	$1,578,000
Egg Harbor Township MUA	S340753-06	$488,395	$651,193
Ocean Township SA	S340750-11	$3,950,809	$5,267,745
Ocean Township SA	S340750-12	$3,001,556	$4,002,075
Burlington Township	S340712-14	$942,638	$1,256,850
Roselle Borough	S340332-02	$2,766,881	$3,689,175
Pine Hill MUA	S340274-05	$1,261,070	$1,681,426

Brigantine City	S340827-04	$2,373,851	$3,165,134
Oradell Borough	S340835-04	$1,004,850	$1,339,800
Runnemede Borough	S340363-06	$1,193,063	$1,590,750
Ocean Township	S340112-07	$1,848,735	$2,464,980
Long Beach Township	S340023-06	$3,723,989	$4,965,318
Atlantic County UA	S340809-28	$1,661,625	$2,215,500
Atlantic City	S340439-01	$14,829,365	$19,772,486
Atlantic City	S340439-03	$1,902,000	$2,536,000
Secaucus Town	S340029-04	$1,849,720	$2,466,293
Gloucester City	S340958-07	$479,250	$639,000
Hillsborough Township	S340099-02	$1,209,867	$1,613,156
Aberdeen Township	S340869-02	$6,591,913	$8,789,217
Manasquan Borough	S340450-01	$3,255,558	$4,340,744
Cranford Township	S340858-04	$2,559,375	$3,412,500
Burlington County	S340818-07	$1,679,738	$2,239,650
Middletown Township	S340097-01	$3,204,141	$4,272,188
Gloucester Township	S340364-11	$1,158,311	$1,544,415
Gloucester Township	S340364-14	$945,281	$1,260,374
Carteret Borough	S340939-09	$6,429,750	$8,573,000
Hammonton Town	S340927-09	$3,219,825	$4,293,100
Ventnor City	S340667-02	$7,455,060	$9,940,080
Ventnor City	S340667-03	$1,099,787	$1,466,383
Brigantine City	S340827-05	$3,330,750	$4,441,000
Brigantine City	S340827-06	$714,750	$953,000
Brigantine City	S340827-07	$787,088	$1,049,450
Paulsboro Borough	S340164-01	$1,927,778	$2,570,371
Highlands Borough	S340901-03	$4,489,650	$5,986,200
Sea Girt Borough	S340468-01	$3,430,350	$4,573,800
Califon Borough	S340431-01	$1,247,861	$1,663,815
Secaucus Town	S342021-01	$16,687,014	$22,249,352
Bellmawr Borough	S342011-02	$52,251,116	$69,668,155
Edison Township	S342020-01	$9,675,000	$12,900,000
Kearny Town	S340259-12	$13,644,227	$18,192,302
Kearny Town	S340259-13	$84,724,681	$112,966,241
Carteret Borough	S340939-07	$17,614,800	$23,486,400
Cape May County MUA	S342017-04	$5,174,035	$6,898,713
Milltown Borough	S340102-01	$15,309,636	$20,412,848
Milltown Borough	S340102-04	$4,087,462	$5,449,949
Somerville Borough	S342013-01	$13,042,213	$17,389,617
Hoboken City	S340635-07	$2,067,647	$2,756,863
Jersey City MUA	S340928-22	$509,256	$679,008
Montclair Township	S340837-03	$1,124,684	$1,499,578
Newark City	S340815-25	$260,450	$347,267
North Hudson SA	S340952-26	$548,100	$730,800

North Hudson SA	S340952-27	$399,656	$532,875
Orange City	S340859-02	$4,841,609	$6,455,478
Passaic Valley SC	S340689-35	$258,775	$345,033
Passaic Valley SC	S340689-36	$164,430	$219,240
Perth Amboy City	S340435-13	$543,848	$725,130
Raritan Township MUA	S340485-11	$277,169	$369,558
Washington Township MUA	S340930-04	$738,833	$985,110
Burlington Township	S340712-13	$425,250	$567,000
Cliffside Park Borough	S340847-04	$3,948,525	$5,264,700
Jackson Township	S344050-02	$786,697	$1,048,929
Total Projects	**154**	**$1,100,872,218**	**$1,467,829,601**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2016 Drinking Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Passaic Valley Water Commission	605002-025	$16,716,278	$22,288,370
East Orange City	0705001-011	$9,755,802	$13,007,736
Willingboro MUA	0338001-009	$4,655,177	$6,206,903
Lake Glenwood Village	1922010-008	$671,423	$895,230
North Shore Water Assoc.	1904004-004	$137,025	$182,700
North Shore Water Assoc.	1904004-001	$356,250	$475,000
Pemberton Township	0329004-004	$856,406	$1,141,875
Sea Village Marina/NJ American Water Co., Inc.	0108021-002	$901,500	$1,202,000
Newark City	0714001-016	$7,375,500	$9,834,000
Bordentown City	0303001-006	$1,096,791	$1,462,388
Saddle Brook Township	0257001-002	$1,644,412	$2,192,549
Newark City	0714001-015	$8,840,250	$11,787,000
Newark City	0714001-017	$1,378,125	$1,837,500
North Jersey District Water Supply Comm.	1613001-031	$2,764,125	$3,685,500
North Jersey District Water Supply Comm.	1613001-032	$2,665,283	$3,553,710
North Jersey District Water Supply Comm.	1613001-022	$12,576,139	$16,768,185
North Jersey District Water Supply Comm.	1613001-025	$5,435,010	$7,246,680

North Jersey District Water Supply Comm.	1613001-026	$9,606,394	$12,808,525
North Jersey District Water Supply Comm.	1613001-027	$1,717,758	$2,290,344
North Jersey District Water Supply Comm.	1613001-028	$1,397,592	$1,863,456
North Jersey District Water Supply Comm.	1613001-029	$2,150,190	$2,866,920
Newark City	0714001-500	$3,784,284	$5,045,712
Camden City	0408001-021	$1,248,188	$1,664,250
Berkeley Township MUA	1505004-008	$2,464,441	$3,285,921
Mountain Shores POA	1414009-001	$1,140,034	$1,520,045
North Jersey District Water Supply Comm.	1613001-035	$2,768,153	$3,690,871
Camden City	0408001-022	$945,000	$1,260,000
Netcong Borough	1428001-007	$2,665,117	$3,553,489
Little Egg Harbor MUA	1516001-004	$1,275,971	$1,701,295
Paulsboro Borough	0814001-003	$1,405,396	$1,873,861
Tuckerton Borough	1532002-005	$974,250	$1,299,000
North Jersey District Water Supply Comm.	1613001-033	$2,933,044	$3,910,725
North Jersey District Water Supply Comm.	1613001-034	$1,085,181	$1,446,908
Middlesex Water Company	1225001-016	$4,260,750	$5,681,000
Stafford Township	1530004-018	$1,736,250	$2,315,000
Netcong Borough	1428001-008	$753,980	$1,005,307
Tuckerton Borough	1532002-003	$988,500	$1,318,000
Jersey City/Jersey City MUA	0906001-010	$5,300,250	$7,067,000
Jersey City/Jersey City MUA	0906001-006	$13,503,750	$18,005,000
Jersey City/Jersey City MUA	0906001-011	$4,695,650	$6,260,867
Jersey City/Jersey City MUA	0906001-012	$12,482,250	$16,643,000
Perth Amboy City	1216001-006	$1,435,500	$1,914,000
Wall Township	1352003-002	$2,696,228	$3,594,971
Wall Township	1352003-001	$1,288,508	$1,718,010
Netcong Borough	1428001-009	$225,178	$300,237
Rahway City	2013001-007	$13,563,000	$18,084,000
Berkeley Township MUA	1505004-007	$911,925	$1,215,900
Hightstown Borough	1104001-008	$123,975	$165,300
Fountainhead Properties, Inc.	1511013-001	$541,500	$722,000
Trenton City	1111001-010	$16,843,275	$22,457,700
Cape May City	0502001-004	$1,558,332	$2,077,776
Kearny Town	0907001-001	$20,911,180	$27,881,573
Jackson Township MUA	1511001-010	$4,361,944	$5,815,925

North Jersey District Water Supply Comm.	1613001-030	$690,835	$921,113
Perth Amboy City	1216001-008	$1,293,740	$1,724,987
Perth Amboy City	1216001-007	$1,662,000	$2,216,000
Gloucester City	0414001-020	$961,125	$1,281,500
Hammonton Town	0113001-011	$1,335,554	$1,780,739
Pemberton Township	0329004-006	$467,250	$623,000
Clementon Borough	0411001-001	$342,563	$456,750
Evesham MUA	0313001-001	$1,472,250	$1,963,000
Marlboro Township	1328002-002	$9,385,500	$12,514,000
Long Beach Township	1517001-500	$2,707,500	$3,610,000
Long Beach Township	1517001-501	$1,370,250	$1,827,000
Long Beach Township	1517001-502	$2,404,348	$3,205,797
Bordentown City	0303001-007	$2,095,478	$2,793,971
Roosevelt Borough	1341001-004	$479,981	$639,975
Stafford Township	1530004-019	$1,353,750	$1,805,000
Ocean Township	1520001-007	$942,047	$1,256,063
Milltown Borough	1214001-004	$1,206,844	$1,609,125
Milltown Borough	1212001-002	$1,204,500	$1,606,000
Manasquan Borough	1327001-002	$888,551	$1,184,734
Pemberton Township	0329004-007	$1,882,125	$2,509,500
Ocean Gate Borough	1521001-001	$787,323	$1,049,764
Milltown Borough	1212001-003	$856,500	$1,142,000
Middlesex Water Company	1225001-023	$5,512,500	$7,350,000
Perth Amboy City	1216001-500	$2,031,000	$2,708,000
Washington Township MUA	0818004-009	$533,216	$710,955
Clinton Town	1005001-006	$2,893,500	$3,858,000
Brielle Borough	1308001-002	$1,840,500	$2,454,000
Pennington Borough	1108001-001	$858,285	$1,144,380
Roosevelt Borough	1341001-001	$517,500	$690,000
North Shore Water Assoc.	1904004-002	$321,000	$428,000
Middlesex Water Company	1225001-024	$2,597,175	$3,462,900
Old Bridge MUA	1209002-011	$2,441,250	$3,255,000
Washington Township MUA	0818004-010	$1,370,565	$1,827,420
Washington Township MUA	0818004-011	$3,470,355	$4,627,140
Brigantine City	0103001-501	$2,112,737	$2,816,982
Oakland Borough	0220001-004	$2,467,238	$3,289,650
NJ American Water Co., Inc. - Raritan	2004002-500	$23,625,000	$31,500,000
Manasquan Borough	1327001-001	$1,821,494	$2,428,659
Hammonton Town	0113001-007	$702,000	$936,000
Jackson Township MUA	1511001-011	$1,054,636	$1,406,181
Manchester UA	1603001-014	$1,471,995	$1,962,660
Rahway City	2013001-008	$2,712,938	$3,617,250

Washington Township MUA	0818004-012	$157,894	$210,525
Oakland Borough	0220001-003	$2,467,238	$3,289,650
Pemberton Township	0329004-005	$311,250	$415,000
Clementon Borough	0411001-002	$970,594	$1,294,125
Hampton Borough	1013001-001	$1,027,688	$1,370,250
Little Egg Harbor MUA	1516001-003	$3,429,000	$4,572,000
Little Egg Harbor MUA	1516001-500	$516,356	$688,475
Hammonton Town	0113001-010	$228,375	$304,500
Pemberton Township	0329004-008	$294,000	$392,000
Hightstown Borough	1104001-007	$280,901	$374,535
Oakland Borough	0220001-002	$2,467,238	$3,289,650
Clinton Town	1005001-007	$798,750	$1,065,000
Pine Beach Borough	1522001-001	$719,775	$959,700
Montclair Township	0713001-008	$1,652,250	$2,203,000
Oakland Borough	0220001-001	$2,467,238	$3,289,650
Pine Beach Borough	1522001-002	$338,310	$451,080
Old Bridge MUA	1209002-012	$962,250	$1,283,000
Brielle Borough	1308001-003	$108,222	$144,296
Atlantic City MUA	0102001-006	$1,501,022	$2,001,363
Berkeley Township MUA	1505004-009	$957,600	$1,276,800
Hoboken City	0905001-001	$4,386,667	$5,848,889
Clinton Town	1005001-008	$1,023,120	$1,364,160
Montclair Township	0713001-011	$2,609,909	$3,479,879
Washington Township MUA	0818004-014	$628,031	$837,375
Clinton Town	1005001-009	$827,860	$1,103,813
Total Projects:	120	$350,844,850	$467,793,124

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 priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 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 priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2016, 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.2015, c.108 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, or P.L.2015, c.107, 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 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 Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Eligibility List shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before June 30, 2015. 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 Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

11. a. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

(1) sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof. Any projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

b. The Disaster Relief Emergency Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. Any environmental infrastructure project or the project sponsor thereof not identified in the Disaster Relief Emergency Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

12. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the Planning and Design Fund created and established by the trust for the short-term or temporary loan financing or refinancing of environmental planning and engineering design costs (hereinafter referred to as the "Planning and Design Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2009, c.59 (C.58:11B-9.2) such sums as needed consisting of:

a. sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Planning and Design Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

b. such other amounts to be deposited in the Planning and Design Fund, provided that the amount so appropriated to the trust for deposit in the Planning and Design Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Planning and Design Financing Program to any one or more of the project sponsors, for the environmental planning and engineering design costs for the respective projects thereof. Any projects funded by the Planning and Design Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

13. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the Equipment Loan Fund created and established by the trust for the short-term or temporary financing or refinancing of equipment costs (hereinafter referred to as the "Equipment Loan Program") authorized pursuant to subsection a. of section 1 of P.L.2014, c.28, (C.58:11B-9.6) such sums as needed consisting of:

a. sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Equipment Loan Program to any one or more of the project sponsors, for the respective projects thereof; and

b. such other amounts to be deposited in the Equipment Loan Fund, provided that the amount so appropriated to the trust for deposit in the Equipment Loan Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Equipment Loan Program to any one or more of the project sponsors, for the equipment costs of the respective projects thereof. Any projects funded by the Equipment Loan Program shall be subject to the approval of the Commissioner of Environmental Protection.

14. 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.

15. This act shall take effect immediately.

Approved August 25, 2015.

CHAPTER 108

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 2015 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 "Planning and Design Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2) 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 "Equipment Loan Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) 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.

(6) 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.

(7) 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 2015 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.

(8) 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, 2016, 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 "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, 2016, 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 "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, 2016, 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.

(11) 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, 2016, 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.

(12) 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, 2016.

(13) 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.

(14) 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, 2016, 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.

(15) 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.

(16) There is appropriated to the Department of Environmental Protection from the "Planning and Design Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2) 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.

(17) There is appropriated to the Department of Environmental Protection from the "Equipment Loan Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) 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.

(18) 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.

(19) 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, 2016, 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.

(20) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2016, 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.

(21) 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, 2016, 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.

(22) 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, 2016, 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.

(23) 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, 2016, 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.

(24) 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.2015, c.107, as available on or before June 30, 2016, 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 $10 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 $30 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 $10 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.2014, c.25 are granted continued priority status and shall be subject to

the provisions of P.L.2014, c.25, provided such projects receive short-term funding prior to June 30, 2015.

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 15 percent of the 2015 Drinking Water State Revolving Fund loans not to exceed $4 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; and

(b) any unexpended funds available pursuant to subparagraph (a) of this paragraph, plus up to $3.5 million of Drinking Water State Revolving Fund loans, 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 $2.25 million 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 3,300 residents, and then systems serving between 3,301 to 10,000 residents.

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.2014, c.25 are granted continued priority status and shall be subject to the provisions of P.L.2014, c.25 provided such projects receive short-term funding prior to June 30, 2015.

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 sec-

tion 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, and sections 1 and 2 of P.L.2014, c.25, 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, and section 6 of P.L.2014, c.25, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein during State fiscal year 2012 and State fiscal year 2015 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 $354.69 million shall be provided for Sandy financing loans for clean water and 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 $68.6920 million shall be provided in the form of principal forgiveness loans for clean water and drinking water projects in the form of principal forgiveness loans 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**
Caldwell Borough	S340523-04-1	$664,500	$886,000
Camden County MUA	S340640-06-2/09-2/11-2	$1,890,000	$2,520,000

Camden County MUA	S340640-14-1	$1,417,500	$1,890,000
Old Bridge MUA	S340945-08-1	$945,000	$1,260,000
Total Projects:	**4**	**$4,917,000**	**$6,556,000**

(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 2007, 2010, 2012, and 2015 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**
North Jersey District Water Supply Comm.	1613001-017-1	$1,069,124	$1,425,498
Total Projects:	**1**	**$1,069,124**	**$1,425,498**

(2) The loan 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 2006 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 loan authorized in this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except 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 2016 Clean Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Camden County MUA	S340640-17	$3,220,875	$4,294,500
Camden County MUA	S340640-15	$6,752,250	$9,003,000
Rahway Valley SA	S340547-14	$3,532,725	$4,710,300
Camden County MUA	S340640-16	$10,237,784	$13,650,378
Warren Township SA	S340964-01	$2,346,421	$3,128,561
Newark City	S340815-22	$4,009,517	$5,346,023
Newark City	S340815-24	$15,458,625	$20,611,500
Camden City	S340366-07	$5,394,375	$7,192,500
Middlesex County UA	S340699-15	$22,990,492	$30,653,989
Camden County MUA	S340640-18	$14,565,600	$19,420,800
Jersey City MUA	S340928-13	$12,456,045	$16,608,060
Jersey City MUA	S340928-14	$2,147,395	$2,863,193
Jersey City MUA	S340928-15	$30,292,766	$40,390,354
Jersey City MUA	S340928-16	$7,077,656	$9,436,875
Jersey City MUA	S340928-17	$12,897,596	$17,196,795
Jersey City MUA	S340928-18	$5,182,853	$6,910,470
Jersey City MUA	S340928-19	$5,209,167	$6,945,556
Jersey City MUA	S340928-20	$31,974,738	$42,632,984
Elizabeth City	S340942-13	$9,294,750	$12,393,000
Elizabeth City	S340942-17	$3,984,750	$5,313,000
Elizabeth City	S340942-18	$3,471,000	$4,628,000
Elizabeth City	S340942-19	$2,766,179	$3,688,239
Kearny Town	S340259-11	$12,592,986	$16,790,648
Ocean County UA	S340372-56	$5,957,847	$7,943,796
Bayshore Regional SA	S340697-05	$45,731,788	$60,975,717
Bayshore Regional SA	S340697-06	$8,425,007	$11,233,343
Atlantic County UA	S340809-23	$6,780,504	$9,040,672
Atlantic County UA	S340809-25	$10,742,395	$14,323,193

Atlantic County UA	S340809-26	$10,586,249	$14,114,998
Atlantic County UA	S340809-27	$2,369,250	$3,159,000
Middletown Township SA	S340097-04	$15,620,021	$20,826,694
Hoboken City	S340635-04	$11,992,032	$15,989,376
Hoboken City	S340635-05	$3,811,619	$5,082,159
Hoboken City	S340635-06	$19,205,715	$25,607,620
North Hudson SA	S340952-19	$5,890,700	$7,854,266
North Hudson SA	S340952-21	$2,140,833	$2,854,444
North Hudson SA	S340952-22	$12,168,329	$16,224,439
North Hudson SA	S340952-23	$1,245,825	$1,661,100
North Hudson SA	S340952-24	$2,347,695	$3,130,260
Perth Amboy City	S340435-12	$546,509	$728,678
Perth Amboy City	S340435-11	$1,099,912	$1,466,549
West Milford Township MUA	S340701-12	$249,968	$333,291
Cumberland County UA	S340550-07	$783,563	$1,044,750
Millville City	S340921-07	$8,528,389	$11,371,185
Delran Township	S340794-08	$1,424,115	$1,898,820
Pompton Lakes Borough MUA	S340636-08	$799,313	$1,065,750
Passaic Valley SC	S340689-22	$2,830,418	$3,773,890
Passaic Valley SC	S340689-25	$8,367,115	$11,156,153
Passaic Valley SC	S340689-30	$1,655,388	$2,207,184
Passaic Valley SC	S340689-31	$2,746,847	$3,662,462
Passaic Valley SC	S340689-32	$2,701,125	$3,601,500
Passaic Valley SC	S340689-33	$39,074,175	$52,098,900
Passaic Valley SC	S340689-34	$1,767,134	$2,356,179
Northwest Bergen County UA	S340700-13	$2,389,275	$3,185,700
Jersey City MUA	S340928-21	$8,686,913	$11,582,550
Bergen County UA	S340386-17	$12,175,636	$16,234,181
Gloucester City	S340958-06	$573,000	$764,000
Cinnaminson SA	S340170-07	$6,238,890	$8,318,520
Wanaque Valley Regional SA	S340780-04	$3,054,476	$4,072,635
Raritan Township MUA	S340485-09	$2,061,400	$2,748,533
Gloucester County UA	S340902-14	$33,536,475	$44,715,300
Stafford Township	S344100-02	$4,674,095	$6,232,127
Stafford Township	S344100-03	$2,634,424	$3,512,565
Hammonton Town	S340927-07	$3,044,643	$4,059,524
Hightstown Borough	S340915-05	$958,482	$1,277,976
Ocean County	S344080-04	$709,694	$946,258
Point Pleasant Beach Borough	S344190-02	$7,043,608	$9,391,477

Ocean Gate Borough	S344180-01	$1,814,348	$2,419,130
Bay Head Borough	S344120-01	$197,573	$263,430
Kearny MUA	S340259-07	$7,023,300	$9,364,400
Willingboro MUA	S340132-08	$1,326,600	$1,768,800
North Wildwood City	S340663-06	$10,309,134	$13,745,512
Cumberland County UA	S340550-08	$838,688	$1,118,250
Princeton Borough	S340656-08	$2,918,042	$3,890,723
Little Egg Harbor MUA	S340579-02	$1,715,929	$2,287,905
Warren Township Sewer Authority	S340964-02	$530,792	$707,722
Milltown Borough	S340102-03	$12,155,063	$16,206,750
Tuckerton Borough	S340034-02	$1,610,707	$2,147,609
Middlesex County UA	S340699-12	$69,607,125	$92,809,500
Middlesex County UA	S340699-13	$32,204,586	$42,939,448
Middlesex County UA	S340699-14	$13,362,596	$17,816,795
Ocean County UA	S340372-53	$2,985,213	$3,980,284
Ocean County UA	S340372-54	$3,581,738	$4,775,651
Ocean County UA	S340372-57	$2,054,430	$2,739,240
Atlantic County UA	S340809-24	$786,089	$1,048,119
Atlantic County UA	S340809-29	$3,012,975	$4,017,300
Cape May County MUA	S340661-22	$3,147,947	$4,197,262
Rockaway Valley Regional SA	S340821-06	$5,660,786	$7,547,715
Old Bridge MUA	S340945-13	$3,870,986	$5,161,314
Gloucester Township MUA	S340364-13	$913,500	$1,218,000
South Monmouth Regional SA	S340377-03	$7,195,869	$9,594,492
South Monmouth Regional SA	S340377-04A	$7,195,869	$9,594,492
South Monmouth Regional SA	S340377-05	$2,181,375	$2,908,500
Washington Township MUA	S340930-03	$1,140,379	$1,520,505
Egg Harbor Township MUA	S340753-04	$1,183,500	$1,578,000
Egg Harbor Township MUA	S340753-06	$488,395	$651,193
Ocean Township SA	S340750-11	$3,950,809	$5,267,745
Ocean Township SA	S340750-12	$3,001,556	$4,002,075
Burlington Township	S340712-14	$942,638	$1,256,850
Roselle Borough	S340332-02	$2,766,881	$3,689,175
Pine Hill MUA	S340274-05	$1,261,070	$1,681,426
Brigantine City	S340827-04	$2,373,851	$3,165,134
Oradell Borough	S340835-04	$1,004,850	$1,339,800
Runnemede Borough	S340363-06	$1,193,063	$1,590,750
Ocean Township	S340112-07	$1,848,735	$2,464,980
Long Beach Township	S340023-06	$3,723,989	$4,965,318

Atlantic County UA	S340809-28	$1,661,625	$2,215,500
Atlantic City	S340439-01	$14,829,365	$19,772,486
Atlantic City	S340439-03	$1,902,000	$2,536,000
Secaucus Town	S340029-04	$1,849,720	$2,466,293
Gloucester City	S340958-07	$479,250	$639,000
Hillsborough Township	S340099-02	$1,209,867	$1,613,156
Aberdeen Township	S340869-02	$6,591,913	$8,789,217
Manasquan Borough	S340450-01	$3,255,558	$4,340,744
Cranford Township	S340858-04	$2,559,375	$3,412,500
Burlington County	S340818-07	$1,679,738	$2,239,650
Middletown Township	S340097-01	$3,204,141	$4,272,188
Gloucester Township	S340364-11	$1,158,311	$1,544,415
Gloucester Township	S340364-14	$945,281	$1,260,374
Carteret Borough	S340939-09	$6,429,750	$8,573,000
Hammonton Town	S340927-09	$3,219,825	$4,293,100
Ventnor City	S340667-02	$7,455,060	$9,940,080
Ventnor City	S340667-03	$1,099,787	$1,466,383
Brigantine City	S340827-05	$3,330,750	$4,441,000
Brigantine City	S340827-06	$714,750	$953,000
Brigantine City	S340827-07	$787,088	$1,049,450
Paulsboro Borough	S340164-01	$1,927,778	$2,570,371
Highlands Borough	S340901-03	$4,489,650	$5,986,200
Sea Girt Borough	S340468-01	$3,430,350	$4,573,800
Califon Borough	S340431-01	$1,247,861	$1,663,815
Secaucus Town	S342021-01	$16,687,014	$22,249,352
Bellmawr Borough	S342011-02	$52,251,116	$69,668,155
Edison Township	S342020-01	$9,675,000	$12,900,000
Kearny Town	S340259-12	$13,644,227	$18,192,302
Kearny Town	S340259-13	$84,724,681	$112,966,241
Carteret Borough	S340939-07	$17,614,800	$23,486,400
Cape May County MUA	S342017-04	$5,174,035	$6,898,713
Milltown Borough	S340102-01	$15,309,636	$20,412,848
Milltown Borough	S340102-04	$4,087,462	$5,449,949
Somerville Borough	S342013-01	$13,042,213	$17,389,617
Hoboken City	S340635-07	$2,067,647	$2,756,863
Jersey City MUA	S340928-22	$509,256	$679,008
Montclair Township	S340837-03	$1,124,684	$1,499,578
Newark City	S340815-25	$260,450	$347,267
North Hudson SA	S340952-26	$548,100	$730,800
North Hudson SA	S340952-27	$399,656	$532,875
Orange City	S340859-02	$4,841,609	$6,455,478
Passaic Valley SC	S340689-35	$258,775	$345,033
Passaic Valley SC	S340689-36	$164,430	$219,240
Perth Amboy City	S340435-13	$543,848	$725,130

Raritan Township MUA	S340485-11	$277,169	$369,558
Washington Township MUA	S340930-04	$738,833	$985,110
Burlington Township	S340712-13	$425,250	$567,000
Cliffside Park Borough	S340847-04	$3,948,525	$5,264,700
Jackson Township	S344050-02	$786,697	$1,048,929
Total Projects	**154**	**$1,100,872,218**	**$1,467,829,601**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2016 Drinking Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Passaic Valley Water Commission	1605002-025	$16,716,278	$22,288,370
East Orange City	0705001-011	$9,755,802	$13,007,736
Willingboro MUA	0338001-009	$4,655,177	$6,206,903
Lake Glenwood Village	1922010-008	$671,423	$895,230
North Shore Water Assoc.	1904004-004	$137,025	$182,700
North Shore Water Assoc.	1904004-001	$356,250	$475,000
Pemberton Township	0329004-004	$856,406	$1,141,875
Sea Village Marina/NJ American Water Co., Inc.	0108021-002	$901,500	$1,202,000
Newark City	0714001-016	$7,375,500	$9,834,000
Bordentown City	0303001-006	$1,096,791	$1,462,388
Saddle Brook Township	0257001-002	$1,644,412	$2,192,549
Newark City	0714001-015	$8,840,250	$11,787,000
Newark City	0714001-017	$1,378,125	$1,837,500
North Jersey District Water Supply Comm.	1613001-031	$2,764,125	$3,685,500
North Jersey District Water Supply Comm.	1613001-032	$2,665,283	$3,553,710
North Jersey District Water Supply Comm.	1613001-022	$12,576,139	$16,768,185
North Jersey District Water Supply Comm.	1613001-025	$5,435,010	$7,246,680
North Jersey District Water Supply Comm.	1613001-026	$9,606,394	$12,808,525
North Jersey District Water Supply Comm.	1613001-027	$1,717,758	$2,290,344
North Jersey District Water Supply Comm.	1613001-028	$1,397,592	$1,863,456

North Jersey District Water Supply Comm.	1613001-029	$2,150,190	$2,866,920
Newark City	0714001-500	$3,784,284	$5,045,712
Camden City	0408001-021	$1,248,188	$1,664,250
Berkeley Township MUA	1505004-008	$2,464,441	$3,285,921
Mountain Shores POA	1414009-001	$1,140,034	$1,520,045
North Jersey District Water Supply Comm.	1613001-035	$2,768,153	$3,690,871
Camden City	0408001-022	$945,000	$1,260,000
Netcong Borough	1428001-007	$2,665,117	$3,553,489
Little Egg Harbor MUA	1516001-004	$1,275,971	$1,701,295
Paulsboro Borough	0814001-003	$1,405,396	$1,873,861
Tuckerton Borough	1532002-005	$974,250	$1,299,000
North Jersey District Water Supply Comm.	1613001-033	$2,933,044	$3,910,725
North Jersey District Water Supply Comm.	1613001-034	$1,085,181	$1,446,908
Middlesex Water Company	1225001-016	$4,260,750	$5,681,000
Stafford Township	1530004-018	$1,736,250	$2,315,000
Netcong Borough	1428001-008	$753,980	$1,005,307
Tuckerton Borough	1532002-003	$988,500	$1,318,000
Jersey City/Jersey City MUA	0906001-010	$5,300,250	$7,067,000
Jersey City/Jersey City MUA	0906001-006	$13,503,750	$18,005,000
Jersey City/Jersey City MUA	0906001-011	$4,695,650	$6,260,867
Jersey City/Jersey City MUA	0906001-012	$12,482,250	$16,643,000
Perth Amboy City	1216001-006	$1,435,500	$1,914,000
Wall Township	1352003-002	$2,696,228	$3,594,971
Wall Township	1352003-001	$1,288,508	$1,718,010
Netcong Borough	1428001-009	$225,178	$300,237
Rahway City	2013001-007	$13,563,000	$18,084,000
Berkeley Township MUA	1505004-007	$911,925	$1,215,900
Hightstown Borough	1104001-008	$123,975	$165,300
Fountainhead Properties, Inc.	1511013-001	$541,500	$722,000
Trenton City	1111001-010	$16,843,275	$22,457,700
Cape May City	0502001-004	$1,558,332	$2,077,776
Kearny Town	0907001-001	$20,911,180	$27,881,573
Jackson Township MUA	1511001-010	$4,361,944	$5,815,925
North Jersey District Water Supply Comm.	1613001-030	$690,835	$921,113
Perth Amboy City	1216001-008	$1,293,740	$1,724,987

Perth Amboy City	1216001-007	$1,662,000	$2,216,000
Gloucester City	0414001-020	$961,125	$1,281,500
Hammonton Town	0113001-011	$1,335,554	$1,780,739
Pemberton Township	0329004-006	$467,250	$623,000
Clementon Borough	0411001-001	$342,563	$456,750
Evesham MUA	0313001-001	$1,472,250	$1,963,000
Marlboro Township	1328002-002	$9,385,500	$12,514,000
Long Beach Township	1517001-500	$2,707,500	$3,610,000
Long Beach Township	1517001-501	$1,370,250	$1,827,000
Long Beach Township	1517001-502	$2,404,348	$3,205,797
Bordentown City	0303001-007	$2,095,478	$2,793,971
Roosevelt Borough	1341001-004	$479,981	$639,975
Stafford Township	1530004-019	$1,353,750	$1,805,000
Ocean Township	1520001-007	$942,047	$1,256,063
Milltown Borough	1214001-004	$1,206,844	$1,609,125
Milltown Borough	1212001-002	$1,204,500	$1,606,000
Manasquan Borough	1327001-002	$888,551	$1,184,734
Pemberton Township	0329004-007	$1,882,125	$2,509,500
Ocean Gate Borough	1521001-001	$787,323	$1,049,764
Milltown Borough	1212001-003	$856,500	$1,142,000
Middlesex Water Company	1225001-023	$5,512,500	$7,350,000
Perth Amboy City	1216001-500	$2,031,000	$2,708,000
Washington Township MUA	0818004-009	$533,216	$710,955
Clinton Town	1005001-006	$2,893,500	$3,858,000
Brielle Borough	1308001-002	$1,840,500	$2,454,000
Pennington Borough	1108001-001	$858,285	$1,144,380
Roosevelt Borough	1341001-001	$517,500	$690,000
North Shore Water Assoc.	1904004-002	$321,000	$428,000
Middlesex Water Company	1225001-024	$2,597,175	$3,462,900
Old Bridge MUA	1209002-011	$2,441,250	$3,255,000
Washington Township MUA	0818004-010	$1,370,565	$1,827,420
Washington Township MUA	0818004-011	$3,470,355	$4,627,140
Brigantine City	0103001-501	$2,112,737	$2,816,982
Oakland Borough	0220001-004	$2,467,238	$3,289,650
NJ American Water Co., Inc. - Raritan	2004002-500	$23,625,000	$31,500,000
Manasquan Borough	1327001-001	$1,821,494	$2,428,659
Hammonton Town	0113001-007	$702,000	$936,000
Jackson Township MUA	1511001-011	$1,054,636	$1,406,181
Manchester UA	1603001-014	$1,471,995	$1,962,660
Rahway City	2013001-008	$2,712,938	$3,617,250
Washington Township MUA	0818004-012	$157,894	$210,525
Oakland Borough	0220001-003	$2,467,238	$3,289,650
Pemberton Township	0329004-005	$311,250	$415,000

Clementon Borough	0411001-002	$970,594	$1,294,125
Hampton Borough	1013001-001	$1,027,688	$1,370,250
Little Egg Harbor MUA	1516001-003	$3,429,000	$4,572,000
Little Egg Harbor MUA	1516001-500	$516,356	$688,475
Hammonton Town	0113001-010	$228,375	$304,500
Pemberton Township	0329004-008	$294,000	$392,000
Hightstown Borough	1104001-007	$280,901	$374,535
Oakland Borough	0220001-002	$2,467,238	$3,289,650
Clinton Town	1005001-007	$798,750	$1,065,000
Pine Beach Borough	1522001-001	$719,775	$959,700
Montclair Township	0713001-008	$1,652,250	$2,203,000
Oakland Borough	0220001-001	$2,467,238	$3,289,650
Pine Beach Borough	1522001-002	$338,310	$451,080
Old Bridge MUA	1209002-012	$962,250	$1,283,000
Brielle Borough	1308001-003	$108,222	$144,296
Atlantic City MUA	0102001-006	$1,501,022	$2,001,363
Berkeley Township MUA	1505004-009	$957,600	$1,276,800
Hoboken City	0905001-001	$4,386,667	$5,848,889
Clinton Town	1005001-008	$1,023,120	$1,364,160
Montclair Township	0713001-011	$2,609,909	$3,479,879
Washington Township MUA	0818004-014	$628,031	$837,375
Clinton Town	1005001-009	$827,860	$1,103,813
Total Projects:	**120**	**$350,844,850**	**$467,793,124**

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 DEP 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;

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.2015, c.107, 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.2015, c.107 prior to June 30, 2016; 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.2015, c.107 prior to June 30, 2016, 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, 2016, 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 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 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.2015, c.107, 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, or P.L.2015, c.108 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, or P.L.2015, c.107, 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, 2016, 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 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).

14. This act shall take effect immediately.

Approved August 25, 2015.

CHAPTER 109

AN ACT concerning certain arbitrators and amending P.L.2012, c.26.

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

1. Section 22 of P.L.2012, c.26 (C.18A:6-17.1) is amended to read as follows:

C.18A:6-17.1 Panel of arbitrators.

22. a. The Commissioner of Education shall maintain a panel of 50 permanent arbitrators to hear matters pursuant to N.J.S.18A:6-16. Of the 50 arbitrators, 16 arbitrators shall be designated by the New Jersey Education Association, six arbitrators shall be designated by the American Federation of Teachers, 18 arbitrators shall be designated by the New Jersey School Boards Association, and 10 arbitrators shall be designated by the New Jersey Principals and Supervisors Association. The commissioner shall inform the appropriate designating entity when a vacancy exists. If the appropriate entity does not designate an arbitrator within 30 days, the commissioner shall designate an arbitrator to fill that vacancy.

All arbitrators designated pursuant to this section shall serve on the American Arbitration Association panel of labor arbitrators and shall be members of the National Academy of Arbitrators. The arbitrators shall have knowledge and experience in the school employment sector. Arbitrators on the permanent panel shall be assigned by the commissioner randomly to hear cases.

b. The following provisions shall apply to a hearing conducted by an arbitrator pursuant to N.J.S.18A:6-16, except as otherwise provided pursuant to P.L.2012, c.26 (C.18A:6-117 et al.):

(1) The hearing shall be held before the arbitrator within 45 days of the assignment of the arbitrator to the case;

(2) The arbitrator shall receive no less than $1250 per day, or such amount as established at the discretion of the Commissioner of Education, who shall consider the average per diem rate of arbitrators eligible to serve on the panel who reside in New Jersey, New York, and Pennsylvania. The costs and expenses of the arbitrator shall be borne by the State of New Jersey;

(3) Upon referral of the case for arbitration, the employing board of education shall provide all evidence including, but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employee or the employee's representative. The employing board of education shall be precluded from presenting any additional evidence at the hearing, except for purposes of impeachment of witnesses. At least 10 days prior to the hearing, the employee shall provide all evidence upon which he will rely including,

but not limited to, documents, electronic evidence, statements of witnesses, and a list of witnesses with a complete summary of their testimony, to the employing board of education or its representative. The employee shall be precluded from presenting any additional evidence at the hearing except for purposes of impeachment of witnesses.

Discovery shall not include depositions, and interrogatories shall be limited to 25 without subparts.

c. The arbitrator shall determine the case under the American Arbitration Association labor arbitration rules. In the event of a conflict between the American Arbitration Association labor arbitration rules and the procedures established pursuant to this section, the procedures established pursuant to this section shall govern.

d. Notwithstanding the provisions of N.J.S.18A:6-25 or any other section of law to the contrary, the arbitrator shall render a written decision within 45 days of the start of the hearing.

e. The arbitrator's determination shall be final and binding and may not be appealable to the commissioner or the State Board of Education. The determination shall be subject to judicial review and enforcement as provided pursuant to N.J.S.2A:24-7 through N.J.S.2A:24-10.

f. Timelines set forth herein shall be strictly followed; the arbitrator or any involved party shall inform the commissioner of any timeline that is not adhered to.

g. An arbitrator may not extend the timeline of holding a hearing beyond 45 days of the assignment of the arbitrator to the case without approval from the commissioner. An arbitrator may not extend the timeline for rendering a written decision within 45 days of the start of the hearing without approval from the commissioner. Extension requests shall occur before the 41 day of the respective timelines set forth herein. The commissioner shall approve or disapprove extension requests within five days of receipt.

h. The commissioner may remove any arbitrator from an arbitration case or an arbitration panel if an arbitrator does not adhere to the timelines set forth herein without approval from the commissioner. If the commissioner removes an arbitrator from an arbitration case, the commissioner shall refer the case to a new arbitrator within five days. The newly-assigned arbitrator shall convene a new hearing and then render a written decision within 45 days of being referred the case.

2. This act shall take effect immediately.

Approved August 27, 2015.

CHAPTER 110

AN ACT concerning after normal business hours supervision of domestic companion animals at for-profit veterinary facilities, designated as Betsy's Law, and supplementing Title 45 of the Revised Statutes.

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

C.45:16-8.3 Veterinary facilities to post notice regarding supervision after normal business hours; terms defined.

1. a. Every veterinary facility in the State shall post its normal business hours in a conspicuous location easily visible to the public.

b. (1) A veterinarian overseeing the care of a domestic companion animal at a veterinary facility that does not provide domestic companion animals with supervision after normal business hours by a person physically on the premises shall provide written notification to each person bringing a domestic companion animal to the veterinary facility for care or treatment. The written notification may be provided as a sign posted next to the posting required pursuant to subsection a. of this section, as part of a sign used to meet the posting requirement of that subsection, or on an intake form provided to each person bringing a domestic companion animal to the veterinary facility.

(2) The written notification provided in accordance with paragraph (1) of this subsection shall include the following specific language:

> "This veterinary facility does NOT provide supervision for animals after normal business hours by a person physically on these premises."

This language shall be printed in no less than 12-point font in an intake form and no less than 24-point font on a posted sign.

c. As used in this section:

"Domestic companion animal" means any animal commonly referred to as a "pet," which has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

"Normal business hours" means the times posted at a veterinary facility indicating the hours that the veterinary facility is open for business with supervising staff available.

"Veterinarian" means any person engaged in the licensed practice of veterinary medicine as defined by R.S.45:16-8.1.

"Veterinary facility" means any place or establishment, operated on a for-profit basis, where a domestic companion animal, which is not owned by either the proprietor or care-giving veterinarian, is treated, temporarily sheltered, fed, and watered for veterinary care purposes. "Veterinary facility" may include an animal or veterinary facility as defined in section 1 of P.L.1983, c. 98 (C.45:16-1.1).

d. A veterinarian who fails or refuses to comply with the provisions of this section shall be subject to a public reprimand by the State Board of Veterinary Medical Examiners and any other penalties the board imposes.

2. This act shall take effect immediately.

Approved September 15, 2015.

CHAPTER 111

AN ACT concerning teacher certification and supplementing chapter 26 of Title 18A of the New Jersey Statutes.

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

C.18A:26-2.18 Teacher leader endorsement.

1. The State Board of Education shall authorize a teacher leader endorsement to the instructional certificate. To be eligible for the teacher leader endorsement an applicant shall complete a program of study with an approved provider for the teacher leader endorsement.

C.18A:26-2.19 Teacher Leader Endorsement Advisory Board.

2. a. There shall be established an 11-member Teacher Leader Endorsement Advisory Board in the Department of Education. The members of the advisory board shall be appointed by the Commissioner of Education as follows: one officer or employee of the department; four members upon the recommendation of the New Jersey Education Association; one member upon the recommendation of the American Federation of Teachers-New Jersey; two members upon the recommendation of the New Jersey Principals and Supervisors Association; one member upon the recommendation of the New Jersey Association of School Administrators; one member upon the

recommendation of the New Jersey School Boards Association; and one member upon the recommendation of the New Jersey Association of Colleges for Teacher Education.

b. Members of the advisory board, other than the member who is an officer or employee of the department, shall serve for a three-year term; except that of the initial appointees, the member appointed upon the recommendation of the New Jersey Association of Colleges for Teacher Education, one of the members appointed upon the recommendation of the New Jersey Principals and Supervisors Association, and one of the members appointed upon the recommendation of the New Jersey Education Association shall serve for a term of three years; the members appointed upon the recommendation of the American Federation of Teachers-New Jersey and the New Jersey Association of School Administrators, and one of the members appointed upon the recommendation of the New Jersey Education Association shall serve for a term of two years; and the member appointed upon the recommendation of the New Jersey School Boards Association, one of the members appointed upon the recommendation of the New Jersey Principals and Supervisors Association, and two of the members appointed upon the recommendation of the New Jersey Education Association shall serve for a term of one year.

c. The advisory board shall organize no later than two months following the effective date of P.L.2015, c.111 (C.18A:26-2.18 et seq.), and shall elect a chair and a vice-chair from among its members.

d. The advisory board shall, no later than six months following its organization, or as it deems necessary, make recommendations to the Commissioner of Education and the State Board of Education regarding the requirements to be eligible to receive the teacher leader endorsement and the program of study for the teacher leader endorsement. The recommendations shall be aligned with the teacher leader model standards set forth in subsection f. of this section. The recommendations regarding the program of study may include, but need not be limited to, field experiences and additional coursework acquired beyond the standards.

e. The advisory board shall meet at least monthly until it makes its initial recommendations to the commissioner and the State board regarding the requirements to be eligible to receive the teacher leader endorsement and the program of study for the teacher leader endorsement. The advisory board shall continue to meet as necessary to make recommendations regarding necessary adjustments to the program of study for the teacher leader endorsement, assess outcomes associated with the various providers of the programs of study for the teacher leader endorsement, and consider emergent research and best practices in teacher leadership.

f. Pursuant to the teacher leader model standards, a teacher with the teacher leader endorsement shall be prepared to:

(1) Foster a collaborative culture to support educator development and student learning, which shall include understanding the principles of adult learning and how to develop a collaborative culture of collective responsibility;

(2) Support collaborative team structures, including professional learning communities, and promote an environment of trust, respect, and collegiality to advance continuous improvement in instruction and student learning;

(3) Access and use research to improve practices and student learning, which shall include understanding how to use research, and how to model and facilitate with colleagues systematic inquiry and research use as a critical component of teachers' ongoing learning and development in improving teaching and learning;

(4) Promote professional learning for continuous improvement, which shall include understanding the evolving nature of teaching and learning, understanding established and emerging technologies and the school community, and sharing this knowledge with colleagues to promote, design, and facilitate job-embedded professional learning aligned with school improvement goals;

(5) Facilitate improvements in instruction and student learning, which shall include demonstrating and using a thorough understanding of the teaching and learning processes to advance the professional skills of colleagues by being a continuous learner, modeling reflective practice based on student needs, and coaching or working collaboratively with colleagues to ensure that instructional practices are aligned to a shared mission, vision, and goals;

(6) Promote the use of assessments and data for school and district improvement, which shall include being knowledgeable about research on current classroom- and school-based design and selection of appropriate formative and summative assessment methods, sharing that knowledge, and collaborating with colleagues in using assessments and other data to make informed decisions regarding student learning and in influencing school improvement practices, district improvement practices, or both;

(7) Improve outreach and collaboration with families and community, which shall include understanding the significant impact that families, cultures, and communities have on educational processes and student learning and working with colleagues to promote ongoing systematic collaboration with families, community members, business and community leaders, and other stakeholders to improve the educational system and expand student learning opportunities to support cultures of student success; and

(8) Advocate for student learning and the teaching and education profession.

g. No later than five years following the effective date of P.L.2015, c.111 (C.18A:26-2.18 et seq.), the advisory board shall evaluate programmatic and other data collected from the approved providers pursuant to subsection c. of section 3 of P.L.2015, c.111 (C.18A:26-2.20), and make recommendations to the State board regarding non-supervisory roles and responsibilities for which a teacher leader endorsement should be required.

C.18A:26-2.20 Application to offer program of study for the teacher leader endorsement.

3. a. An institution of higher education, an educational organization, or other non-profit entity, or a combination thereof, may apply to the Department of Education to offer a program of study for the teacher leader endorsement.

b. The Commissioner of Education shall approve programs of study that meet the standards adopted by the State Board of Education pursuant to section 5 of P.L.2015, c.111 (C.18A:26-2.22).

The commissioner shall consider the recommendations of the Teacher Leader Endorsement Advisory Board.

c. Any data collected from the approved providers of the program of study shall be provided to the Teacher Leader Endorsement Advisory Board to support the board's work. The data collection shall protect individuals' privacy, and notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), the data shall not be accessible to the public.

C.18A:26-2.21 Construction of act.

4. Nothing in this act shall be construed to limit the right to determine any additional compensation and release time for the responsibilities of a teacher with a teacher leader endorsement, in addition to any other terms and conditions of employment related to these teachers, through collective negotiations.

C.18A:26-2.22 Rules, regulations.

5. The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B -1 et seq.), to:

a. Set standards for the program of study for the teacher leader endorsement; and

b. Set standards for the approval of providers of programs of study for the teacher leader endorsement.

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

Approved September 18, 2015.

CHAPTER 112

AN ACT concerning motor carrier transportation contracts and supplementing Title 27 of the Revised Statutes.

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

C.39:14-1 Definitions relative to motor carrier transportation contracts.

1. For the purposes of P.L.2015, c.112 (C.39:14-1 et seq.):

"Motor carrier" means a person contracted to transport goods or property by motor vehicle.

"Motor carrier transportation contract" means a contract, agreement, or understanding concerning: (1) the transportation of property for compensation or hire by a motor carrier; (2) the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (3) a service incidental to the transportation of property for compensation or hire by a motor carrier, or to the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire, including, but not limited to, the storage of property. "Motor carrier transportation contract" shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

"Promisee" means a promisee who is a party to a motor carrier transportation contract and includes any agents, employees, servants, or independent contractors directly responsible to the promisee, except for a motor carrier who is a party to a motor carrier transportation contract with the promisee, and the motor carrier's agents, employees, servants, or independent contractors directly responsible to the motor carrier.

C.39:14-2 Certain provisions, clauses, covenants, agreements deemed void, unenforceable.

2. Notwithstanding any law, rule, or regulation to the contrary, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a

motor carrier transportation contract entered into on or after the effective date of P.L.2015, c.112 (C.39:14-1 et seq.) that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless the promisee from or against any liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee is against the public policy of this State and is void and unenforceable.

3. This act shall take effect on the first day of the 13th month following enactment.

Approved October 1, 2015.

CHAPTER 113

AN ACT concerning the sale of motor fuel during certain emergencies and supplementing P.L.1938, c.163 (C.56:6-1 et seq.).

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

C.56:6-3.1 Sale of motor fuel during state of energy emergency.

1. Notwithstanding the provisions of section 201 of P.L.1938, c.163 (C.56:6-2) or any other law, rule, or regulation to the contrary, during a state of energy emergency, as declared by the Governor pursuant to section 15 of P.L.1977, c.146 (C.52:27F-17), when a retail dealer exhausts the dealer's supply of the lowest grade motor fuel, that dealer may sell any remaining supply of higher grade motor fuel at the same price per gallon or liter as the price the dealer charged for a gallon or liter of the lowest grade motor fuel.

2. This act shall take effect immediately.

Approved October 1, 2015.

CHAPTER 114

AN ACT concerning the sale of dextromethorphan to minors and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:170-51.7 Sale of dextromethorphan to persons under 18 prohibited; violations, penalties.

1. a. No person shall sell or offer for sale, either directly or indirectly by an agent or employee, any product containing dextromethorphan as an active ingredient to a person under 18 years of age.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser of the product falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government or Canada, or a photographic identification card issued by a county clerk, that the purchaser was of legal age to make the purchase;

(2) that the appearance of the purchaser of the product was such that an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and

(3) that the sale of the product was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser, and the reasonable belief that the purchaser was of legal age to make the purchase.

c. A person who violates the provisions of subsection a. of this section, including an employee of a retail establishment who actually sells a product containing dextromethorphan as an active ingredient to a person under 18 years of age, shall be liable to a civil penalty of not more than $750. In the case of a retail establishment that is part of a chain with two or more locations in the State, the violation shall be assessed against the particular retail establishment and not the chain. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of subsection a. of this section, and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

d. The provisions of this act shall not apply to any prescription medication containing dextromethorphan as an active ingredient that is dispensed by a pharmacist pursuant to a valid prescription.

C.2A:170-51.8 Listing of products containing dextromethorphan on Internet website.

2. The Department of Health shall include on its Internet website a comprehensive list of products that contain dextromethorphan as an active ingredient. This requirement may be satisfied by including on the Department of Health website a link to the list of products containing dextromethorphan as an active ingredient that is published by the National Institutes of Health, provided that such list is current and accurate.

3. This act shall take effect on the first day of the fourth month after enactment.

Approved October 13, 2015.

CHAPTER 115

AN ACT concerning influenza vaccines for older adults and supplementing Title 52 of the Revised Statutes.

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

C.52:27D-360.8 Provision of information relative to the influenza vaccine for older adults.

1. a. The Department of Health shall prepare and make available on the department's Internet website, in an easily printable format, information about the influenza vaccine for older adults, which shall include, but not be limited to:

(1) the role the influenza vaccine plays in the prevention of influenza in older adults;

(2) the availability and efficacy of the influenza vaccine;

(3) a recommendation for each person to consult with a physician to determine whether receiving the influenza vaccine is recommended and appropriate for that person.

The department may additionally provide such other information as it deems necessary and appropriate, including, but not limited to: the health risks and complications associated with, and the morbidity and mortality

rates among older adults suffering from, influenza; the individual and community benefits of inoculating older adults living in close proximity to each other, especially those living in continuing care retirement communities and influenza vaccination programs and health care providers providing influenza vaccinations to older adults.

b. As used in this section, "continuing care retirement community" means a continuing care facility that is operating under a certificate of authority issued by the Department of Community Affairs pursuant to P.L.1986, c.103 (C.52:27D-330 et seq.), and which is registered with the Department of Community Affairs as a retirement community pursuant to P.L.1977, c.419 (C.45:22A-21 et seq.).

c. Nothing in this section shall be deemed to require any person in a continuing care retirement community to receive an influenza vaccine.

C.52:27D-360.9 Posting of information.

2. The Department of Community Affairs shall require each continuing care retirement community in this State to post the information made available by the Department of Health pursuant to section 1 of P.L.2015, c.115 (C.52:27D-360.8) in a conspicuous public place in the facility no later than August 1 of each year.

C.52:27D-360.10 Rules, regulations.

3. The Commissioner of Health and the Commissioner of Community Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved October 13, 2015.

CHAPTER 116

AN ACT concerning the designation of certain State purchase and construction contracts as set-asides for businesses owned and operated by disabled veterans and supplementing Title 52 of the Revised Statutes.

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

C.52:32-31.1 Short title.

1. This act shall be known and may be cited as the "Set-Aside Act for Disabled Veterans' Businesses."

C.52:32-31.2 Definitions relative to certain contracts as set-asides for businesses owned, operated by disabled veterans.

2. As used in this act:

"Contracting agency" means the State or any board, commission, committee, authority or agency of the State.

"Department" means the Department of the Treasury.

"Disabled veteran" means a resident of this State who is certified by the federal Department of Veterans Affairs as having any degree of service-connected disability.

"Disabled veterans' business" means a business which has its principal place of business in the State, is independently owned and operated and at least 51% of which is owned and controlled by persons who are disabled veterans or a business which has its principal place of business in this State and has been officially verified by the United States Department of Veterans Affairs as a service disabled veteran-owned business for the purposes of department contracts pursuant to federal law.

"Disabled veterans' business set-aside contract" means a contract for goods, equipment, construction or services which is designated as a contract with respect to which bids are invited and accepted only from disabled veterans' businesses, or a portion of a contract when that portion has been so designated.

C.52:32-31.3 Disabled veterans' business set-aside program.

3. The Department of the Treasury shall administer a disabled veterans' business set-aside program which shall be in addition to any other set-aside program established by law. The department shall require proof of disabled veteran status for all appropriate individuals.

C.52:32-31.4 Designation, withdrawal as disabled veterans' business set-aside contract.

4. a. Notwithstanding the provisions of any State bidding or public contracts laws to the contrary, but subject to any supervening federal statutes or rules, contracting agencies, in consultation with the department, may designate a contract, or a portion thereof, for goods, equipment, construction or services to be awarded by a contracting agency as a disabled veterans' business set-aside contract pursuant to the goals and procedures established in this act, whenever there is a reasonable expectation that bids may be obtained from at

least three qualified disabled veterans' businesses capable of furnishing the desired goods, equipment, construction or services at a fair and reasonable price. The designation shall be made prior to the advertisement for bids.

b. When application of the goals and procedures established under this act would jeopardize the State's participation in a program from which the State receives federal funds or other benefits, the contracting agency may, in consultation with the department, withdraw the affected contracts from consideration or calculation.

C.52:32-31.5 Goals established.

5. a. There are established the goals that contracting agencies award at least 3% of their contracts to disabled veterans' businesses. These goals may, when appropriate, be attained by the direct designation of prime contracts for these business or, in the case of a prime contract not directly so designated, by requiring that a portion of such a prime contract be subcontracted to a disabled veterans' business. Each contracting agency shall make a good faith effort to attain the goals established in this subsection.

b. For purposes of attaining this goal, contracting agencies shall, when necessary, specifically set aside contracts or portions of contracts for which only these businesses may bid.

C.52:32-31.6 Determinations relative to disputes.

6. If the department and the contracting agency disagree as to whether a set-aside is appropriate for a contract or a portion of a contract, the dispute shall, within seven days, be submitted to the State Treasurer, or his designee, for final determination.

C.52:32-31.7 Advertisement to indicate invitation to bid as a set-aside.

7. The advertisement for bids on a disabled veterans' business set-aside contract shall indicate the invitation to bid as a set-aside. The advertisement shall be in such newspaper or newspapers as will best give notice thereof to appropriate bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding among the businesses for which the contract is being set aside. The newspaper or newspapers in which the advertisement shall appear shall be selected by the contracting agency in consultation with the department. The advertisement shall designate the time and place at which sealed proposals shall be received and publicly opened and read, the amount of the cash or certified check, if any, which shall accompany each bid and such other items as the contracting agency may deem proper. The advertisement shall be made by that con-

tracting agency pursuant to the procedure set forth in the law governing State contracts, when this act is inconsistent with that law.

C.52:32-31.8 Regulations, procedures; hearings.

8. a. The department shall establish reasonable regulations appropriate for controlling the designation of prospective disabled veterans' business bidders and shall maintain lists of designated businesses.

b. The department shall establish a procedure whereby businesses may request inclusion on appropriate lists for disabled veterans' businesses.

c. The department shall establish a procedure for annually reviewing the lists and determining whether the businesses on the lists shall continue to be designated as disabled veterans' businesses.

d. The department shall establish a procedure whereby the designation of a business as a disabled veterans' business may be challenged by a third party.

e. Any procedures established pursuant to subsections b., c., and d. of this section shall include notice to the business whose designation is at issue and an opportunity for a hearing at the department. The hearing shall not be considered a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.52:32-31.9 Confining of invitations for bids.

9. When a contract or portion thereof has been designated as a disabled veterans' business set-aside, invitations for bids shall be confined to businesses designated by the department as appropriate for the set-aside and bids from other bidders shall be rejected. The purchase, contract or expenditure of funds shall be awarded among the businesses, considering conformity with specifications and terms, in accordance with the statutes and rules governing purchases by the contracting agency. The award shall be made with reasonable promptness by the contracting agency with written notice to the department.

C.52:32-31.10 Actions permitted by contracting agency.

10. If the contracting agency determines that the acceptance of the lowest responsible bid on a disabled veterans' business set-aside contract will result either in the payment of an unreasonable price or in a contract otherwise unacceptable pursuant to the statutes and rules governing purchases by that agency, the contracting agency shall reject all bids and withdraw the designation of the set-aside contract. Bidders shall be notified of the set-aside cancellation, the reasons for the rejection and the State's intent to resolicit bids on an unrestricted basis. The canceled solicitation shall not be counted as a set-aside for the pur-

pose of attaining established set-aside goals. Except in cases of emergency, prior to the final award of the contract, the contracting agency shall provide an opportunity for a hearing on the reasons for the rejection of the set-aside designation. This hearing shall not be considered a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.52:32-31.11 Annual report to department.

11. Each contracting agency shall submit an annual report to the department according to a schedule announced by the department. This report shall include the following information:

a. the total dollar value and number of contracts awarded to disabled veterans' businesses, including a separate accounting of any set-aside contracts, and the percentage of the total State procurements by the contracting agency that the figure of total dollar value and the number of set-asides reflect;

b. the types and sizes of businesses receiving set-aside awards and the nature of the purchases and contracts; and

c. the efforts made to publicize and promote the program.

The department shall receive and analyze the reports submitted by the contracting agencies and, utilizing these data, submit an annual report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), showing the progress being made toward the objectives and goals of this act during the preceding fiscal year.

C.52:32-31.12 Annual plan.

12. Each contracting agency shall annually develop, in consultation with the department, a plan for achieving its disabled veterans' business goals.

C.52:32-31.13 Consultations.

13. The department shall consult regularly with representatives of the contracting industry for the purpose of implementing the provisions of this act. These consultations shall take place no less than once every six months.

C.52:32-31.14 Determination of classification due to false information.

14. When the department determines that a business has been classified as a disabled veterans' business on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this act, the department shall:

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

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

c. order the business ineligible to transact any business with the State for a period of not less than three months and not more than 24 months; and

d. prior to any final determination, assessment or order under this section, afford the business an opportunity for a contested case hearing pursuant to P.L.1968, c.410 (C.52:14B-1 et seq.).

All payments to the State pursuant to subsection a. of this section shall be deposited in the fund out of which the contract involved was awarded. All payments to the State pursuant to subsection b. of this section shall be deposited in the General Fund.

15. This act shall take effect immediately.

Approved October 26, 2015.

CHAPTER 117

AN ACT establishing a college scholarship fund 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-98 Short title.

1. This act shall be known, and may be cited, as the "Military Dependents Scholarship Fund Act."

C.18A:71B-99 Military Dependents Scholarship Fund.

2. a. There is established in the Higher Education Student Assistance Authority a nonlapsing fund which shall be known as the Military Dependents Scholarship Fund. The fund shall be administered by the board of trustees established pursuant to section 3 of this act.

b. The fund shall consist of: all moneys appropriated by the Legislature for inclusion in the fund; investment earnings of the fund; and moneys contributed to the fund by private sources, to be used for the purposes of this act.

c. The moneys in the fund shall be invested and reinvested by the Director of the Division of Investment in the Department of the Treasury.

C.18A:71B-100 Board of trustees.

3. a. The board of trustees of the Military Dependents Scholarship Fund shall consist of the State Adjutant General, or a designee, the State Treasurer, or a designee, the executive director of the Higher Education Student Assistance Authority, or a designee, the Secretary of Higher Education, or a designee, and nine public members appointed as follows: two by the President of the Senate, who shall not be of the same political party, two by the Speaker of the General Assembly, who shall not be of the same political party, and five by the Governor, with the advice and consent of the Senate, no more than three of whom shall be of the same political party. At least five of the public members shall be persons who were directly affected by Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn. Two of the public members shall be named by the Governor to serve as co-chairpersons of the board.

b. Each public member of the board shall serve for a term of three years and until a successor shall have been appointed and qualified; except that of the first members appointed, two shall serve for one year, three shall serve for two years and four shall serve for three years. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

c. Members of the board shall serve without compensation. Reasonable expenses of the board shall be paid out of the fund proceeds, subject to approval by the State Treasurer.

d. The board shall have the following duties and responsibilities:

(1) determine eligibility for a scholarship from the fund;

(2) determine the amount of each scholarship award;

(3) report annually to the Governor and the Legislature on the performance of its duties in accordance with the provisions of this act;

(4) solicit and raise private funds to finance the Military Dependents Scholarship program; and

(5) receive and disburse such contributions to the fund as may be forthcoming from private and public sources.

C.18A:71B-101 Awarding of scholarships.

4. a. The board of trustees is authorized to award scholarships from the fund for the costs of undergraduate study at a public or independent institution of higher education to the spouse, child, or other eligible dependent of a New Jersey resident who is killed, officially listed as "Missing in Action" by the United States Department of Defense, or totally and permanently disabled as certified by the United States Department of Veterans Affairs as

a consequence of Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

b. Scholarships from the fund may be awarded annually upon proper application by any student who qualifies under the criteria established by the authority.

C.18A:71B-102 Qualifications for award of scholarship.

5. a. A Military Dependents Scholarship shall not be awarded to an applicant unless the applicant has demonstrated to the satisfaction of the board that the applicant:

(1) will be or is enrolled in a full-time undergraduate program of study leading to a degree at an institution of higher education; and

(2) has complied with all rules and regulations adopted pursuant to this act for the award, regulation and administration of scholarships from the fund.

b. Eligibility for a Military Survivors Scholarship, in the case of a spouse or other eligible dependent, shall be limited to a period of 15 years from the date of death of the person, the date the person is officially listed as "Missing in Action" or the date upon which the person is certified to have been totally and permanently disabled for initial receipt of the benefits under the program. In the case of a dependent child, eligibility shall be limited to a period of eight years following graduation from high school.

C.18A:71B-103 Rules, regulations.

6. The Higher Education Student Assistance Authority, in consultation with the Secretary of Higher Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act, including establishing criteria for eligibility for a scholarship from the fund and procedures for determining the amount of each scholarship award.

7. This act shall take effect immediately.

Approved October 26, 2015.

CHAPTER 118

AN ACT concerning the unauthorized presentation of oneself as a member of the military or a veteran and designated as the New Jersey Stolen Valor Act, and amending N.J.S.38A:14-5.

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

1. N.J.S.38A:14-5 is amended to read as follows:

New Jersey Stolen Valor Act.

38A:14-5. Any person who knowingly, with intent to impersonate and with intent to deceive, misrepresents oneself as a member or veteran of the United States Armed Forces or organized militia by wearing the uniform or any medal or insignia authorized for use by the members or veterans of the United States Armed Forces or the organized militia, by Federal and State laws and regulations, shall be guilty of a crime of the fourth degree.

Any person who knowingly, with intent to impersonate and with intent to deceive for the purpose of obtaining money, property, or other tangible benefit, misrepresents oneself as a member or veteran of the United States Armed Forces or organized militia by wearing the uniform or any medal or insignia authorized for use by the members or veterans of the United States Armed Forces or the organized militia, by Federal and State laws and regulations, shall be guilty of a crime of the third degree, subject to a minimum fine of $1,000.

Any person who knowingly, with intent to deceive for the purpose of obtaining money, property, or other tangible benefit, holds oneself out to be a recipient of any decoration or medal created by Federal and State laws and regulations to honor the members or veterans of the United States Armed Forces or the organized militia shall be guilty of a crime of the third degree, subject to a minimum fine of $1,000.

Any monies collected pursuant to this section shall be forwarded to the State Treasurer, and shall annually be appropriated to the Military Dependents Scholarship Fund, as established pursuant to P.L.2015, c.117 (C.18A:71B-98 et seq.), in the Higher Education Student Assistance Authority. Until such time as the Military Dependents Scholarship Fund is established, any monies collected pursuant to this section shall be forwarded to the State Treasurer, and deposited into the "NJ National Guard State Family Readiness Council Fund," as established, pursuant to section 1 of P.L.2011, c.117 (C.54A:9-25.29).

2. This act shall take effect immediately.

Approved October 26, 2015.

CHAPTER 119

AN ACT concerning the sending of unsolicited advertising by text messaging and the blocking of text messaging and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:65D-1 Definitions relative to certain unsolicited advertising via text messaging.

1. As used in this act:

"Communication device capable of receiving text messaging" means a cellular telephone, a device for paging or message services, a personal digital assistant, or any other wireless telecommunication device or technology for short messaging services which receives text messages.

"Text messaging" means the wireless transmission of text, images or a combination of text and images by means of a cellular telephone, a paging or message service, a personal digital assistant or any other electronic communications device.

"Unsolicited advertisement" means any message sent without the prior permission of the recipient to encourage the purchase or rental of, or investment in, merchandise as that term is defined in subsection (c) of section 1 of P.L.1960, c.39 (C.56:8-1).

C.2A:65D-2 Sending of unsolicited advertising via text message incurring telecommunications charge prohibited.

2. No person shall send or cause to be sent to a resident of this State an unsolicited advertisement by means of text messaging to a communication device capable of receiving text messaging if the recipient of the message may incur a telecommunications charge or a usage allocation deduction as a result of the message being sent.

C.2A:65D-3 Permission required for sending unsolicited advertisement via text messaging.

3. No person may send an unsolicited advertisement by means of text messaging without first receiving permission from the intended recipient. Permission may be granted only with prior express authorization from the intended recipient that includes the number to which the text message advertisement may be sent. The permission may be revoked at any time with a request that includes the number for which permission is being revoked.

C.2A:65D-4 Option to block certain text message charges.

4. No telecommunications company shall sell, or offer to sell, text messaging services to customers in this State unless the company offers an option to such customers to block all incoming and outgoing text messages that result in telecommunications charges or usage allocation deductions; provided, however, the telecommunications company may continue to send text messages to customers concerning their existing accounts if the customer will not incur a telecommunications charge or a usage allocation deduction as a result of the message being sent.

C.2A:65D-5 Violations, penalties.

5. a. A person who violates this act shall be subject to a civil penalty in an amount not to exceed $500 for the first violation and $1,000 for each subsequent violation, collectible by the Attorney General in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. Nothing set forth in this act shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against a person who has violated, or is alleged to have violated, the provisions of this act.

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

Approved October 26, 2015.

CHAPTER 120

AN ACT prohibiting certain unsolicited checks and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:65D-6 Sending certain unsolicited checks prohibited.

1. No person shall send an unsolicited check to an individual which, upon being cashed or redeemed, automatically obligates the recipient to pay any fee or enrolls that individual in any club, service, plan, or continuing agreement.

For the purposes of this act, an "unsolicited check" means any check mailed or otherwise delivered to a person, other than:

a. In response to a request or application for a check or account by the person;

b. As a substitute for a check or account previously issued to the person to whom the check is mailed or otherwise delivered; or

c. A check related to a consumer credit transaction or consumer loan business issued or provided by an insured depository institution as defined in 12 U.S.C. s.1813, a licensee under the New Jersey Consumer Finance Licensing Act, sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.), or other financial institution authorized to do business by the New Jersey Department of Banking and Insurance.

C.2A:65D-7 Violations, penalties.

2. a. A person who violates P.L.2015, c.120 (C.2A:65D-6 et seq.) shall be subject to a civil penalty in an amount not to exceed $500 for the first violation and $1,000 for each subsequent violation, collectible by the Attorney General in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. Nothing set forth in P.L.2015, c.120 (C.2A:65D-6 et seq.) shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against a person who has violated, or is alleged to have violated, the provisions of P.L.2015, c.120 (C.2A:65D-6 et seq.).

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

Approved October 26, 2015.

CHAPTER 121

AN ACT concerning air bags and supplementing Title 2C of the New Jersey Statutes and P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.2C:21-7.5 Definitions relative to air bags.

1. a. As used in this section:

"Air bag" means a motor vehicle inflatable occupant restraint system, or any component part, such as the cover, sensors, controllers, inflators, and wiring, that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

"Counterfeit air bag" means a motor vehicle inflatable occupant restraint system, or any component part of the system, such as the cover, sensors, controllers, inflators, and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

"Nonfunctional air bag" means a replacement motor vehicle inflatable occupant restraint system, or any component part of the system, such as the cover, sensors, controllers, inflators, and wiring that:

(1) was previously deployed or damaged;

(2) has an electric fault that is detected by the motor vehicle air bag diagnostic system after the installation procedure is completed; or

(3) includes any part or object including, but not limited to, a counterfeit or repaired air bag cover installed in a motor vehicle under circumstances that would lead a reasonable person to believe that a functional air bag has been installed.

b. (1) A person who manufactures, imports, installs, reinstalls, sells, or offers for sale any device that the person knows or reasonably should know is a counterfeit or nonfunctional air bag is guilty of a crime of the fourth degree.

(2) A person who manufactures, imports, installs, reinstalls, sells, or offers for sale any device that is used or intended to be used to replace an air bag in any motor vehicle that the person knows or reasonably should know does not meet federal safety requirements as provided in 49 C.F.R. s.571.208 is guilty of a crime of the fourth degree.

c. A person who sells, installs, or reinstalls in any motor vehicle any device that the person knows or reasonably should know causes the motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag is guilty of a crime of the fourth degree.

C.56:8-199 Violations, unlawful practice.

2. A violation of the provisions of subsection b. or c. of section 1 of P.L.2015, c.121 (C.2C:21-7.5) shall be an unlawful practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.). Each manufacture, importation, installation, reinstallation, sale, or offer for sale shall constitute a separate and distinct violation.

3. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 122

AN ACT concerning municipal licensing of peddlers and solicitors, and supplementing Title 53 of the Revised Statutes.

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

C.53:1-20.38 Licensing of peddlers, solicitors by municipalities; definitions.

1. a. If authorized by the county prosecutor, a municipality shall accept, for the purposes of licensing a person as a peddler or solicitor, the results of a criminal history record background check of State records conducted within the previous six months indicating no disqualifying information which was required for that person to be licensed in another municipality as a peddler or solicitor.

b. For the purposes of this section:

"Peddler" means any person traveling by vehicle of any kind, who conveys or transports goods, articles or property of any kind or description for the purpose of offering for sale, selling and delivering the same to customers, or offering to render immediate services of any kind or description, and shall include the words "hawker," "huckster" or "itinerant vendor."

"Solicitor" means any person traveling by foot or vehicle of any kind, who sells or offers to sell goods, articles or property of any kind or description by sample or otherwise for future delivery, or who offers to render services at some time in the future, with or without accepting payment or partial payment for the same.

2. This act shall take effect on the first day of the fourth month following enactment.

Approved November 9, 2015.

CHAPTER 123

AN ACT concerning training of school bus drivers and aides 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:39-19.2 Training program for school bus drivers, bus aides relative to students with special needs.

1. The Commissioner of Education shall develop a training program for school bus drivers and school bus aides on proper procedures for interacting with students with special needs. The training program shall include, but need not be limited to, the following:

a. appropriate behavior management;

b. effective communication;

c. use and operation of adaptive equipment; and

d. understanding behaviors that may be related to specific disabilities.

The commissioner shall make the training program available to boards of education and school bus contractors providing pupil transportation services under contract with boards of education no later than one year following the effective date of this act.

C.18A:39-19.3 Administration of training program; certification.

2. a. An employer shall administer the training program developed pursuant to section 1 of this act to all school bus drivers and school bus aides that it employs. In the case of an individual who is employed prior to the development and availability of the training program, the employer shall administer the training program to the individual no later than 180 days after the training program is made available by the commissioner. In the case of an individual who is employed after the development and availability of the training program, the employer shall administer the training program to the individual prior to that individual operating a school bus or serving as an aide on a school bus.

b. An employer shall require that a school bus driver or school bus aide file a certification with the employer that the individual has completed the training program within five business days of its completion. The employer shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the Department of Education.

c. As used in this section, "employer" means a board of education or a contractor that provides pupil transportation services under contract with a board of education.

C.18A:39-19.4 Student information card.

3. a. The Commissioner of Education shall develop a student information card that includes information that should be readily available to a

school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs. The parent or guardian of a student with an individualized education plan shall complete the student information card when the individualized education plan is developed or amended for a student who receives transportation services.

b. Upon receiving consent from a student's parent or guardian, the school district shall provide a copy of the completed student information card to a school bus driver and school bus aide for each student on the bus route to which the school bus driver or school bus aide is assigned for whom a student information card has been completed by the parent or guardian.

4. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 124

AN ACT concerning Holocaust reparations payments, supplementing Title 2A of the New Jersey Statutes and amending P.L.1979, c.365.

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

C.2A:17-28.1 Holocaust reparations payments, exemption from claims, levy, execution, attachment.

1. Except for an income withholding order issued pursuant to the "New Jersey Child Support Program Improvement Act," P.L.1998, c.1 (C.2A:17-56.7a et al.), monetary reparations payments designated for or received by a Holocaust survivor of National Socialist (Nazi) persecution from any governmental source or victim assistance source shall be exempt from all claims of creditors and from levy, execution, attachment, or other legal process.

2. Section 7 of P.L.1979, c.365 (C.30:4D-7.2) is amended to read as follows:

C.30:4D-7.2 Lien against recovery sought from estate of recipient, "estate" defined.

7. a. (1) A lien may be filed against and recovery sought from the estate of a deceased recipient for assistance correctly paid or to be paid on his be-

half for all services received when he was 65 years of age or older, except as provided in section 1 of P.L.1981, c.217 (C.30:4D-7.2a).

(2) In the case of a recipient who became deceased on or after April 1, 1995 for whom a Medicaid payment was made on or after October 1, 1993, a lien may be filed against and recovery sought from the estate of the deceased recipient for assistance correctly paid or to be paid on his behalf for all services received when he was 55 years of age or older, except as provided in section 1 of P.L.1981, c.217 (C.30:4D-7.2a).

(3) As used in this section, "estate" includes all real and personal property and other assets included in the recipient's estate as defined in N.J.S.3B:1-1, as well as any other real and personal property and other assets in which the recipient had any legal title or interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the recipient through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.

"Estate" shall not include amounts received as reparations or restitution for the loss of liberty or damage to health by the victims of National Socialist persecution; returns of tangible or intangible property seized, misappropriated or lost as a result of National Socialist actions or policies and any cash values in replacement of such property; payments of insurance policies purchased by the victims of National Socialist persecution; and any accumulated or accrued interest on such amounts. National Socialist actions or policies include, but are not limited to, actions and policies taken by Germany and other countries, or by organizations and institutions within those countries, against the victims of the Nazi Holocaust.

b. A lien may be filed by the division against a third party's property, whether real or personal, or against any interest or estate in property, whether vested or contingent.

Subject to section 6 of P.L.1979, c.365 (C.30:4D-7.1), any third party recovery obtained by the division under this subsection shall not be reduced by any counsel fees, costs, or other expenses, or portions thereof, incurred by the recipient or the recipient's attorney.

c. A certificate of debt may be filed by the division against such parties and in such a manner as is specified in subsection (h) of section 17 of P.L.1968, c.413 (C.30:4D-17).

d. (1) A lien, claim or encumbrance imposed by this act shall be deemed a preferred claim against the recipient's estate and shall have a priority equivalent to that under subsection d. of N.J.S.3B:22-2.

(2) In the case of a recipient who became deceased on or after the effective date of P.L.1995, c.289, a lien, claim or encumbrance imposed pur-

suant to this section shall be deemed a preferred claim against the recipient's estate and shall have a priority equivalent to that under subsection c. of N.J.S.3B:22-2.

3. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 125

AN ACT providing for the licensure of dementia care homes by the Department of Health and amending and supplementing various parts of the statutory law.

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

1. Section 2 of P.L.1971, c.136 (C.26:2H-2) is amended to read as follows:

C.26:2H-2 Definitions.

2. The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. "Health care facility" means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, residential health care facility, dementia care home, and bioanalytical laboratory (except as specifically excluded hereunder) or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer and excluding such bioanalytical laboratories as are independently owned and operated, and are not owned, operated, managed, or controlled, in whole or in part, directly or indirectly by any one or more health care facilities, and the predominant source of business of which is not by contract with health care

facilities within the State of New Jersey and which solicit or accept specimens and operate predominantly in interstate commerce.

b. "Health care service" means the preadmission, outpatient, inpatient, and postdischarge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis, or treatment of human disease, pain, injury, disability, deformity, or physical condition, including, but not limited to, nursing service, home care nursing, and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care facility, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice, except as provided in sections 7 and 12 of P.L.1971, c.136 (C.26:2H-7 and 26:2H-12), or by practitioners of healing solely by prayer, and services provided by first aid, rescue and ambulance squads as defined in the "New Jersey Highway Traffic Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.).

c. "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, renovation, extension, or modification of a health care facility, including its equipment, the inspection and supervision thereof; and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto.

d. "Board" means the Health Care Administration Board established pursuant to this act.

e. (Deleted by amendment, P.L.1998, c.43).

f. "Government agency" means a department, board, bureau, division, office, agency, public benefit, or other corporation, or any other unit, however described, of the State or political subdivision thereof.

g. (Deleted by amendment, P.L.1991, c.187).

h. (Deleted by amendment, P.L.1991, c.187).

i. "Department" means the Department of Health.

j. "Commissioner" means the Commissioner of Health.

k. "Preliminary cost base" means that proportion of a hospital's current cost which may reasonably be required to be reimbursed to a properly utilized hospital for the efficient and effective delivery of appropriate and necessary health care services of high quality required by such hospital's mix of patients. The preliminary cost base initially may include costs identified by the commissioner and approved or adjusted by the commission as being in excess of that proportion of a hospital's current costs identified

above, which excess costs shall be eliminated in a timely and reasonable manner prior to certification of the revenue base. The preliminary cost base shall be established in accordance with regulations proposed by the commissioner and approved by the board.

l. (Deleted by amendment, P.L.1992, c.160).

m. "Provider of health care" means an individual (1) who is a direct provider of health care service in that the individual's primary activity is the provision of health care services to individuals or the administration of health care facilities in which such care is provided and, when required by State law, the individual has received professional training in the provision of such services or in such administration and is licensed or certified for such provision or administration; or (2) who is an indirect provider of health care in that the individual (a) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph b(ii) or subparagraph b(iv); provided, however, that a member of the governing body of a county or any elected official shall not be deemed to be a provider of health care unless he is a member of the board of trustees of a health care facility or a member of a board, committee or body with authority similar to that of a board of trustees, or unless he participates in the direct administration of a health care facility; or (b) received, either directly or through his spouse, more than one-tenth of his gross annual income for any one or more of the following:

(i) Fees or other compensation for research into or instruction in the provision of health care services;

(ii) Entities engaged in the provision of health care services or in research or instruction in the provision of health care services;

(iii) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care services;

(iv) Entities engaged in producing drugs or such other articles.

n. "Private long-term health care facility" means a nursing home, skilled nursing home, or intermediate care facility presently in operation and licensed as such prior to the adoption of the 1967 Life Safety Code by the Department of Health in 1972 and which has a maximum 50-bed capacity and which does not accommodate Medicare or Medicaid patients.

o. (Deleted by amendment, P.L.1998, c.43).

p. "State Health Planning Board" means the board established pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to conduct certificate of need review activities.

2. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read as follows:

C.26:2H-7a Exemptions from certificate of need requirement.

19. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, the following are exempt from the certificate of need requirement:

Community-based primary care centers;

Outpatient drug and alcohol services;

Hospital-based medical detoxification for drugs and alcohol;

Ambulance and invalid coach services;

Mental health services which are non-bed related outpatient services;

Residential health care facility services;

Dementia care homes;

Capital improvements and renovations to health care facilities;

Additions of medical/surgical, adult intensive care and adult critical care beds in hospitals;

Replacement of existing major moveable equipment;

Inpatient operating rooms;

Alternate family care programs;

Hospital-based subacute care;

Ambulatory care facilities;

Comprehensive outpatient rehabilitation services;

Special child health clinics;

New technology in accordance with the provisions of section 18 of P.L.1998, c.43 (C.26:2H-7d);

Transfer of ownership interest except in the case of an acute care hospital;

Change of site for approved certificate of need within the same county;

Additions to vehicles or hours of operation of a mobile intensive care unit;

Relocation or replacement of a health care facility within the same county, except for an acute care hospital;

Continuing care retirement communities authorized pursuant to P.L.1986, c.103 (C.52:27D-330 et seq.);

Magnetic resonance imaging;

Adult day health care facilities;

Pediatric day health care facilities;

Chronic or acute renal dialysis facilities; and

Transfer of ownership of a hospital to an authority in accordance with P.L.2006, c.46 (C.30:9-23.15 et al.).

3. Section 1 of P.L.2007, c.65 (C.26:2H-12.33) is amended to read as follows:

C.26:2H-12.33 Availability of certain information on departmental website.

1. a. The Department of Health shall make available to the public, through its official department website, information regarding:

(1) the ownership of each long-term care facility and adult day health services facility licensed by the department; and

(2) any violation of statutory standards or rules and regulations of the department pertaining to the care of patients or physical plant standards found at any such facility by the department.

As used in this section, "long-term care facility" means a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

b. The information made available to the public pursuant to subsection a. of this section shall be provided in a manner that would enable a member of the public to search the website by name of a facility or its owner in order to access the information. The department shall also make the information available in writing, upon request.

c. The information regarding the ownership of a long-term care or adult day health services facility that is made available to the public pursuant to subsection a. of this section shall provide, at a minimum: the name of the owner of a facility as listed on the facility's license and, if there is more than one owner or the facility is owned by a corporation, the name of each person who holds at least a 10 percent interest in the facility; the name of any other licensed long-term care or adult day health services facility in the State owned by this owner, corporation, and each person who holds at least a 10 percent interest in the facility, as applicable; and the address and contact information for the facility.

d. The information that is displayed on the official department website pursuant to subsection a. of this section shall include Internet web links to the New Jersey Report Card for Nursing Homes maintained by the department and the Medicare Nursing Home Compare database maintained by the federal Centers for Medicare & Medicaid Services.

4. Section 2 of P.L.1984, c.114 (C.26:2H-14.2) is amended to read as follows:

C.26:2H-14.2 Heat emergency action plan.

2. a. Every nursing home as defined in section 2 of P.L.1976, c.120 (C.30:13-2) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), every residential health care facility as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and every dementia care home as defined in section 17 of P.L.2015, c.125 (C.26:2H-148) shall establish by written policy a heat emergency action plan which shall include those procedures to be followed in the event of a heat emergency in order to protect the health and welfare of its residents, and which shall be approved by the department. The department shall review a heat emergency action plan established pursuant to this act at least once in each year.

b. A health care facility included within the provisions of this act shall be required to notify the department immediately in the event of a heat emergency.

5. Section 3 of P.L.1984, c.114 (C.26:2H-14.3) is amended to read as follows:

C.26:2H-14.3 Rules, regulations relative to air conditioning, adequate ventilation.

3. The Commissioner of Health shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act. The regulations shall require that:

a. Each health care facility included within the provisions of this act and which is not equipped with air conditioning on the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), shall provide for and operate adequate ventilation in all areas used by patients or residents, including, but not limited to, the use of ceiling fans, wall fans or portable fans, where appropriate, so that the temperature in these areas does not exceed 82 degrees Fahrenheit, but the health care facility shall not directly assess patients or residents for the purchase or installation of the fans or other ventilating equipment.

(1) The regulations shall also provide that within two years after the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), every nursing home included within the provisions of this act, and every residential health care facility as specified in this paragraph, shall be equipped with air conditioning, except that the commissioner may grant a nursing home or residential health care facility a waiver from the air conditioning requirement to give the nursing home or residential health care facility one additional year to

comply with the air conditioning requirement, for which waiver the nursing home or residential health care facility shall apply on a form and in a manner prescribed by the commissioner, if the nursing home or residential health care facility can demonstrate to the satisfaction of the commissioner that the failure to grant such a waiver would pose a serious financial hardship to the nursing home or residential health care facility. The air conditioning shall be operated so that the temperature in all areas used by patients or residents does not exceed 82 degrees Fahrenheit. The air conditioning requirement established in this subsection shall apply to a residential health care facility only: (1) upon enactment into law of legislation that increases the rate of reimbursement provided by the State under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.), which rate is certified by the Commissioner of Health to be sufficient to enable the facility to meet the costs of complying with the requirement; and (2) if the facility qualifies for funds for energy efficiency rehabilitation through the "Petroleum Overcharge Reimbursement Fund," established pursuant to P.L.1987, c.231 (C.52:18A-209 et seq.), which funds can be applied towards equipping the facility with air conditioning. A nursing home or residential health care facility shall not directly assess patients or residents for the purchase or installation of the air conditioning equipment.

(2) The regulations shall also provide that within two years after the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), every dementia care home shall be equipped with air conditioning, except that the commissioner may grant a dementia care home a waiver from the air conditioning requirement to give the dementia care home one additional year to comply with the air conditioning requirement, for which waiver the dementia care home shall apply on a form and in a manner prescribed by the commissioner, if the dementia care home can demonstrate to the satisfaction of the commissioner that the failure to grant such a waiver would pose a serious financial hardship to that facility. The air conditioning shall be operated so that the temperature in all areas used by residents does not exceed 82 degrees Fahrenheit. A dementia care home shall not directly assess residents for the purchase or installation of the air conditioning equipment; and

b. Patients or residents are identified by predisposition, due to illness, medication or otherwise, to heat-related illness and that during a heat emergency, their body temperature, dehydration status and other symptoms of heat-related illness are monitored frequently and regularly, any anomalies are promptly reported to the attending physician, and any necessary therapeutic or palliative measures are instituted, including the provision of liquids, where required.

6. Section 2 of P.L.1989, c.173 (C.26:2H-14.4) is amended to read as follows:

C.26:2H-14.4 Air conditioning required in certain facilities.

2. A nursing home or residential health care facility included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.) which is constructed or expanded after the effective date of P.L.1989, c.173 (C.26:2H-14.4 et al.), or a dementia care home included within the provisions of P.L.1984, c.114 (C.26:2H-14.1 et seq.) which is constructed or expanded after the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), shall be equipped with air conditioning in all areas used by patients or residents, and the air conditioning shall be operated so that the temperature in these areas does not exceed 82 degrees Fahrenheit.

7. Section 2 of P.L.1977, c.238 (C.26:2H-37) is amended to read as follows:

C.26:2H-37 Definitions.

2. As used in this act, and unless the context otherwise requires:

a. "Boarding or nursing home" or "home" means: a private nursing home or convalescent home regulated under chapter 11 of Title 30 of the Revised Statutes; a facility or institution, private or public, regulated and licensed as an extended care facility, skilled nursing home, nursing home, or intermediate care facility pursuant to P.L.1971, c.136 (C.26:2H-1 to 26:2H-26); a residential health care facility, as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 to 26:2H-26); or a dementia care home as defined in section 17 of P.L.2015, c.125 (C.26:2H-148).

b. "Owner" means the holder or holders of the title in fee simple to the property on which the home is located.

c. "Licensee" means the holder or holders of a license to operate a boarding or nursing home pursuant to chapter 11 of Title 30 of the Revised Statutes, P.L.1953, c.212 (C.30:11A-1 to 30:11A-14) or P.L.1971, c.136 (C.26:2H-1 to 26:2H-26).

d. "Department" means the State Department of Health.

8. Section 3 of P.L.1991, c.201 (C.26:2H-55) is amended to read as follows:

C.26:2H-55 Definitions.

3. As used in P.L.1991, c.201 (C.26:2H-53 et seq.):

"Adult" means an individual who has reached majority pursuant to section 3 of P.L.1972, c.81 (C.9:17B-3).

"Advance directive for health care" or "advance directive" means a writing executed in accordance with the requirements of P.L.1991, c.201. An "advance directive" may include a proxy directive or an instruction directive, or both.

"Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"Decision making capacity" means a patient's ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of each, and alternatives to any proposed health care, and to reach an informed decision. A patient's decision making capacity is evaluated relative to the demands of a particular health care decision.

"Declarant" means an adult who has the mental capacity to execute an advance directive and does so.

"Do not resuscitate order" means a physician's written order not to attempt cardiopulmonary resuscitation in the event the patient suffers a cardiac or respiratory arrest.

"Emergency care" means immediate treatment provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, impairment, or death.

"Health care decision" means a decision to accept or to refuse any treatment, service, or procedure used to diagnose, treat, or care for a patient's physical or mental condition, including life-sustaining treatment. "Health care decision" also means a decision to accept or to refuse the services of a particular physician, nurse, other health care professional or health care institution, including a decision to accept or to refuse a transfer of care.

"Health care institution" means all institutions, facilities, and agencies licensed, certified, or otherwise authorized by State law to administer health care in the ordinary course of business, including hospitals, nursing homes, residential health care facilities, dementia care homes, home health care agencies, hospice programs operating in this State, mental health institutions, facilities or agencies, or institutions, facilities, and agencies for the developmentally disabled. The term "health care institution" shall not be construed to include "health care professionals" as defined in P.L.1991, c.201.

"Health care professional" means an individual licensed by this State to administer health care in the ordinary course of business or practice of a profession.

"Health care representative" means the individual designated by a declarant pursuant to the proxy directive part of an advance directive for the purpose of making health care decisions on the declarant's behalf, and includes an individual designated as an alternate health care representative who is acting as the declarant's health care representative in accordance with the terms and order of priority stated in an advance directive.

"Instruction directive" means a writing which provides instructions and direction regarding the declarant's wishes for health care in the event that the declarant subsequently lacks decision making capacity.

"Life-sustaining treatment" means the use of any medical device or procedure, artificially provided fluids and nutrition, drugs, surgery or therapy that uses mechanical or other artificial means to sustain, restore, or supplant a vital bodily function, and thereby increase the expected life span of a patient.

"Other health care professionals" means health care professionals other than physicians and nurses.

"Patient" means an individual who is under the care of a physician, nurse, or other health care professional.

"Permanently unconscious" means a medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term "permanently unconscious" includes without limitation a persistent vegetative state or irreversible coma.

"Physician" means an individual licensed to practice medicine and surgery in this State.

"Proxy directive" means a writing which designates a health care representative in the event the declarant subsequently lacks decision making capacity.

"State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Terminal condition" means the terminal stage of an irreversibly fatal illness, disease or condition. A determination of a specific life expectancy is not required as a precondition for a diagnosis of a "terminal condition," but a prognosis of a life expectancy of six months or less, with or without the provision of life-sustaining treatment, based upon reasonable medical certainty, shall be deemed to constitute a terminal condition.

9. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to read as follows:

C.30:11B-2 Definitions.

2. "Alzheimer's disease and related disorders" means a form of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

"Community residence for the developmentally disabled" means any community residential facility housing up to 16 persons with developmental disabilities, which provides food, shelter, and personal guidance for persons with developmental disabilities who require assistance, temporarily or permanently, in order to live independently in the community. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, and hostels.

"Community residence for the mentally ill" means any community residential facility which provides food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with mental illness who require assistance temporarily or permanently, in order to live independently in the community. These residences shall be approved for a purchase of service contract or an affiliation agreement pursuant to procedures established by the Division of Mental Health and Addiction Services in the Department of Human Services or the Division of Children's System of Care in the Department of Children and Families, as applicable. These residences shall not house persons who have been assigned to a State psychiatric hospital after having been found not guilty of a criminal offense by reason of insanity or unfit to be tried on a criminal charge. These residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, family care homes, and hostels.

"Community residence for persons with head injuries" means a community residential facility providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

"Dementia" means a chronic or persistent disorder of the mental processes due to organic brain disease, for which no curative treatment is

available, and marked by memory disorders, changes in personality, deterioration in personal care, impaired reasoning ability, and disorientation.

"Developmental disability" or "developmentally disabled" means a severe, chronic disability of a person which: a. is attributable to a mental or physical impairment or combination of mental or physical impairments; b. is manifest before age 22; c. is likely to continue indefinitely; d. results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living, or economic self-sufficiency; and e. reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. Developmental disability includes, but is not limited to, severe disabilities attributable to an intellectual disability, autism, cerebral palsy, epilepsy, spina bifida, and other neurological impairments where the above criteria are met.

"Mentally ill" or "mental illness" means any psychiatric disorder which has required an individual to receive either inpatient psychiatric care or outpatient psychiatric care on an extended basis.

"Person with head injury" means a person who has sustained an injury, illness, or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of cognitive, behavioral, social, or physical functioning which causes partial or total disability, but excluding a person with Alzheimer's disease and related disorders or other forms of dementia.

10. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to read as follows:

C.40:55D-66.2 Definitions.

2. As used in this act:

a. "Community residence for the developmentally disabled" means any community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care

Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Addiction Services in the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in section 30 of P.L.1987, c.116 (C.30:4-27.2), but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

b. "Community shelter for victims of domestic violence" means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c.337 (C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

c. "Community residence for persons with head injuries" means a community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

d. "Person with head injury" means a person who has sustained an injury, illness, or traumatic changes to the skull, the brain contents, or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social, or physical functioning which causes partial or total disability, but excluding a person with Alzheimer's disease and related disorders or other forms of dementia.

e. "Community residence for the terminally ill" means any community residential facility operated as a hospice program providing food, shelter, personal guidance, and health care services, under such supervision as required, to not more than 15 terminally ill persons.

f. "Alzheimer's disease and related disorders" means a form of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

g. "Dementia" means a chronic or persistent disorder of the mental processes due to organic brain disease, for which no curative treatment is available, and marked by memory disorders, changes in personality, deterioration in personal care, impaired reasoning ability, and disorientation.

11. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to read as follows:

C.52:27G-2 Definitions.

2. As used in this act, unless the context clearly indicates otherwise:

a. "Abuse" means the willful infliction of physical pain, injury, or mental anguish; unreasonable confinement; or the willful deprivation of services which are necessary to maintain a person's physical and mental health. However, no person shall be deemed to be abused for the sole reason he is being furnished nonmedical remedial treatment by spiritual means through prayer alone, in accordance with a recognized religious method of healing, in lieu of medical treatment;

b. An "act" of any facility or government agency shall be deemed to include any failure or refusal to act by such facility or government agency;

c. "Administrator" means any person who is charged with the general administration or supervision of a facility, whether or not such person has an ownership interest in such facility, and whether or not such person's functions and duties are shared with one or more other persons;

d. "Caretaker" means a person employed by a facility to provide care or services to an elderly person, and includes, but is not limited to, the administrator of a facility;

e. "Exploitation" means the act or process of using a person or his resources for another person's profit or advantage without legal entitlement to do so;

f. "Facility" means any facility or institution, whether public or private, offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, residential health care facilities, dementia care homes, special hospitals, veterans' hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, develop-

mental centers or facilities, continuing care retirement communities, including independent living sections thereof, day care facilities for the elderly and medical day care centers;

g. "Government agency" means any department, division, office, bureau, board, commission, authority, or any other agency or instrumentality created by the State or to which the State is a party, or by any county or municipality, which is responsible for the regulation, visitation, inspection, or supervision of facilities, or which provides services to patients, residents, or clients of facilities;

h. "Guardian" means any person with the legal right to manage the financial affairs and protect the rights of any patient, resident, or client of a facility, who has been declared an incapacitated person by a court of competent jurisdiction;

i. "Institutionalized elderly," "elderly" or "elderly person" means any person 60 years of age or older, who is a patient, resident, or client of any facility;

j. "Office" means the Office of the Ombudsman for the Institutionalized Elderly established herein;

k. "Ombudsman" means the administrator and chief executive officer of the Office of the Ombudsman for the Institutionalized Elderly;

l. "Patient, resident or client" means any elderly person who is receiving treatment or care in any facility in all its aspects, including, but not limited to, admission, retention, confinement, commitment, period of residence, transfer, discharge, and any instances directly related to such status.

12. Section 3 of P.L.1979, c.496 (C.55:13B-3) is amended to read as follows:

C.55:13B-3 Terms defined.

3. As used in this act:

a. "Boarding house" means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any resource family home as defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1), any community residence for the devel-

opmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), any adult family care home as defined in section 3 of P.L.2001, c.304 (C.26:2Y-3), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the New Jersey Commission on Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the commissioner, and any owner-occupied, one-family residential dwelling made available for occupancy by not more than six guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy. A dwelling shall be deemed "owner-occupied" within the meaning of this section if it is owned or operated by a nonprofit religious or charitable association or corporation and is used as the principal residence of a minister or employee of that corporation or association. For any such dwelling, however, fire detectors shall be required as determined by the Department of Community Affairs.

b. "Commissioner" means the Commissioner of the Department of Community Affairs.

c. "Financial services" means any assistance permitted or required by the commissioner to be furnished by an owner or operator to a resident in the management of personal financial matters, including, but not limited to, the cashing of checks, holding of personal funds for safekeeping in any manner or assistance in the purchase of goods or services with a resident's personal funds.

d. "Limited tenure" means residence at a rooming or boarding house on a temporary basis, for a period lasting no more than 90 days, when a resident either maintains a primary residence at a location other than the rooming or boarding house or intends to establish a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.

e. "Operator" means any individual who is responsible for the daily operation of a rooming or boarding house.

f. "Owner" means any person who owns, purports to own, or exercises control of any rooming or boarding house.

g. "Personal services" means any services permitted or required to be furnished by an owner or operator to a resident, other than shelter, includ-

ing, but not limited to, meals or other food services, and assistance in dressing, bathing, or attending to other personal needs.

h. "Rooming house" means a boarding house wherein no personal or financial services are provided to the residents.

i. "Single room occupancy" means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.

j. "Unit of dwelling space" means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping or dwelling purposes by one or more persons.

k. (Deleted by amendment, P.L.2015, c.125)

l. (Deleted by amendment, P.L.2015, c.125)

13. Section 6 of P.L.1979, c.496 (C.55:13B-6) is amended to read as follows:

C.55:13B-6 Standards.

6. The commissioner shall establish standards to ensure that every rooming and boarding house in this State is constructed and operated in such a manner as will protect the health, safety, and welfare of its residents and at the same time preserve and promote a homelike atmosphere appropriate to such facilities, including, but not limited to, standards to provide for the following:

a. Safety from fire;

b. Safety from structural, mechanical, plumbing, and electrical deficiencies;

c. Adequate light and ventilation;

d. Physical security;

e. Protection from harassment, fraud, and eviction without due cause;

f. Clean and reasonably comfortable surroundings;

g. Adequate personal and financial services rendered in boarding houses;

h. Disclosure of owner identification information;

i. Maintenance of orderly and sufficient financial and occupancy records;

j. Referral of residents, by the operator, to social service and health agencies for needed services;

k. Assurance that no constitutional, civil, or legal right will be denied solely by reason of residence in a rooming or boarding house;

l. Reasonable access for employees of public and private agencies, and reasonable access for other citizens upon receiving the consent of the resident to be visited by them;

m. Opportunity for each resident to live with as much independence, autonomy, and interaction with the surrounding community as the resident is capable of doing.

n. (Deleted by amendment, P.L.2015, c.125)

14. Section 7 of P.L.1979, c.496 (C.55:13B-7) is amended to read as follows:

C.55:13B-7 Rooming, boarding house licensure; fee.

7. a. (1) No person shall own or operate a rooming or boarding house, hold out a building as available for rooming or boarding house occupancy, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house without a valid license to own or operate such a facility, issued by the commissioner and, if appropriate, by a municipality which has elected to issue such licenses pursuant to P.L.1993, c.290 (C.40:52-9 et seq.).

(2) (Deleted by amendment, P.L.2015, c.125)

(3) Any person found to be in violation of this subsection shall be liable for a civil penalty of not more than $5,000 for each building so owned or operated, which penalty shall be payable to the appropriate licensing entity.

b. The commissioner shall establish separate categories of licensure for owning and for operating a rooming or boarding house, provided, however, that an owner who himself operates such a facility need not also possess an operator's license.

If an owner seeking to be licensed is other than an individual, the application shall state the name of an individual who is a member, officer, or stockholder in the corporation or association seeking to be licensed, and the same shall be designated the primary owner of the rooming or boarding house.

Each application for licensure shall contain such information as the commissioner may prescribe and, unless the person is licensed by a municipality to own or operate a rooming and boarding house pursuant to P.L.1993, c.290 (C.40:52-9 et seq.), shall be accompanied by a fee established by the commissioner which shall not be less than $150 or more than

$600, except as provided in subsection e. of this section. If, upon receipt of the fee and a review of the application, the commissioner determines that the applicant will operate, or provide for the operation of, a rooming or boarding house in accordance with the provisions of this act, the commissioner shall issue a license to the applicant.

Each license shall be valid for one year from the date of issuance, but may be renewed upon application by the owner or operator and upon payment of the same fee required for initial licensure.

c. Only one license shall be required to own a rooming or boarding house, but an endorsement thereto shall be required for each separate building owned and operated, or intended to be operated, as a rooming or boarding house. Each application for licensure or renewal shall indicate every such building for which an endorsement is required. If, during the term of a license, an additional endorsement is required, or an existing one is no longer required, an amended application for licensure shall be submitted.

d. A person making application for, or who has been issued, a license to own or operate a rooming or boarding house who conceals the fact that the person has been denied a license to own or operate a residential facility, or that the person's license to own or operate a residential facility has been revoked by a department or agency of state government in this or any other state is liable for a civil penalty of not more than $5,000, and any license to own or operate a rooming or boarding house which has been issued to that person shall be immediately revoked.

e. The commissioner shall annually review the cost of administering and enforcing this section and shall establish by rule such changes to the license application fee as may be necessary to cover the cost of such administration and enforcement.

C.55:13B-5.1 Responsibilities assumed by DOH; inter-agency agreement.

15. a. The Department of Community Affairs shall cease its responsibilities for licensure, inspections, and the establishment and enforcement of standards with respect to each rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, as of the date that the Department of Health assumes these responsibilities pursuant to section 18 of P.L.2015, c.125 (C.26:2H-149).

b. The Department of Community Affairs shall establish and enter into an inter-agency agreement with the Department of Health as necessary for the purposes of this section and section 18 of P.L.2015, c.125 (C.26:2H-149).

C.55:13B-5.2 DCA to stop issuing licenses.

16. The Department of Community Affairs shall not issue a license to any person to own or operate a new rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on or after the date of enactment of P.L.2015, c.125 (C.55:13B-5.1 et al.).

C.26:2H-148 Definitions relative to dementia care homes.

17. As used in sections 18 through 26 of P.L.2015, c.125 (C.26:2H-149 et seq.):

"Alzheimer's disease and related disorders" means a form of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Dementia" means a chronic or persistent disorder of the mental processes due to organic brain disease, for which no curative treatment is available, and marked by memory disorders, changes in personality, deterioration in personal care, impaired reasoning ability, and disorientation.

"Dementia care home" means a community residential facility which: (1) provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia; (2) is subject to the licensure authority of the Department of Health as a health care facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); (3) and meets the requirements of section 19 of P.L.2015, c.125 (C.26:2H-150).

C.26:2H-149 DOH responsible for licensure, inspections, standards relative to dementia homes.

18. a. (1) Notwithstanding any law, rule, or regulation to the contrary, commencing on or after the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.) and subject to the provisions of subsection b. of this section, the Department of Health shall be responsible for licensure, inspections, and the establishment and enforcement of standards with respect to each community residential facility in the State that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, which shall be thereafter known as a dementia care home.

(2) The department shall be empowered to exercise such authority with respect to a dementia care home as the department is granted with respect

to any other health care facility licensed by the department, pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and any rules and regulations adopted pursuant thereto, and in accordance with the provisions of P.L.2015, c.125 (C.55:13B-5.1 et al.).

b. The department shall establish and enter into an inter-agency agreement with the Department of Community Affairs as necessary for the purposes of subsection a. of this section.

c. (1) Whenever any reference is made in any law, rule, regulation, order, contract, document, or judicial or administrative proceeding to rooming and boarding houses for residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, the same shall be deemed to mean or refer to "dementia care homes."

(2) Whenever the term "Department of Community Affairs" appears or any reference is made thereto in any law, rule, regulation, order, contract, document, or judicial or administrative proceeding pertaining to rooming and boarding houses for residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, the same shall be deemed to mean or refer to the "Department of Health."

d. A dementia care home that is operating as a rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.) shall be granted provisional licensure by the department for a period of one year following the effective date. At the end of that period, the department shall issue a license to the facility pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or make continued licensure subject to such actions by the facility as the commissioner determines necessary to effectuate the purposes of P.L.1971, c.136 and P.L.2015, c.125 (C.55:13B-5.1 et al.).

C.26:2H-150 Dementia care home.

19. a. A dementia care home shall be a facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association, which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the operator of the facility, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living and assistance in obtaining health services to any one or

more of such persons, in addition to such facilities, services, activities, and assistance as the Commissioner of Health may prescribe by regulation that are designed to meet the specific needs of residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia. A dementia care home shall not include: a community residence for the developmentally disabled as defined in section 2 of P.L.1977, c.448 (C.30:11B-2); a facility or living arrangement operated by, or under contract with, a State department or agency, upon the written authorization of the commissioner; or a privately operated establishment licensed pursuant to chapter 11 of Title 30 of the Revised Statutes.

b. A resident of a dementia care home shall be a person with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, as prescribed by regulation of the commissioner, who is: 18 years of age or older; ambulant with or without assistive devices; certified by a licensed physician to be free from communicable disease and not in need of skilled nursing care; and, except in the case of a person 65 years of age or over, in need of dietary services, supervision of self-administration of medications, supervision of and assistance in activities of daily living, or assistance in obtaining health care services. A resident of a dementia care home shall not be given skilled nursing care while a resident, except that the provisions of this subsection shall not be construed to prevent: care of residents in emergencies or during temporary illness for a period of one week or less; or a licensed physician from ordering nursing or other health care services for the resident.

C.26:2H-151 Licensure required for dementia care home; violations, civil penalty.

20. a. (1) A person shall not operate a dementia care home, or offer, advertise, or hold out a facility as a dementia care home, hold out a building as available for occupancy by dementia care home residents, or apply for any necessary construction or planning approvals related to the establishment of a dementia care home, without a valid license having been issued by the department for the operation of that facility in accordance with the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and P.L.2015, c.125 (C.55:13B-5.1 et al.).

(2) A person shall not offer, advertise, or hold out a dementia care home as another type of health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

(3) A person found to be in violation of paragraph (1) or (2) of this subsection shall be liable for a civil penalty for each building so operated in accordance with the provisions of section 25 of P.L.2015, c.125 (C.26:2H-156).

b. Notwithstanding the provisions of any municipal ordinance to the contrary, a dementia care home shall meet such requirements as the commissioner shall establish by regulation for the posting of visible signs in its local community that identify the location of the facility.

C.26:2H-152 Standards for dementia care homes.

21. The commissioner shall establish standards to ensure that each dementia care home is constructed and operated in such a manner as will protect the health, safety, and welfare of its residents and at the same time preserve and promote a homelike atmosphere appropriate to these facilities, including, but not limited to, standards to provide for the following:

a. Safety from fire;

b. Safety from structural, mechanical, plumbing, and electrical deficiencies;

c. Adequate light and ventilation;

d. Physical security;

e. Protection from harassment, fraud, and eviction without due cause;

f. Clean and reasonably comfortable surroundings;

g. Adequate personal and financial services rendered in the facility;

h. Disclosure of owner identification information;

i. Maintenance of orderly and sufficient financial and occupancy records;

j. Referral of residents, by the operator, to social service and health care providers for needed services;

k. Assurance that no constitutional, civil, or legal right will be denied solely by reason of residence in a dementia care home;

l. Reasonable access for employees of public and private agencies, and reasonable access for other citizens upon receiving the consent of the resident to be visited by them;

m. Opportunity for each resident to live with as much independence, autonomy, and interaction with the surrounding community as the resident is capable of doing; and

n. Assurance that the needs of residents of a dementia care home will be met, which shall include, at a minimum, the following:

(1) staffing levels, which shall ensure that the ratio of direct care staff to residents in the facility is equal to or higher than that which existed on the date of enactment of P.L.2015, c.125 (C.55:13B-5.1 et al.);

(2) staff qualifications and training;

(3) special dietary needs of residents;

(4) special supervision requirements relating to the individual needs of residents;

(5) building safety requirements appropriate to the needs of residents, including the requirement to maintain the operation 24 hours a day, seven days a week, of window, door, and any other locks or security system designed to prevent the elopement of a resident;

(6) special health monitoring of residents by qualified, licensed health care professionals, including a requirement that a medical assessment by a physician be performed on a resident with special needs as described in this subsection, as determined necessary by the commissioner, prior to admission and on a quarterly basis thereafter, to ensure that the facility is appropriate to the needs of the resident; and

(7) criteria for discharging residents which shall be set forth in the admission agreement, which shall be provided to the resident or the resident's representative prior to or upon admission. The commissioner may revoke the license of any provider who violates the criteria for discharging residents.

C.26:2H-153 Waiver of certain requirements for certain facilities.

22. a. Notwithstanding the provisions of any other law or regulation to the contrary, the commissioner may grant, to a dementia care home that is operating as a rooming or boarding house that provides services to residents with special needs, including, but not limited to, persons with Alzheimer's disease and related disorders or other forms of dementia, on the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.), a temporary or permanent waiver of one or more requirements established by regulation of the commissioner for health care facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) that the commissioner has determined are otherwise applicable to the dementia care home, if the dementia care home can demonstrate to the satisfaction of the commissioner that:

(1) the granting of the waiver would not pose a threat to the health, safety, or welfare of its residents; and

(2) the failure to grant such a waiver would pose a serious financial hardship to the facility.

b. A dementia care home that is seeking a waiver pursuant to subsection a. of this section shall apply for the waiver on a form and in a manner prescribed by the commissioner.

C.26:2H-154 Rights of dementia care home residents.

23. a. Every resident of a dementia care home facility shall have the right:

(1) To manage the resident's own financial affairs;

(2) To wear the resident's own clothing;

(3) To determine the resident's own dress, hair style, or other personal effects according to individual preference;

(4) To retain and use the resident's personal property in the resident's immediate living quarters, so as to maintain individuality and personal dignity, except where the facility can demonstrate that it would be unsafe, impractical to do so, or infringe upon the rights of others, and that mere convenience is not the facility's motive to restrict this right;

(5) To receive and send unopened correspondence;

(6) To unaccompanied access to a telephone at a reasonable hour and to a private phone at the resident's expense;

(7) To privacy;

(8) To retain the services of the resident's own personal physician at the resident's own expense or under a health care plan and to confidentiality and privacy concerning the resident's medical condition and treatment;

(9) To unrestricted communication, including personal visitation with any person of the resident's choice, at any reasonable hour;

(10) To make contacts with the community and to achieve the highest level of independence, autonomy, and interaction with the community of which the resident is capable;

(11) To present grievances on behalf of the resident or others to the operator, State governmental agencies, or other persons without threat of reprisal in any form or manner;

(12) To a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident;

(13) To refuse to perform services for the facility, except as contracted for by the resident and the operator;

(14) To practice the religion of the resident's choice, or to abstain from religious practice; and

(15) To not be deprived of any constitutional, civil, or legal right solely by reason of residence in a dementia care home.

b. The operator of a dementia care home shall ensure that a written notice of the rights set forth in subsection a. of this section is given to every resident upon admittance to the facility and to each resident upon request. The operator shall also post this notice in a conspicuous public place in the facility. This notice shall include the name, address, and telephone numbers of the Office of the Ombudsman for the Institutionalized Elderly, county welfare agency, and county office on aging.

c. A person or resident whose rights as set forth in subsection a. of this section are violated shall have a cause of action against any person committing the violation. The action may be brought in any court of competent jurisdiction to enforce those rights and to recover actual and punitive damages for their violation. A plaintiff who prevails in the action shall be entitled to recover reasonable attorney's fees and costs of the action.

C.26:2H-155 Provision of health care services.

24. A person who operates a dementia care home on or after the effective date of P.L.2015, c.125 (C.55:13B-5.1 et al.) shall not provide health care services in that facility. Nothing in this section shall be construed to prohibit a licensed health care professional, who is acting within the scope of that person's license, from providing health care services to a resident of a dementia care home.

C.26:2H-156 Violations, penalties.

25. A person or entity found to be in violation of the provisions of P.L.2015, c.125 (C.55:13B-5.1 et al.), or any rules or regulations adopted by the commissioner pursuant thereto with respect to the operation of a dementia care home, shall be subject to a penalty as provided for in section 13 or 14 of P.L.1971, c.136 (C.26:2H-13 or 26:2H-14).

C.26:2H-157 Rules, regulations.

26. The commissioner and the Commissioner of Community Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioners deem necessary to effectuate the purposes of P.L.2015, c.125 (C.55:13B-5.1 et al.), which shall be effective for a period not to exceed 12 months following the effective date of P.L.2015, c.125. The regulations shall thereafter be amended, adopted, or readopted, in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.), as the commissioner or the Commissioner of Community Affairs determine necessary to effectuate the purposes of P.L.2015, c.125 (C.55:13B-5.1 et al.).

27. This act shall take effect on the first day of the seventh month next following the date of enactment, except that section 16 shall take effect immediately, but the Commissioners of Health and Community Affairs may

take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved November 9, 2015.

CHAPTER 126

AN ACT concerning certain victims of identity theft, amending R.S.39:5-42 and supplementing Title 2C of the New Jersey Statutes and Title 39 of the Revised Statutes.

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

C.2C:52-32.1 Petition for judicial determination of factual innocence for certain victims of identity theft.

1. a. Notwithstanding any other provision of law to the contrary, a person who reasonably believes that he is the victim of identity theft based on the commission of an offense under N.J.S.2C:21-1, section 1 of P.L.1983, c.565 (C.2C:21-2.1), N.J.S.2C:21-17, or section 5 or 6 of P.L.2003, c.184 (C.2C:21-17.2 or C.2C:21-17.3) may petition the court where the charge is pending or where the conviction was entered for a judicial determination of the victim's factual innocence, when:

(1) the perpetrator of the identity theft was arrested for, cited for, or convicted of a crime, offense, or violation of law under the victim's identity;

(2) a complaint for a crime, offense, or violation has been filed against the perpetrator in the victim's name; or

(3) the victim's identity has been mistakenly associated with a record of conviction.

If a charge is pending, the prosecutor may petition the court for a determination of factual innocence on behalf of the victim. Any judicial determination of factual innocence made pursuant to this section may be determined, with or without a hearing, upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. Where the court determines that the petition is meritorious and that there is no reasonable cause to believe that the victim committed the crime, offense, or violation for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a complaint for a crime, offense, or violation in the victim's name, or that the victim's identity has been mistakenly associated with a

record of conviction, the court shall order that the victim's name and associated personal identifying information contained in the records, files, and indexes of relevant courts, law enforcement agencies, correctional institutions, and administrative agencies which are accessible to the public be deleted, sealed, labeled to show that such data is impersonated and does not reflect the defendant's identity, or corrected by inserting in the records the name of the perpetrator, if known or ascertainable, in lieu of the victim's name.

The court shall distribute such order or other appropriate notice to the prosecutor and administrative agencies to which a record of conviction may have been transmitted. The prosecutor shall distribute the order or notice to the relevant law enforcement agencies and correctional institutions so that they may comply with its provisions. The court shall provide the victim with a copy of the order or other appropriate documentation to aid in the resolution of any disabilities that may result from the arrest, charge, or conviction.

b. A victim seeking relief under this section shall not be required to comply with the requirements of chapter 52 of Title 2C of the New Jersey Statutes, but shall proceed in accordance with the rules and procedures promulgated by the Supreme Court.

c. A court that determines a victim's factual innocence pursuant to this section may at any time vacate that determination if the petition, or information submitted in support of the petition, contains material misrepresentation or fraud. If the court vacates such a determination, it shall issue an order rescinding any orders made pursuant to this section.

d. Any relief granted pursuant to this section shall not affect a victim's eligibility to apply for an expungement for any other offense pursuant to chapter 52 of Title 2C of the New Jersey Statutes.

e. Notwithstanding any other provision of law to the contrary, a petition for relief made pursuant to the provisions of this section shall not require the payment of any fee by the victim.

f. The Supreme Court may adopt rules and the Administrative Director of the Courts may issue directives to effectuate the purposes of this act.

g. The Attorney General may issue guidelines which may be necessary concerning procedures for law enforcement agencies or any other agencies in the criminal justice system to effectuate the purposes of this act.

2. R.S.39:5-42 is amended to read as follows:

Reports by judges to chief administrator on violations, crimes and offenses; removal of certain information.

39:5-42. a. Every judge shall make a report, in such form as the Chief Administrator of the Motor Vehicle Commission may require, to the Chief Administrator: (1) of all cases heard before him for violation of this title, or for any other violation in which a motor vehicle was used in any way, and (2) of the conviction of any person of having committed a crime or offense in the commission of which a motor vehicle was used, within three days after the disposition of the case before him as a judge. The report shall state the nature of the violation, the full facts concerning the use of the motor vehicle in the commission of the crime or offense, the disposition of the case by the judge, and any recommendations which the judge may deem of value to the Chief Administrator in determining whether action should be taken against the driving, registration, or other privilege of the driver or owner of the motor vehicle.

b. Upon receipt of an order issued pursuant to section 1 of P.L.2015, c.126 (C.2C:52-32.1) or other appropriate notice from the court requiring the deletion, sealing, labeling, or correction of a person's name and other personal identifying information from a record, the Chief Administrator shall promptly remove such information that may have been entered into the records of the Motor Vehicle Commission. The Chief Administrator shall, upon request, provide the victim with a certified corrected driver history. Where appropriate, the Chief Administrator shall also reinstate any driver's license that may have been suspended or revoked and shall remove any motor vehicle penalty points from the victim's driving record that may have been assessed as a result of a conviction against the victim which the court has ordered vacated pursuant to section 1 of P.L.2015, c.126 (C.2C:52-32.1). Notwithstanding any other provision of law to the contrary, no fee shall be charged to a victim for services provided by the Chief Administrator pursuant to this section.

C.39:5-42.1 Refund of additional insurance premiums.

3. Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was ordered by the court to be deleted, sealed, labeled, or corrected pursuant to the provisions of P.L.2015, c.126 (C.2C:52-32.1 et al.) shall refund those additional premiums to the policyholder upon receipt of notification of the court's order.

4. This act shall take effect on the first day of the fourth month following enactment.

Approved November 9, 2015.

CHAPTER 127

AN ACT concerning DNA evidence, amending P.L.2001, c.377, and supplementing Title 2A of the New Jersey Statutes.

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

1. Section 1 of P.L.2001, c.377 (C.2A:84A-32a) is amended to read as follows:

C.2A:84A-32a Motion for performance of forensic DNA testing, certain circumstances.

1. a. Any eligible person may make a motion before the trial court that entered the judgment of conviction for the performance of forensic DNA testing.

(1) The motion shall be verified by the eligible person under penalty of perjury and shall do all of the following:

(a) explain why the identity of the defendant was a significant issue in the case;

(b) explain in light of all the evidence, how if the results of the requested DNA testing are favorable to the defendant, a motion for a new trial based upon newly discovered evidence would be granted;

(c) explain whether DNA testing was done at any prior time, whether the defendant objected to providing a biological sample for DNA testing, and whether the defendant objected to the admissibility of DNA testing evidence at trial. If evidence was subjected to DNA or other forensic testing previously by either the prosecution or the defense, the court shall order the prosecution or defense to provide all parties and the court with access to the laboratory reports, underlying data and laboratory notes prepared in connection with the DNA testing;

(d) make every reasonable attempt to identify both the evidence that should be tested and the specific type of DNA testing sought; and

(e) include consent to provide a biological sample for DNA testing.

(2) Notice of the motion shall be served on the Attorney General, the prosecutor in the county of conviction, and if known, the governmental agency or laboratory holding the evidence sought to be tested. Responses, if any,

shall be filed within 60 days of the date on which the Attorney General and the prosecutor are served with the motion, unless a continuance is granted. The Attorney General or prosecutor may support the motion for DNA testing or oppose it with a statement of reasons and may recommend to the court that if any DNA testing is ordered, a particular type of testing be conducted.

b. The court, in its discretion, may order a hearing on the motion. The motion shall be heard by the judge who conducted the trial unless the presiding judge determines that judge is unavailable. Upon request of either party, the court may order, in the interest of justice, that the eligible person who is serving a term of imprisonment at the time of the hearing be present at the hearing of the motion.

c. The court shall appoint counsel for the eligible person who brings a motion pursuant to this section if that person is indigent.

d. The court shall not grant the motion for DNA testing unless, after conducting a hearing, it determines that all of the following have been established:

(1) the evidence to be tested is available and in a condition that would permit the DNA testing that is requested in the motion;

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish it has not been substituted, tampered with, replaced or altered in any material aspect;

(3) the identity of the defendant was a significant issue in the case;

(4) the eligible person has made a prima facie showing that the evidence sought to be tested is material to the issue of the eligible person's identity as the offender;

(5) the requested DNA testing result would raise a reasonable probability that if the results were favorable to the defendant, a motion for a new trial based upon newly discovered evidence would be granted. The court in its discretion may consider any evidence whether or not it was introduced at trial;

(6) the evidence sought to be tested meets either of the following conditions:

(a) it was not tested previously;

(b) it was tested previously, but the requested DNA test would provide results that are reasonably more discriminating and probative of the identity of the offender or have a reasonable probability of contradicting prior test results;

(7) the testing requested employs a method generally accepted within the relevant scientific community; and

(8) the motion is not made solely for the purpose of delay.

e. If the court grants the motion for DNA testing, the court order shall identify the specific evidence to be tested and the DNA technology to be used.

(1) If the parties agree upon a mutually acceptable laboratory that is accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community and approved by the Director of the Federal Bureau of Investigation in accordance with the provisions of the Federal DNA Identification Act, 42 U.S.C.A. s.14131, the testing shall be conducted by that laboratory.

(2) If the parties fail to agree, the testing shall be conducted by the New Jersey State Police Office of Forensic Sciences Laboratory. For good cause shown, however, the court may, subject to the provisions of section 2 of P.L.2015, c.127 (C.2A:84A-32c), direct the evidence to an alternative laboratory that is accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community and approved by the Director of the Federal Bureau of Investigation in accordance with the provisions of the Federal DNA Identification Act, 42 U.S.C.A. s.14131.

f. The result of any testing ordered pursuant to this section shall be fully disclosed to the person filing the motion, the prosecutor and the Attorney General. If requested by any party, the court shall order production of the underlying laboratory data and notes.

g. The costs of the DNA testing ordered pursuant to this section shall be borne by the eligible person.

h. An order granting or denying a motion for DNA testing pursuant to this section may be appealed, pursuant to the Rules of Court.

i. DNA testing ordered by the court pursuant to this section shall be done as soon as practicable.

j. DNA profile information from biological samples taken from an eligible person pursuant to a motion for post-conviction DNA testing in accordance with the provisions of this section shall be treated as confidential and shall not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning access to public records; except as provided in section 2 of P.L.2001, c.377 (C.53:1-20.37).

k. As used in this act and in P.L.2015, c.127 (C.2A:84A-32c et al.):

"DNA," "DNA sample," "State DNA databank," "CODIS" and "FBI" shall have the meaning set forth in section 3 of P.L.1994, c.136 (C.53:1-20.19).

"NDIS-participating laboratory" is a laboratory that has been designated to operate CODIS and participate in the National and State DNA Index System.

l. If evidence tested at a non-NDIS-participating laboratory pursuant to this section reveals a DNA profile that is not that of the eligible person or the victim, the court shall direct the prosecuting agency appearing on the motion to request that the New Jersey State Police Office of Forensic Services DNA Laboratory or other NDIS-participating laboratory involved in the matter submit the profile to CODIS, if the requirements and prerequisites for acceptance and submission are met, to determine whether it matches a DNA profile of a known individual or a DNA profile from an unsolved crime.

m. An eligible person may file a motion for the performance of forensic DNA testing with the trial court that entered the judgment of conviction. The motion may be considered in accordance with the provisions of this section only if the court finds just cause to hear the motion.

For a person who was convicted of a crime and is serving a sentence imposed for that criminal conviction, a determination of just cause shall be based on a reasonable probability that, if the results of the requested DNA testing were favorable, a motion for a new trial based on newly discovered evidence would be granted.

For a person who has been convicted of a crime and has completed serving the sentence for that conviction, a determination of just cause shall be based on a significant likelihood that, if the results of the requested DNA testing were favorable, a motion for a new trial based on newly discovered evidence would be granted.

n. For the purposes of this section, "eligible person" means a person who was convicted of a crime:

(1) and is currently serving a sentence imposed for that criminal conviction which includes a period of imprisonment; or

(2) who has completed serving the sentence for that conviction and demonstrates just cause as established in subsection m. of this section.

C.2A:84A-32c Procedures for DNA testing at accredited non-NDIS participating laboratory.

2. a. If a party seeks to conduct DNA testing at an accredited non-NDIS participating laboratory that otherwise meets the requirements set forth in paragraphs (1) and (2) of subsection e. of section 1 of P.L.2001, c.377 (C.2A:84A-32a) and the party seeks to submit the DNA profile information to CODIS in accordance with subsection l. of section 1 of P.L.2001, c.377 (C.2A:84A-32a) the party, upon notice to the Attorney General and to the

NDIS-participating laboratory, may request the court to order the NDIS-participating laboratory within the State to evaluate whether the laboratory at which the party seeks to conduct DNA testing is in compliance with the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories for the purpose of uploading crime scene profiles to CODIS. The Attorney General may appear on the motion on his own behalf or on behalf of the NDIS-participating laboratory, if that laboratory is a public entity.

b. The court may order the NDIS-participating laboratory to conduct an evaluation pursuant to subsection b. of this section only if the court finds that the moving party clearly demonstrates:

(1) the New Jersey State Police Office of Forensic Sciences DNA Laboratory is not able to, or for practical reasons has determined not to, perform the specific testing and analysis sought by the moving party, or that its performance of the testing and analysis would not be substantially equivalent to that of the other laboratory, or that the testing would not otherwise be appropriate;

(2) there is a significant likelihood that, if the results of the requested DNA testing were favorable to the moving party, a motion for a new trial based upon newly discovered evidence would be granted;

(3) requiring the NDIS-participating laboratory to conduct the evaluation will not delay investigations or unduly burden the resources of the New Jersey State Police Office of Forensic Sciences DNA Laboratory or other NDIS-participating laboratory that may be involved in the matter; and

(4) if an evaluation were undertaken, there would be a reasonable likelihood that the results of the evaluation would conclude in a finding by the NDIS-participating laboratory that the laboratory at which the party seeks to conduct DNA testing is in compliance with the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories for the purpose of uploading crime scene profiles to CODIS, and that the results of that laboratory's DNA testing, if a DNA profile is generated, would comply with federal requirements for inclusion in CODIS.

c. If the court orders an evaluation pursuant to subsection b. of this section, within 120 days of receiving the court's order, the NDIS-participating laboratory shall complete the pre-approval process to determine if the non-NDIS-participating laboratory at which the party seeks to conduct DNA testing is in compliance with FBI Quality Assurance Standards for Forensic DNA Testing Laboratories, by obtaining and reviewing the records of an on-site visit and assessment conducted by the FBI or another NDIS-participating laboratory. If an on-site visit and assessment have not been conducted within the time frames required by federal law or the

laboratory does not comply with other applicable standards, or the results of an on-site visit and assessment are unavailable, the NDIS-participating laboratory may, within the limits of available resources, conduct its own on-site visit and assessment of the laboratory at which the party seeks to conduct DNA testing, provided that the laboratory agrees to cooperate with the on-site visit and assessment and the moving party bears the costs associated with the on-site visit and assessment.

d. In the event that the requirements set forth in the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories following the effective date of P.L.2015, c.127 (C.2A:84A-32c et al.) are amended or otherwise superseded, the NDIS-participating laboratory shall complete such other process as may be prescribed for the assessment of non-NDIS-participating laboratories.

e. A determination by the NDIS-participating laboratory as to whether the laboratory at which the party seeks to conduct DNA testing is in compliance with FBI Quality Assurance Standards for Forensic DNA Testing Laboratories shall not be subject to judicial review.

C.2A:84A-32d Construction of act.

3. Nothing in P.L.2015, c.127 (C.2A:84A-32c et al.) shall be construed to:

a. create a right, obligation, or requirement regarding the preservation of evidence, including evidence that may contain a biological sample;

b. provide a basis for a remedy or cause of action based on a failure to preserve or retain evidence, including evidence that may contain a biological sample; or

c. affect or modify the Guidelines for the Retention of Evidence promulgated by the Attorney General and any successor guidelines or directives promulgated or issued by the Attorney General.

4. This act shall take effect on the first day of the fourth month next following the date of enactment.

Approved November 9, 2015.

CHAPTER 128

AN ACT concerning exemption from registration for certain offers and sales of securities and amending and supplementing P.L.1967, c.93.

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

C.49:3-77 Information provided to prospective investors.

1. In order for a transaction to meet the requirements of paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50), the issuer seeking to offer securities that meet those requirements and the Internet site through which the offering is made shall provide the following information to the prospective investors in writing on that site:

a. a copy of the legend required pursuant to subsection a. of section 3 of P.L.2015, c.128 (C.49:3-79);

b. evidence that the issuer is a business organization organized under the laws of this State and is authorized to do business in this State;

c. a description of the company, its form and date of business organization, the address and telephone number of its principal office, its history, its business plan, a description of material agreements and the intended use of the offering proceeds, at least 65 percent of which shall be specifically disclosed in dollar amount and percentage terms in a use of proceeds section and which shall also include any amounts to be paid, as compensation or otherwise, to any owner, executive officer, director, managing member, or other person occupying a similar status or performing similar functions on behalf of the issuer;

d. the identity of all persons owning more than 10 percent of the ownership interests of any class of securities of the company, with a description of options or other contingent securities outstanding and a description of the amount of those options or other contingent securities that those persons own;

e. the identity of the executive officers, directors, managing members, and other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their prior experience, with a description of options or other contingent securities outstanding and a description of the amount of those options or other contingent securities that those persons own;

f. the terms and conditions of the securities being offered and of any outstanding securities of the company, the minimum and maximum amount of securities being offered, if any, and the percentage ownership of the company represented by the offered securities and the valuation of the company implied by the price of the offered securities;

g. the minimum offering amount that is necessary to implement the business plan, and a notice that the funds will only be released to the issuer if the minimum offering amount is reached;

h. the time and date, which may be no more than 12 months from the date of the offering, by which the minimum offering amount must be reached before the funds will be returned to investors;

i. a provision stating that the investors may cancel their commitment to invest for up to 30 days following the date the investment is made, except that investors who invest within 30 days of the time and date by which the minimum offering amount must be reached as provided in subsection h. of this section shall only have the amount of time left before the time and date by which the minimum offering amount must be reached in which to cancel their commitment to invest, even if that amount of time is less than 30 days;

j. the identity of any person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, including any Internet site operator, but excluding persons acting solely as accountants or attorneys and employees whose primary job responsibilities involve the operating business of the issuer, rather than assisting the issuer in raising capital;

k. a description of the consideration being paid for assistance to each person identified under subsection j. of this section;

l. a description of any litigation or legal proceedings involving the company or its management;

m. a discussion of significant factors that make the offering speculative or risky;

n. a description of any conflicts of interest;

o. financial statements, including a balance sheet, income statement, cash flow statement, and capitalization of issuer;

p. a statement of current liabilities outstanding, including obligations past due and obligations due within 12 months;

q. the Internet site address at which the quarterly report required by section 5 of P.L.2015, c.128 (C.49:3-81) will be made available; and

r. any additional information material to the offering.

C.49:3-78 Agreements relative to exempted transaction.

2. For any exempted transaction which meets the requirements of paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50), the issuer shall execute an escrow agreement with a bank, savings bank, savings and loan association, or credit union, which institution has a place of business in New Jersey, that provides that investor funds obtained pursuant to the provisions of P.L.2015, c.128 (C.49:3-77 et al.) will be deposited in that institution, and shall further provide that all offering proceeds will be released to the issuer only when the aggregate capital raised from all inves-

tors pursuant to P.L.2015, c.128 (C.49:3-77 et al.) is equal to or greater than the minimum offering amount specified in the issuer's business plan as necessary to implement the business plan. The agreement shall also provide that all investor funds will be returned within 60 days to investors if that minimum offering amount is not raised by the time stated in the disclosures required to be set forth pursuant to P.L.2015, c.128 (C.49:3-77 et al.).

C.49:3-79 Promulgation of legend, investor certification.

3. a. The bureau shall promulgate a legend that the issuer shall be required to provide to all prospective investors in exempted securities offered pursuant to paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50), informing prospective investors that the securities have not been registered with the United States Securities and Exchange Commission or the bureau and that the securities are subject to limitations on resale, along with any other information the bureau finds relevant to be included in that legend.

b. The bureau shall promulgate an investor certification which, prior to the consummation of a purchase, the investor in the securities shall be required to certify in writing or electronically that the investor understands:

(1) The investment may be a high-risk speculative business venture;

(2) The offering has not been reviewed or approved by any State or federal securities regulatory authority and no person or authority has confirmed the accuracy or determined the adequacy of disclosures made relating to this offering;

(3) The securities are illiquid, there is no ready market for the sale of the securities, and it may be difficult or impossible to sell or otherwise dispose of the investment;

(4) The investor may be subject to tax on the taxable income and losses of the company; and

(5) Any additional information the bureau finds relevant.

C.49:3-80 Requirements for Internet site.

4. The following requirements apply to an Internet site through which an issuer offers or sells securities exempted pursuant to paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50):

a. The Internet site operator shall register with the bureau by filing an application for registration, accompanied by a filing fee to be determined by the bureau, that includes all of the following:

(1) That the Internet site operator is a business entity organized under the laws of this State and authorized to do business in this State;

(2) That the Internet site is being utilized to offer and sell securities pursuant to the exemption under paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50);

(3) The identity and location of, and contact information for, the Internet site operator; and

(4) Except as provided in subsections b. and c. of this section, that the Internet site operator is registered as a broker-dealer under P.L.1967, c.93 (C.49:3-47 et seq.).

If any change occurs in the information that an Internet site operator submits to the bureau pursuant to this subsection, the Internet site operator shall notify the bureau of the change within 30 days after the change occurs.

b. The Internet site operator shall not be required to register as a broker-dealer under P.L.1967, c.93 (C.49:3-47 et seq.) if all of the following apply with respect to the Internet site and its operator:

(1) It does not offer investment advice or recommendations;

(2) It does not solicit purchases, sales, or offers to buy the securities offered or displayed on the Internet site;

(3) It does not compensate employees, agents, or other persons for the solicitation or based on the sale of securities displayed or referenced on the Internet site;

(4) It is not compensated based on the amount of securities sold, and it does not hold, manage, possess, or otherwise handle investor funds or securities;

(5) The fee it charges an issuer for an offering of securities on the Internet site is a fixed amount for each offering, a variable amount based on the length of time that the securities are offered on the Internet site, or a combination of such fixed and variable amounts;

(6) It does not identify, promote, or otherwise refer to any individual security offered on the Internet site in any advertising for the Internet site;

(7) It does not engage in other activities the bureau determines to be prohibited; and

(8) Neither the Internet site operator, nor any director, executive officer, general partner, managing member, or other person with management authority over the Internet site operator, has been subject to any conviction, order, judgment, decree, or other action specified in Rule 506 (d) (1) adopted under the "Securities Act of 1933" (17 C.F.R. s.230.506(d)(1)) that would disqualify an issuer under Rule 506 (d) adopted under the "Securities Act of 1933" (17 C.F.R. s.230.506(d)) from claiming an exemption specified in Rule 506 (a) to (c) adopted under the "Securities Act of 1933" (17 C.F.R. ss.230.506(a) to (c)).

c. The Internet site operator is not required to register as a broker-dealer under P.L.1967, c.93 (C.49:3-47 et seq.) if the Internet site operator is registered as a broker-dealer under the "Securities Exchange Act of 1934" (15 U.S.C. s.78o) or is a funding portal registered under the "Securities Act of 1933" (15 U.S.C. s.77d) and the Securities and Exchange Commission has adopted rules under authority of section 3 (h) of the "Securities Exchange Act of 1934" (15 U.S.C. s.78c(h)) and Pub.L. 112-106, section 304, governing funding portals, and the Internet site operator files with the bureau chief those documents filed with the Securities and Exchange Commission that the bureau chief may by rule or otherwise require, and the Internet site operator consents to service or process and pays a fee to be established by the bureau. Nothing in this section shall be construed to require an Internet site operator to register as a broker-dealer under the "Securities Exchange Act of 1934" or as a funding portal under the "Securities Act of 1933."

d. The issuer and the Internet site operator shall maintain records of all offers and sales of securities effected through the Internet site and shall provide ready access to the records to the bureau, upon request. The bureau may access, inspect, and review any Internet site registered under this section as well as its records.

e. Notwithstanding any law or regulation to the contrary, if the Securities and Exchange Commission adopts rules under authority of section 3(h) of the "Securities Exchange Act of 1934" (15 U.S.C. s.78c (h)) and Pub.L. 112-106, section 304, that authorize funding portals to receive commissions without registering as broker-dealers under the "Securities Exchange Act of 1934," the bureau may promulgate rules authorizing Internet site operators registered with the bureau pursuant to this section to receive commissions without registering as broker-dealers.

C.49:3-81 Quarterly report to investors.

5. An issuer of securities exempted pursuant to paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50) shall provide, free of charge, a quarterly report to the issuer's investors. An issuer may satisfy the reporting requirement of this section by making the information available on an Internet site if the information is made available within 45 days after the end of each fiscal quarter and remains available until the succeeding quarterly report is issued. A written copy shall be provided to an investor upon request. The report shall include a statement of the compensation received by each director and executive officer, including cash compensation earned since the previous report, as well as any bonuses, stock options, other rights to receive securities of the issuer or any affiliate of the issuer,

or any compensation received. The report shall also include an analysis by management of the issuer of the business operations and financial condition of the issuer.

C.49:3-82 Criteria for disqualifying issuers from claiming exemption.

6. The bureau shall establish by regulation criteria for disqualifying issuers of securities from claiming the exemption from registration pursuant to paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50). The criteria shall include, but not be limited to, the following disqualifying events:

a. Criminal convictions in connection with the purchase or sale of a security, or involving the making of a false filing related to the offer or sale of a security;

b. Injunctions and court orders against engaging in or continuing conduct or practices in connection with the purchase or sale of securities or involving the making of a false filing related to the offer or sale of a security or any criminal conviction as described in subsection (k) of section 9 of P.L.1967, c.93 (C.49:3-56);

c. United States Postal Service false representation orders; and

d. The issuer is subject to a bureau stop order.

C.49:3-83 Regulations.

7. The bureau chief, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt regulations to effectuate the purposes of P.L.2015, c.128 (C.49:3-77 et al.) and to comply with the requirements of applicable federal law; except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the bureau chief may adopt, immediately upon filing with the Office of Administrative Law, those regulations as the bureau chief deems necessary to implement the provisions of P.L.2015, c.128 (C.49:3-77 et al.), which regulations shall be effective for a period not to exceed six months after the date of filing and may, thereafter, be amended, adopted or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

8. Section 2 of P.L.1967, c.93 (C.49:3-49) is amended to read as follows:

C.49:3-49 Definitions relative to Uniform Securities Law.

2. When used in this act, unless the context requires otherwise:

(a) "Bureau" means the agency designated in subsection (a) of section 19 of P.L.1967, c.93 (C.49:3-66);

(b) "Agent" means any individual other than a broker-dealer, who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by paragraph (1), (2), (3), or (11) of subsection (a) of section 3 of P.L.1967, c.93 (C.49:3-50); (2) effecting transactions exempted by subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50); (3) effecting transactions with existing employees, partners, or directors of the issuer, if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this State; or (4) a broker-dealer in effecting transactions in this State limited to those transactions described in paragraph (2) of subsection (h) of section 15 of the "Securities Exchange Act of 1934," 15 U.S.C. s.78o(h)(2); or (5) such other persons not otherwise within the intent of this subsection (b), as the bureau chief may by rule or order designate. A partner, officer, or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if he otherwise comes within this definition. The bureau chief may by rule or order, as to any transaction, waive the requirement of agent registration. The bureau chief may by rule define classes of persons as "agents," if those persons are regulated as "agents" by the Securities and Exchange Commission or any self-regulatory organization established pursuant to the laws of the United States;

(c) "Broker-dealer" means any person engaged in the business of effecting or attempting to effect transactions in securities for the accounts of others or for his own account. "Broker-dealer" does not include (1) an agent, (2) an issuer, (3) a person who effects transactions in this State exclusively in securities described in paragraphs (1) and (2) of subsection (a) of section 3 of P.L.1967, c.93 (C.49:3-50), (4) a bank, savings institution, or trust company, or (5) a person who effects transactions in this State exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the "Investment Company Act of 1940," pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees or (iv) such other persons not otherwise within the intent of this subsection (c), as the bureau chief may by rule or order designate;

(d) "Capital" shall mean net capital, as defined and adjusted under the formula established by the Securities and Exchange Commission in Rule 15c3-1, 17 C.F.R. s.240.15c3-1, made pursuant to the "Securities Exchange Act of 1934," prescribing a minimum permissible ratio of aggregate indebt-

edness to net capital as such formula presently exists or as it may hereafter be amended;

(e) "Fraud," "deceit," and "defraud" are not limited to common-law fraud or deceit. "Fraud," "deceit" and "defraud" in addition to the usual construction placed on these terms and accepted in courts of law and equity, shall include the following, provided, however, that any promise, representation, misrepresentation or omission be made with knowledge and with intent to deceive or with reckless disregard for the truth and results in a detriment to the purchaser or client of an investment adviser:

(1) Any misrepresentation by word, conduct or in any manner of any material fact, either present or past, and any omission to disclose any such fact;

(2) Any promise or representation as to the future which is beyond reasonable expectation or is unwarranted by existing circumstances;

(3) The gaining of, or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or gross profit so large and exorbitant as to be unconscionable, unreasonable or in violation of any law, regulation, rule, order or decision of the Securities and Exchange Commission, or the bureau chief; or to the extent that such law, regulation, rule or order directly applies to the person involved, the gaining of, or attempt to gain, directly or indirectly, through a trade in any security, a commission, fee or gross profit so large and exorbitant as to be in violation of any law, regulation, rule, order or decision of any other state or Canadian securities administrator, or any self-regulatory organization established pursuant to the laws of the United States;

(4) Generally any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser of any security or investment advisory services as to the nature of any transaction or the value of such security;

(5) Any artifice, agreement, device or scheme to obtain money, profit or property by any of the means herein set forth or otherwise prohibited by this act;

(f) "Guaranteed" means guaranteed as to payment of principal, interest or dividends;

(g) (1) "Investment adviser" means:

(i) any person who, for direct or indirect compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, selling or holding securities, or who, for compensation and as a

part of a regular business, issues or promulgates analyses or reports concerning securities; and

(ii) any financial planner and other person who provides investment advisory services to others for compensation and as part of a business or who holds himself out as providing investment advisory services to others for compensation.

(2) "Investment adviser" does not include:

(i) a bank, savings institution, or trust company;

(ii) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice or conduct of the profession and who does not hold himself out as providing investment advisory or financial planning services, and who receives no special compensation for those investment advisory or financial planning services;

(iii) a broker-dealer registered under this act;

(iv) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation;

(v) a person whose advice, analyses, or reports relate only to securities exempted by paragraphs (1) and (2) of subsection (a) of section 3 of P.L.1967, c.93 (C.49:3-50);

(vi) a person whose only clients in this State are other investment advisers, any person that is registered as an "investment adviser" under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, or excluded from the definition of an "investment adviser" under paragraph (11) of subsection (a) of section 202 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-2(a)(11), broker-dealers, banks, bank holding companies, savings institutions, trust companies, insurance companies, investment companies as defined in the "Investment Company Act of 1940," pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees;

(vii) any person that is registered as an "investment adviser" under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, or excluded from the definition of an "investment adviser" under paragraph (11) of subsection (a) of section 202 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-2(a)(11);

(viii) an investment adviser representative; or

(ix) such other persons not otherwise within the intent of this subsection (g) as the bureau chief may by rule or order designate.

Subject to applicable federal law, the bureau chief may by rule limit the exclusions set out in this paragraph (2), except for those exclusions provided in subparagraph (i) of paragraph (2).

For purposes of this act, "investment advisory services" means those services rendered by an "investment adviser" as defined in this subsection;

(h) "Issuer" means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest in oil, gas, or mining titles or leases, there is not considered to be any "issuer";

(i) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(j) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security or investment advisory services for value;

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of any offer to buy, a security or interest in a security or investment advisory services for value;

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value;

(4) A purported gift of assessable stock is considered to involve an offer and sale;

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security;

(6) The terms defined in this subsection (j) do not include (i) any bona fide pledge or loan; (ii) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (iii) any act incident to a class vote by stockholders, pursuant to the certificate of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of secu-

rities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (iv) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash;

(k) "Savings institutions" shall mean any savings and loan association or building and loan association operating pursuant to the "Savings and Loan Act (1963)," P.L.1963, c.144 (C.17:12B-2 et seq.), and any federal savings and loan association and any association or credit union organized under the laws of the United States or of any state whose accounts are insured by a federal corporation or agency;

(l) "Securities Act of 1933," 15 U.S.C. s.77a et seq.; "Securities Exchange Act of 1934," 15 U.S.C. s.78a et seq.; "Public Utility Holding Company Act of 1935," 15 U.S.C. s.79 et seq.; "Investment Advisers Act of 1940," 15 U.S.C. s.80b-1 et seq.; "Investment Company Act of 1940," 15 U.S.C. s.80a-1 et seq.; and "Commodity Exchange Act," 7 U.S.C. s.1 et seq. mean the federal statutes of those names;

(m)"Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement, including, but not limited to, certificates of interest or participation in real or personal property; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest in an oil, gas or mining title or lease; a viatical investment; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed or variable number of dollars either in a lump sum or periodically for life or some other specified period;

(n) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico;

(o) "Nonissuer" means secondary trading not involving the issuer of the securities or any person in a control relationship with the issuer;

(p) "Accredited investor" means any person who is an "accredited investor" as defined by subsection (15) of section 2 of the "Securities Act of 1933," 15 U.S.C. s.77b(a)(15), and 17 C.F.R. s.230.215 and s.230.501 or any successor rule promulgated pursuant to that act.

The bureau chief may rule, or order, waive or modify the conditions in this subsection (p) and shall interpret and apply this subsection (p) so as to effectuate greater uniformity and coordination in federal-state securities registration exemptions;

(q) "Direct participation security" means a security which provides for flow-through tax consequences (tax shelter), regardless of the structure of the legal entity or vehicle for distribution, including, but not limited to, a security representing an interest in gas, oil, real estate, agricultural property, cattle, a condominium, a Subchapter S corporation, a limited liability company and all other securities of a similar nature, regardless of the industry represented by the security, or any combination thereof. Excluded from this definition are real estate investment trusts, tax qualified pension and profit-sharing plans pursuant to sections 401 and 403(a) of the Internal Revenue Code of 1986, 26 U.S.C. ss.401 and 403(a), and individual retirement plans under section 408 of the Internal Revenue Code of 1986, 26 U.S.C. s.408, tax sheltered annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code of 1986, 26 U.S.C. s.403(b), and any company including separate accounts registered pursuant to the "Investment Company Act of 1940;"

(r) "Blind pool" means an offering of securities in which, as to 65% or more of the proceeds of the offering, the prospectus discloses no specific purpose to which the proceeds of the offering will be put, or the prospectus discloses no specific assets to be purchased, projects to be undertaken, or business to be conducted, except for:

(1) an offering of securities to provide working capital for an operating company (as opposed to a development stage company);

(2) an offering of securities by an investment company registered under the "Investment Company Act of 1940," including a business development company; or

(3) an offering of securities by a small business investment company licensed by the Small Business Administration or a business development company within the meaning of the "Investment Advisers Act of 1940;"

(s) "Investment adviser representative" means any person, including, but not limited to, a partner, officer, or director, or a person occupying a similar status or performing similar functions, or other individual, except clerical or ministerial personnel, who is employed by or associated with an investment adviser registered under this act, or who has a place of business located in this State and is employed by or associated with a person registered or required to be registered as an investment adviser under section

203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3; and who does any of the following:

(1) makes any recommendations or otherwise renders advice regarding securities if the person has direct advisory client contact;

(2) manages accounts or portfolios of clients;

(3) determines recommendations or advice regarding securities;

(4) solicits, offers or negotiates for the sale of or sells investment advisory services; or

(5) directly supervises any investment adviser representative or the supervisors of those investment adviser representatives. "Investment adviser representative" does not include a broker-dealer or an agent;

(t) "Institutional buyer" includes, but is not limited to, a "qualified institutional buyer" as defined in SEC Rule 144A, 17 C.F.R. s.230.144A;

(u) "Willful" or "willfully" means a person who acts intentionally in the sense that the person is aware of what he is doing;

(v) "Federal covered security" means any security described as a covered security in subsection (b) of section 18 of the "Securities Act of 1933," 15 U.S.C. s.77r(b);

(w) "Viatical investment" means the contractual right to receive any portion of the death benefit or ownership of a life insurance policy or certificate, for consideration that is less than the expected death benefit of the life insurance policy or certificate. Viatical investment does not include:

(1) any transaction between a viator and a viatical settlement provider as defined by the "Viatical Settlements Act", P.L.2005, c.229 (C.17B:30B-1 et al.);

(2) any transfer of ownership or beneficial interest in a life insurance policy from a viatical settlement provider to another viatical settlement provider as defined in the "Viatical Settlements Act", P.L.2005, c.229 (C.17B:30B-1 et al.) or to any legal entity formed solely for the purpose of holding ownership or beneficial interest in a life insurance policy or policies;

(3) the bona fide assignment of a life insurance policy to a bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan;

(4) the exercise of accelerated benefits pursuant to the terms of a life insurance policy issued in accordance with the provisions of Title 17B of the New Jersey Statutes; or

(5) a loan by a life insurance company pursuant to the terms of the life insurance contract;

(x) "Internet site operator" means a business entity organized under the laws of this State and authorized to do business in this State which makes

available to the public through an Internet website any offering pursuant to the exemption in paragraph (14) of subsection (b) of section 3 of P.L.1967, c.93 (C.49:3-50). "Internet site operator" shall not include a broker-dealer.

9. Section 3 of P.L.1967, c.93 (C.49:3-50) is amended to read as follows:

C.49:3-50 Exemptions of certain securities.

3. (a) The following securities are exempted from the provisions of sections 13 and 16 of P.L.1967, c.93 (C.49:3-60 and 49:3-63):

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank, savings institution, or trust company organized and supervised under the laws of any state or under the laws of the United States;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any savings institution;

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this State;

(6) (Deleted by amendment, P.L.1997, c.276.)

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (i) a registered holding company under the "Public Utility Holding Company Act of 1935" or a subsidiary of such a company within the meaning of that act; (ii) regulated in respect to its rates and charges by a governmental authority of the United States or any state; or (iii) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange, and such other exchanges as the bureau chief may from time to time designate

by rule or order; any security designated or approved for designation upon notice of issuance as a Nasdaq National Market security or any other national quotation system as the bureau chief from time to time may designate by rule or order; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) Any security issued by a person organized and operated exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 12 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employees' or professional stock purchase, savings, pension, profit-sharing, retirement or similar benefit plan and securities issued pursuant to an employee benefit plan;

(12) (a) The bureau chief by rule or order, as to a particular security or class of securities, may adopt a securities exemption (i) that will further the objectives of compatibility with the exemptions from securities registration authorized by the "Securities Act of 1933" and uniformity among the states, or (ii) if the bureau chief determines that the public interest does not require registration.

(b) The following transactions are exempted from the provisions of sections 13 and 16 of P.L.1967, c.93 (C.49:3-60 and 49:3-63):

(1) Any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) (i) Any nonissuer transaction by a broker-dealer registered under this act of a security, which has been outstanding in the hands of the public for at least 90 days prior to the transaction and which is sold at a price reasonably related to the current market price of such securities, provided:

(A) the securities are of an issuer for which all reports required to be filed by section 13 or 15(d) of the "Securities Exchange Act of 1934," 15 U.S.C. s.78m or s.78o(d) have been filed; or

(B) the following information is published in a recognized securities manual: the names of the issuer's officers and directors; a balance sheet of the issuer as of a date not more than 18 months prior to the date of the sale; and profit and loss statements for a period of not less than two years next

prior to the date of the balance sheet or for the period of the issuer's existence as of the date of the balance sheet if the period of existence is less than two years;

(ii) The exemption provided in this paragraph (2) does not apply if the sale constitutes a distribution and is made for the direct or indirect benefit of an issuer or controlling persons of that issuer or if those securities constitute the whole or part of an unsold allotment to, or subscription by, a broker-dealer as an underwriter of those securities. This exemption shall not be available for any securities which have been subject to a bureau stop order pursuant to section 17 of P.L.1967, c.93 (C.49:3-64), or a bureau order of denial of secondary trading pursuant to subsection (c) of this section;

(iii) Notwithstanding the foregoing, resale transactions by a sponsor of a unit investment trust registered pursuant to section 8 of the "Investment Company Act of 1940," 15 U.S.C. s.80a-8, shall be exempt from registration in this State.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the bureau chief may by rule require that the customer acknowledge upon a form prescribed by the bureau chief that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction on a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a single unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the "Investment Company Act of 1940," pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction which results in sales to not more than 10 persons (other than those persons designated in paragraph (8) of subsection (b) of this section in this State during any period of 12 consecutive months, whether or not the seller or any of the buyers is then present in this State, if

(i) the seller reasonably believes that all buyers are purchasing for investment, and (ii) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this State, and (iii) the securities are not offered or sold by general solicitation or any general advertisement; but the bureau chief may by rule or order, as to any transaction or class of transactions, withdraw or further condition this exemption, or increase or decrease the number of buyers permitted, or waive the conditions in subparagraph (i), (ii) or (iii) of this paragraph;

(10) Any offer or sale of a preorganization certificate or subscription if (i) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (ii) the number of subscribers does not exceed 10, and (iii) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State;

(12) Any transaction by or on behalf of an issuer, or other person, if (i) the seller has reasonable grounds to believe and, after making reasonable inquiry, believes, immediately prior to making any sale, that there are no more than 35 purchasers of the issue in this State during any period of 12 consecutive months and that each purchaser, who is not an accredited investor, either alone or with his representative has the knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment; (ii) a written offering statement or prospectus is furnished to each purchaser who is not an accredited investor containing substantially the same information as is required by subsection (b) of section 14 of P.L.1967, c.93 (C.49:3-61) or any applicable form of registration under federal law, and provided that if any purchaser is furnished with a written offering statement or prospectus, then all purchasers shall be furnished therewith; (iii) the securities shall not be offered or sold by general solicitation or any general advertisement; and (iv) a report of the offering is filed with the bureau not later than 15 days after the first sale of those securities in this State, setting forth the name and address of the issuer, the total amount of the securities sold under this paragraph (12), the price at which the securities were sold, the total number of purchasers of the securities, and the names and addresses of the purchasers of the securities who reside in this State, indicating the number and amount of the securities each purchased. Supplemental reports shall be filed promptly after the initial fil-

ing with the bureau whenever there are material changes to the information contained in the initial filing until the closing of the offering. A final report shall be filed at the closing of the offering if the information in the final report would be materially different from the last prior filing. The fee for filing the report with the bureau shall be established by regulation of the bureau chief. The information in the report of sale shall be deemed confidential and shall not be disclosed to the public except by order of the court or in court proceedings. In calculating the number of purchasers permitted under this paragraph, accredited investors shall be excluded;

(13) The bureau chief, by rule or order, as to a particular transaction or class of transactions, may adopt a transactional exemption (i) that will further the objectives of compatibility with the exemptions from securities registration authorized by the "Securities Act of 1933" and uniformity among the states, or (ii) if the bureau chief determines that the public interest does not require registration;

(14) Any transaction by or on behalf of an issuer if the following conditions are met:

(i) the issuer is a business entity organized under the laws of this State and authorized to do business in this State;

(ii) the transaction meets the requirements of the federal exemption for intrastate offerings in section 3(a)(11) of the federal "Securities Act of 1933" (15 U.S.C. s.77c(a)(11)) and Rule 147 adopted under the "Securities Act of 1933" (17 C.F.R. s.230.147);

(iii) the sum of all cash and other consideration to be received for all sales of the security in reliance on the exemption under this section, excluding sales to any accredited investor or institutional investor, does not exceed $1,000,000, except that an offer or sale to an officer, director, partner, trustee, or individual occupying similar status or performing similar functions with the issuer or to a person owning 10 percent or more of the outstanding securities of the issuer shall not be counted toward the aggregate monetary limitation of shares to be issued as established herein;

(iv) the offering is not a blind pool;

(v) the offering by the issuer is made exclusively through an Internet site which meets with the requirements of section 1 of P.L.2015, c.128 (C.49:3-77);

(vi) the issuer does not accept an investment of more than $5,000 from any single investor unless the investor is an accredited investor or institutional buyer;

(vii) the investor in the securities is a resident of this State;

(viii) not less than 10 days prior to the commencement of an offering of the security, the information required to be posted pursuant to section 1 of P.L.2015, c.128 (C.49:3-77) is filed with the bureau, in a form to be prescribed by the bureau, with a filing fee which is to be established by the bureau; and

(ix) the issuer has never previously sold securities pursuant to this paragraph.

(c) The bureau chief may by order deny or revoke any exemption specified in paragraph (9), (10) or (11) of subsection (a) of this section or in subsection (b) of this section with respect to a specific security or transaction. These exemptions may be denied or revoked for the grounds set forth in subsection (k) of section 9, section 11 and section 17 of P.L.1967, c.93 (C.49:3-56, 49:3-58 or 49:3-64). No such order may be entered without appropriate notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the bureau chief may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the bureau chief shall promptly notify all interested parties that it has been entered and of the reasons therefor.

(1) Upon service of notice of the order issued by the bureau chief, the respondent shall have up to 15 days to respond to the bureau in the form of a written answer and written request for a hearing. The bureau chief shall, within five days of receiving the answer and a request for a hearing, either transmit the matter to the Office of Administrative Law for a hearing or schedule a hearing at the bureau. Orders issued pursuant to this subsection (c) shall be subject to an application to vacate upon 10 days' notice, and a preliminary hearing on the order shall be held in any event within 20 days after it is requested; and the filing of a motion to vacate the order shall toll the time for filing an answer and written request for a hearing.

(2) If a respondent fails to respond by either filing a written answer and written request for a hearing with the bureau or moving to vacate an order within the 15-day prescribed period, the respondent shall be deemed to have waived the opportunity to be heard. The order will remain in effect until it is modified or vacated upon notice to all interested parties by the bureau chief. No order under this subsection may operate retroactively.

(d) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

10. Section 9 of P.L.1967, c.93 (C.49:3-56) is amended to read as follows:

C.49:3-56 Registration required.

9. (a) It shall be unlawful for any person to act as a broker-dealer, agent, investment adviser or investment adviser representative or Internet site operator in this State unless that person is registered or exempt from registration under this act;

(b) A person shall be exempt from registration as a broker-dealer if, during any period of 12 consecutive months, that person (1) does not effect more than 15 transactions with persons other than those specified in paragraph (5) of subsection (c) of section 2 of P.L.1967, c.93 (C.49:3-49) located within New Jersey; (2) does not effect transactions in more than five customer accounts of New Jersey residents; or (3) effects transactions with persons who have no place of residence in New Jersey and who are temporarily located in the State; if at the time of the transactions described in paragraph (1), (2) or (3) of this subsection (b), the broker-dealer has no place of business in this State and is a member in good standing of a recognized self-regulatory organization and is registered in the state in which the broker-dealer is located;

(c) Agents who represent broker-dealers in transactions exempt pursuant to paragraph (1), (2) or (3) of subsection (b) of this section shall be exempt from registration for those transactions if they are members of a recognized self-regulatory organization and registered in the state in which they are located at the time of the transaction;

(d) The burden of proving an exemption from registration under this section shall be on the person claiming the exemption. A person claiming an exemption from registration under this section shall keep his books and records open to inspection by the bureau. If the bureau chief finds it is in the public interest and necessary for the protection of investors, the bureau chief may deny any exemption specified in paragraph (1), (2) or (3) of subsection (b) or in subsection (c) of this section as to any broker-dealer or agent. The bureau chief may proceed in summary fashion or otherwise;

(e) The bureau chief may identify classes of customers, securities, transactions and broker-dealers for the purpose of increasing the number of transactions or accounts available under the exemptions specified in paragraph (1), (2) or (3) of subsection (b) or subsection (c) of this section;

(f) The bureau chief may by order identify the self-regulatory organizations recognized under subsections (b) and (c) of this section and may by rule or order define the conditions under which non-resident persons are temporarily in New Jersey under paragraph (3) of subsection (b) of this section;

(g) A person shall be exempt from registration as an investment adviser or from making a notice filing required by section 10 of P.L.1967, c.93 (C.49:3-57), if:

(1) The person has a place of business in this State and during any period of 12 consecutive months that person does not have more than five clients, who are residents of this State, other than those specified in subparagraph (vi) of paragraph (2) of subsection (g) of section 2 of P.L.1967, c.93 (C.49:3-49); or

(2) The person has no place of business in this State, and during any period of 12 consecutive months that person does not have more than five clients, who are residents of this State, other than those specified in subparagraph (vi) of paragraph (2) of subsection (g) of section 2 of P.L.1967, c.93 (C.49:3-49).

The bureau chief may by rule or order determine the availability of the exemptions provided by this subsection (g), including the waiver of the conditions in paragraphs (1) and (2) of this subsection;

(h) It shall be unlawful for any broker-dealer or issuer to employ an agent in this State unless the agent is registered. The registration of an agent is not effective during any period when he is not associated with a particular broker-dealer registered under this act or a particular issuer. When an agent begins or terminates a connection with a broker-dealer or issuer, or begins or terminates those activities which make him an agent, the agent as well as the broker-dealer or issuer shall promptly notify the bureau. When an agent terminates his connection with a particular broker-dealer or issuer, his authorization to engage in those activities which make him an agent is terminated;

(i) It shall be unlawful for any person to transact business in this State as an investment adviser unless (1) he is so registered under this act, is exempt from registration under this act, or is excluded from the definition of investment adviser under this act, or (2) he is registered as a broker-dealer without the imposition of a condition under paragraph (5) of subsection (b) of section 11 of P.L.1967, c.93 (C.49:3-58);

(j) It shall be unlawful for any investment adviser required to be registered pursuant to this section to employ an investment adviser representative, unless the investment adviser representative is also registered pursuant to this section. It is unlawful for any person registered or required to be registered as an investment adviser under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, to employ, supervise, or associate with an investment adviser representative having a place of business located in this State, unless that investment adviser representative is registered under this act, or is exempt from registration. The registration of an investment

adviser representative is not effective during any period when the investment adviser representative is not employed by an investment adviser registered pursuant to this section or registered under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3. When an investment adviser representative described in this subsection begins or terminates employment with an investment adviser, the investment adviser and the investment adviser representative shall promptly notify the bureau chief. When an investment adviser representative terminates his connection with a particular investment adviser, his authorization to engage in those activities which make him an investment adviser representative is terminated;

(k) The bureau chief may summarily bar, pending final determination of any proceeding under this subsection, any person, who has been convicted of any crime of embezzlement under state, federal or foreign law or any crime involving any theft, forgery or fraudulent practices in regard to any state, federal or foreign securities, banking, insurance, or commodities trading laws or anti-fraud laws, from being a partner, officer or director of an issuer, broker-dealer or investment adviser, or from occupying a similar status or performing a similar function or from directly or indirectly controlling or being under common control or being controlled by an issuer, broker-dealer or investment adviser, or from acting as a broker-dealer, agent or investment adviser in this State. Any person barred by this subsection shall be entitled to request a hearing by the same procedures as set forth in subsection (c) of section 3 of P.L.1967, c.93 (C.49:3-50);

(l) Notwithstanding any other provision of this act, the bureau chief may bring an administrative or court action pursuant to section 29 of P.L.1997, c.276 (C.49:3-70.1), to seek and obtain civil penalties for violations of this section;

(m) Every registration shall expire one year from its effective date unless renewed, except that the bureau chief may by rule provide that registrations shall all expire on the same date;

(n) Except with respect to advisers whose only clients are those described in subparagraph (vi) of paragraph (2) of subsection (g) of section 2 of P.L.1967, c.93 (C.49:3-49), it is unlawful for any person who is registered or required to be registered under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, as an investment adviser to conduct advisory business in this State, unless that person files those documents filed with the Securities and Exchange Commission with the bureau chief, as the bureau chief may by rule or otherwise require, and a fee and consent to service of process, as the bureau chief, by rule or otherwise, may require;

(o) Notwithstanding anything to the contrary in this act, until October 11, 1999, the bureau chief may require the registration of any person who is registered or required to be registered as an investment adviser under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-3, and who has failed to promptly pay the fees required by subsection (n) of this section after being notified in writing by the bureau chief of the non-payment or underpayment of those fees. A person shall be considered to have promptly paid those fees if they are remitted to the bureau chief within 15 days following that person's receipt of the written notification from the bureau chief;

(p) For the purposes of this section, each applicant for registration shall submit to the bureau chief, the applicant's name, address, fingerprints and written consent for a criminal history record background check to be performed. The bureau chief is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the bureau chief in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed.

11. Section 10 of P.L.1967, c.93 (C.49:3-57) is amended to read as follows:

C.49:3-57 Obtaining initial, renewal registration.

10. (a) A broker-dealer, agent, investment adviser or investment adviser representative, or Internet site operator may obtain an initial or renewal registration by filing with the bureau an application together with a consent to service of process pursuant to subsection (a) of section 26 of P.L.1967, c.93 (C.49:3-73). Financial Industry Regulatory Authority, Inc. (FINRA) member broker-dealers and their agents shall file their applications for initial or renewal registration with the Central Registration Depository, or its successor organization, as appropriate and available. The application shall contain whatever information the bureau chief by rule requires concerning such matters as (1) the applicant's form and place of organization; (2) the applicant's proposed method of doing business; (3) the qualifications and business history of the applicant; in the case of a broker-dealer or investment adviser, the

qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser; and, in the case of an investment adviser or registered broker-dealer acting as an investment adviser, the qualifications and business history of any employee who is to give investment advice or who is an investment adviser representative; (4) any injunction or administrative order or conviction of a crime of the fourth degree or its equivalent in any other jurisdiction involving a security or any aspect of the securities or investment advisory business and any conviction of a crime of the first, second or third degree or its equivalent in any other jurisdiction; (5) the applicant's financial condition; and (6) in the case of an investment adviser, a copy of any information or brochure used by the adviser to comply with any rule of the bureau promulgated pursuant to subsection (b) of section 12 of P.L.1967, c.93 (C.49:3-59). If no denial, postponement or suspension order is in effect and no proceeding is pending under section 11 of P.L.1967, c.93 (C.49:3-58), registration becomes effective at noon of the thirtieth day after an application is filed. The bureau chief may by rule or order specify an earlier effective date, or he may by order defer the effective date until the first day of the next calendar month after the thirtieth day after the filing of the application. The bureau chief may by order defer the effective date for additional periods, as the applicant shall agree to in writing. The time limits herein provided shall run anew from the filing of any amendment;

(b) Every applicant for initial or renewal registration for broker-dealer, agent, investment adviser and investment adviser representative, and Internet site operator shall pay filing fees in the amounts as set by rule of the bureau chief. If an application is denied or withdrawn, the bureau shall retain the fee. Whenever any supplemental filing is made, for the purpose of keeping current the information furnished to the bureau chief, there may be a supplemental filing fee in an amount set by rule of the bureau chief;

(c) A registered broker-dealer, investment adviser, or Internet site operator may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the registration period. There shall be no filing fee, except as may be provided by rule of the bureau chief;

(d) (1) The bureau chief may by rule require a minimum capital for registered broker-dealers not to exceed the limitations provided in section 15 of the "Securities Exchange Act of 1934," 15 U.S.C. s.78o. The minimum capital required for a registered broker-dealer shall be determined by rule of the bureau chief;

(2) The bureau chief may by rule establish minimum financial requirements for investment advisers, not to exceed the limitations provided in section 222 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-18a, which may include different requirements for those investment advisers who maintain custody of or have discretionary authority over clients' funds or securities and investment advisers who do not maintain such custody or discretionary authority;

(e) The bureau chief may by rule require registered investment advisers who have custody of clients' funds or securities to post bonds in amounts not to exceed the limitations provided in section 222 of the "Investment Advisers Act of 1940," 15 U.S.C. s.80b-18a and registered broker-dealers to post bonds in amounts not to exceed the limitations provided in section 15 of the "Securities Exchange Act of 1934," 15 U.S.C. s.78o, and may determine their conditions. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond so required. Every bond shall provide for suit thereon by any person who has a cause of action under section 24 of P.L.1967, c.93 (C.49:3-71). Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which it is based, or within two years of the time when the person aggrieved knew or should have known of the existence of his cause of action, whichever is later. The dollar amount of the bonds shall be set by rule of the bureau chief;

(f) (1) The bureau chief may by rule provide for an examination which may be written or oral or both, to be taken by any class of or all applicants, as well as persons who represent or will represent an investment adviser in doing any of the acts which make him an investment adviser;

(2) Each applicant for broker-dealer, agent, investment adviser or investment adviser representative who takes an examination provided pursuant to paragraph (1) of this subsection shall pay examination fees in the amounts as set forth by rule of the bureau chief;

(g) (1) Registration as a broker-dealer or agent under this act for the limited purpose of engaging in the business of effecting or attempting to effect transactions in direct participation securities for the accounts of others or for his own account shall be permitted. All the requirements of this act shall apply to these limited registrations; except that any examination or other evaluation of proficiency or knowledge required by the bureau for this registration shall be limited to matters relating to direct participation securities and to the requirements of laws and regulations applicable to this registrant.

(2) Any applicant for a limited registration shall acknowledge in writing to the bureau prior to registration that he understands (i) the limitations

on the scope of his authority to do business pursuant to this limited registration; and (ii) that any activity which exceeds the limitations of the registration shall violate the provisions of this act and may result in disciplinary action by the bureau, prosecution under this act or other laws, or civil liability, to the same extent as if he was not registered under this act.

12. Section 11 of P.L.1967, c.93 (C.49:3-58) is amended to read as follows:

C.49:3-58 Denial, suspension, revocation of registration.

11. (a) The bureau chief may by order deny, suspend, or revoke any registration if he finds:

(1) that the order is in the public interest; and

(2) that the applicant or registrant or, in the case of a broker-dealer, investment adviser, or Internet site operator, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer, investment adviser, or Internet site operator:

(i) has filed an application for registration which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) has willfully violated or willfully failed to comply with any provision of this act or any rule or order authorized by this act or has willfully, materially aided others in such conduct;

(iii) has been convicted of any crime involving a security or any aspect of the securities, commodities, banking, insurance or investment advisory business or any crime involving moral turpitude; however, where the applicant can show by proof satisfactory to the bureau chief that during the 10-year period preceding the application he has conducted himself in such a manner as to warrant his registration consistent with all other provisions of this act, the conviction shall not be a bar to registration;

(iv) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities, commodities, banking, insurance or investment advisory business;

(v) is the subject of an effective order of the bureau chief denying, suspending, or revoking registration as a broker-dealer, agent, investment ad-

viser, investment adviser representative, securities offering registrant, or Internet site operator;

(vi) is the subject of an order entered within the past five years by any federal or state securities, commodities, banking, insurance or investment advisory administrator or self-regulatory organization denying or revoking a securities, commodities, banking, insurance or investment advisory license or registration under federal or state securities, commodities, banking, insurance or investment advisory law, including, but not limited to registration as a broker-dealer, agent, investment adviser, investment adviser representative or issuer, or the substantial equivalent of those terms as defined in this act, or is the subject of an order of the Securities and Exchange Commission, a self-regulatory organization, the Commodity Futures Trading Commission, an insurance regulator, or a federal or state banking regulator, suspending or expelling him from a national securities or commodities exchange or national securities or commodities association registered under the "Securities Exchange Act of 1934," or the "Commodity Exchange Act," or from engaging in the banking or insurance business, or is the subject of a United States Post Office fraud order; but (A) the bureau chief may not institute a revocation or suspension proceeding under this subparagraph (vi) more than two years from the date of the order relied on and (B) he may not enter an order under this subparagraph (vi) on the basis of an order under another state act unless that order was based on facts which would currently constitute a ground for an order under New Jersey law;

(vii) has engaged in dishonest or unethical practices in the securities, commodities, banking, insurance or investment advisory business, as may be defined by rule of the bureau chief;

(viii) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the bureau chief may not enter an order against a broker-dealer or investment adviser for insolvency without a finding of insolvency as to the broker-dealer or investment adviser;

(ix) is not qualified on the basis of such factors as character, training, experience and knowledge of the securities business, except as otherwise provided in subsection (b) of this section;

(x) has failed to pass an examination under subsection (f) of section 10 of P.L.1967, c.93 (C.49:3-57) if such an examination has been by rule provided for by the bureau chief;

(xi) has failed reasonably to supervise: his agents if he is a broker-dealer or issuer; the agents of a broker dealer or issuer for whom he has

supervisory responsibility; or his employees who give investment advice if he is an investment adviser;

(xii) has failed to pay the proper fees, as set by rule of the bureau chief.

(b) The following provisions govern the application of subparagraph (ix) of paragraph (2) of subsection (a) of this section:

(1) The bureau chief may not enter an order against a broker-dealer on the basis of the lack of qualification of any person other than (i) the broker-dealer himself if he is an individual or (ii) an agent of the broker-dealer;

(2) The bureau chief may not enter an order against an investment adviser on the basis of the lack of qualification of any person other than (i) the investment adviser himself if he is an individual or (ii) any other person who represents the investment adviser in doing any of the acts which make him an investment adviser;

(3) The bureau chief may not enter an order solely on the basis of lack of experience if the applicant or registrant is qualified by training or knowledge or both;

(4) The bureau chief shall consider that an agent who will work under the supervision of a registered broker-dealer need not have the same qualifications as a broker-dealer;

(5) The bureau chief shall consider that an investment adviser is not necessarily qualified solely on the basis of experience as a broker-dealer or agent. If he finds that an applicant for initial or renewal registration as a broker-dealer is not qualified as an investment adviser, he may by order condition the applicant's registration as a broker-dealer upon his not transacting business in this State as an investment adviser.

(c) The bureau chief, for good cause shown, may by order summarily postpone, suspend, revoke or deny any registration pending final determination of any proceeding under this section. Upon entry of the order, the bureau chief shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent or an investment adviser representative, that the order has been entered and of the reasons therefor.

(1) The bureau chief shall entertain on no less than three days' notice a written application to lift the summary postponement, suspension or revocation on written application of the applicant or registrant and in connection therewith may, but need not, hold a hearing and hear testimony, but shall provide to the applicant or registrant a written statement of the reasons for the summary postponement, suspension or revocation.

(2) Upon service of notice of the order issued by the bureau chief, the applicant or registrant shall have up to 15 days to respond to the bureau in the

form of a written answer and written request for a hearing. The bureau chief shall, within five days of receiving the answer and a request for a hearing, either transmit the matter to the Office of Administrative Law for a hearing or schedule a hearing at the Bureau of Securities. Orders issued pursuant to this subsection to suspend or revoke any registration shall be subject to an application to vacate upon 10 days' notice, and a preliminary hearing on the order to suspend or revoke any registration shall be held in any event within 20 days after it is requested, and the filing of a motion to vacate the order shall toll the time for filing an answer and written request for a hearing.

(3) If an applicant or registrant fails to respond by filing a written answer and request for a hearing with the bureau or moving to vacate an order to suspend or revoke any registration within the 15-day prescribed period, the registrant shall have waived the opportunity to be heard and the order shall remain in effect until modified or vacated.

(d) If the bureau chief finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, agent, investment adviser, investment adviser representative, or Internet site operator, or is subject to an adjudication of incapacity or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the bureau chief may by order summarily revoke or deny the registration or application;

(e) Withdrawal from registration as a broker-dealer, agent, investment adviser, investment adviser representative, or Internet site operator becomes effective 30 days after receipt of an application to withdraw or within such other period of time as the bureau chief may determine by rule or order. The bureau chief may nevertheless institute a revocation or suspension proceeding under subparagraph (ii) of paragraph (2) of subsection (a) of this section within two years after withdrawal becomes effective and enter a revocation or suspension order as of the last date on which registration was effective;

(f) (Deleted by amendment, P.L.1997, c.276).

(g) Every hearing which this act requires to be held shall be held in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

13. This act shall take effect immediately, and shall apply to any transaction entered into after the effective date of this act.

Approved November 9, 2015.

CHAPTER 129

AN ACT authorizing the creation of a municipal shared services energy authority to provide for shared facilities, powers and services, amending P.L.1971, c.198 and supplementing Title 40A of the New Jersey Statutes.

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

C.40A:66-1 Short title.

1. This act shall be known and may be cited as the "Municipal Shared Services Energy Authority Act."

C.40A:66-2 Findings, declarations relative to municipal shared services energy authority.

2. The Legislature finds and declares that for many years, municipalities in the State have had the power to construct and maintain facilities for the generation and distribution of electricity; that nine municipalities and one rural electric cooperative presently own and operate electric utility systems for the benefit of their residents and businesses; and that the generation and distribution of electricity has evolved from a local and statewide endeavor into a national marketplace and this evolution has resulted in a system where the size and sophistication of the market participants influence the ability to efficiently compete in the marketplace.

The Legislature further finds and declares that the ability to reserve sufficient electric capacity at reasonable prices to ensure safe, reliable, and efficient electrical power to local businesses and residents is paramount in the present marketplace, and the ability is contingent on the power to contract for the generation or delivery of a sufficient quantity of wholesale power and to act as a contracting partner in long term, short term, and spot market wholesale power supply contracts; and that given this evolution of the electric supply marketplace, the municipal electric utilities operating in New Jersey should be authorized to act jointly to achieve greater efficiencies in the procurement and generation of electric power at the wholesale level to benefit the retail customers in the participating municipalities.

The Legislature further finds and declares that the operation of electric utility systems by municipalities and the improvement of these systems through joint action in the wholesale procurement of electricity and transmission services, and in the generation, transmission, and distribution of electric power and energy within the corporate limits and franchise areas of

the participating municipalities, are in the public interest; and that the establishment of a municipal shared services energy authority by municipalities that currently own or operate electric utility systems will ensure the continued viability and stability of these systems, by enabling municipalities to act jointly to develop coordinated bulk power and fuel supply programs, post collateral, and act as a market participant in these programs, thereby providing the means to pursue efficiencies and savings for retail customers within their corporate limits and franchise areas.

The Legislature therefore determines that it is in the public interest to permit existing municipally-owned or operated electric utility systems to act jointly through the voluntary creation of a single municipal shared services energy authority, to authorize the authority to perform according to standard electric industry practices, in order to aid in promoting the stability and viability of these systems, and to achieve the efficiencies and savings for the retail customers of these utility systems located within the corporate limits and franchise areas of the participating municipalities.

C.40A:66-3 Definitions relative to municipal shared services energy authority.

3. As used in P.L.2015, c.129 (C.40A:66-1 et al.):

"Bonds" means any bonds, interim certificates, notes, debentures, or other obligations issued by the municipal shared services energy authority pursuant to P.L.2015, c.129 (C.40A:66-1 et al.).

"Collateral" means cash, letters of credit, or other security of a party to a wholesale power supply contract acceptable to the counterparty, which shall be valued in accordance with the terms of the applicable wholesale power supply contract and which shall be otherwise consistent with electric industry standards in the marketplace, and which shall secure the obligations of the municipal shared services energy authority and its counterparty under a wholesale power supply contract.

"Cost" means, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of an electric supply project located within the corporate limits and franchise areas of the members and of all or any property, rights, easements, privileges, agreements, and franchises 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, engineering and inspection costs, legal expenses, cost of financial, professional, and other estimates and advice, organization, administrative, operating, and other expenses of the municipal shared services energy authority prior to and during acquisition or construction, and all other expenses as may be necessary or incident to the financ-

ing, acquisition, construction, and completion of an electric supply project or part thereof, and the placing of a project in operation, and the provision or reserves for working capital, operating, maintenance, replacement expenses, payment or security of principal of, or interest on, bonds during or after acquisition or construction as the authority may determine, and reimbursements to the authority or any county, municipality, or other person of any monies theretofore expended for the purposes of the authority or to any county or municipality of any monies theretofore expended for or in connection with electric utility systems and facilities.

"Electric supply project" or "project" means: a. any plant, works, system, facility, and real and personal property of any nature whatsoever, together with all parts thereof and appurtenances thereto, located within the corporate limits and franchise areas of the members, that are used or useful in the generation, production, transmission, distribution, purchase, sale, exchange, or interchange of electric power and energy, in whole or in part; b. the acquisition or transportation of fuel of any kind for the generation or production of electric power and energy within the corporate limits and franchise areas of the members; c. the storage or reprocessing of that fuel within the corporate limits and franchise areas of the members for the generation or production of electric power and energy within the corporate limits and franchise areas of the members or d. any conservation measures, for the benefit of the members, including the utilization of renewable capacity and energy, or any interest therein or right to capacity thereof that occurs within the corporate limits and franchise areas of the members.

"Energy" means: a. the output of an electric supply project measured in megawatt hours or kilowatt hours; or b. that portion of a wholesale power supply contract measured in megawatt hours or kilowatt hours.

"Inter-municipal agreement" means an agreement as provided in section 5 of P.L.2015, c.129 (C.40A:66-5), adopted by the members creating the municipal shared services energy authority and defining the rights and responsibilities of the authority and its members, as may be amended as provided herein, to, among other things, add a rural electric cooperative that exists in the State on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.), as a member.

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

"Member" means a municipality or a rural electric cooperative that, on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.), provides electric service to customers within the State and that enters into an initial or

amended inter-municipal agreement of a municipal shared services energy authority.

"Member municipality" means a municipality that, on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.), operates a retail electric distribution system pursuant to R.S.40:62-12 et seq., that joins with other member municipalities to create or join the municipal shared services energy authority pursuant to section 4 of P.L.2015, c.129 (C.40A:66-4).

"Municipal shared services energy authority" or "authority" means the authority created pursuant to section 4 of P.L.2015, c.129 (C.40A:66-4).

"Power supply contract" means: a. a contractual arrangement between the authority and another person for the purchase of wholesale electric power and energy and component goods and services related thereto by the authority for its members; b. a contractual arrangement between the authority and its members for the wholesale sale of electric power and energy produced by the authority's generation facilities; or c. a contractual arrangement between the authority and any other person for the wholesale sale of excess electric power and energy purchased or produced by the authority that is not needed to serve the load within the corporate limits and franchise areas of the members. A power supply contract shall not include a contract for the sale of excess power by the authority to any other municipality.

"Public agency" means any municipality or other municipal corporation, political subdivision, government unit, or public corporation created under the laws of this State, another state, or under federal law, any state, the United States, and any person, board, or other body declared by State or federal law to be a department, agency or instrumentality thereof.

"Rural electric cooperative" means a non-profit cooperative in existence on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.), that serves customers within the State and that is exclusively owned and controlled by the customers it serves, and which is exempt from the jurisdiction of the Board of Public Utilities pursuant to section 1 of P.L.1983, c.78 (C.48:2-13.1).

C.40A:66-4 "Municipal shared services energy authority."

4. a. Any combination of three or more municipalities that, on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.), operate retail electric distribution systems pursuant to R.S.40:62-12 et seq. may, by adoption of parallel ordinances approving an inter-municipal agreement, establish a separate legal entity to be known as the "municipal shared services energy authority" to be used by its members to effect joint development of electric energy resources or production, distribution, and transmission of electric power and energy, including the utilization of renewable capacity and ener-

gy, in whole or in part, for the benefit of its members. Notwithstanding any other law to the contrary, following approval by the Local Finance Board pursuant to subsection b. of this section, the final adoption by the municipalities of the parallel ordinances, and due execution by the municipalities, the inter-municipal agreement shall have a term as provided by the inter-municipal agreement. The member municipalities that enter into the inter-municipal agreement may thereafter amend the inter-municipal agreement as provided in subsection e. of this section.

Only one municipal shared services energy authority may be established pursuant to P.L.2015, c.129 (C.40A:66-1 et al.).

b. Upon the introduction of the parallel ordinances by each municipality seeking to create the authority, but before final adoption of the ordinances, copies of the ordinances, together with the proposed inter-municipal agreement, shall be submitted to the Local Finance Board for approval. If, upon submission of a complete application for approval of the proposed inter-municipal agreement, the Local Finance Board does not approve the agreement, it shall specify the reason or reasons therefor, and shall file its statement with the clerk of each member municipality. If the Local Finance Board does not act upon the application for approval of the proposed inter-municipal agreement within 60 days after receipt of the submission of a complete application, then the ordinances and proposed inter-municipal agreement shall be deemed approved and the municipalities may proceed to adopt the proposed ordinances.

c. Once the authority has been legally established pursuant to the provisions of P.L.2015, c.129 (C.40A:66-1 et al.), only those municipalities that operate a retail electric distribution system pursuant to R.S.40:62-12 et seq. on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.) may join the authority as provided in this subsection.

(1) A municipality requesting to become a member of the authority shall negotiate an amended inter-municipal agreement on terms and conditions acceptable to the members. Once an amended inter-municipal agreement has been agreed to, it shall be submitted for approval to the board of commissioners of the authority. Adoption of an amended inter-municipal agreement shall require the approval by a two-thirds majority vote of the full membership of the board of commissioners, approval by the Local Finance Board of the proposed amended agreement, and final adoption by each member municipality of an ordinance approving the proposed agreement, as provided in subsection e. of this section.

(2) The municipality requesting to become a member of the authority shall introduce an ordinance approving the amended inter-municipal

agreement as approved by the board of commissioners of the authority. Upon the introduction of the ordinance, but before final adoption of the ordinance, copies of the ordinance, together with the proposed amended inter-municipal agreement, shall be submitted to the Local Finance Board for approval. If, upon submission of a complete application for approval of the proposed amended inter-municipal agreement, the Local Finance Board does not approve the agreement, it shall specify the reason or reasons, therefor, and shall file its statement with the clerk of each member municipality. If the Local Finance Board does not disapprove the application for approval of the proposed amended inter-municipal agreement within 60 days after receipt of a complete application, then the ordinance and proposed amended inter-municipal agreement shall be deemed approved and the municipality may proceed to adopt the proposed ordinance.

d. Once the authority has been established, it may add a rural electric cooperative that exists on the effective date of P.L.2015, c.129 (C.40A:66-1 et al.) as a member as provided in this subsection.

(1) A rural electric cooperative requesting to become a member of the authority and the board of commissioners of the authority shall negotiate an amended inter-municipal agreement on terms and conditions acceptable to the parties. Once an amended inter-municipal agreement has been agreed to, it shall be submitted for approval by the board of commissioners. Adoption of an amended inter-municipal agreement shall require approval by a two-thirds majority vote of the full membership of the board of commissioners and approval by ordinance of each member municipality as provided in subsection e. of this section.

(2) The authority shall submit the proposed amended inter-municipal agreement for approval to the Local Finance Board. If, upon submission of a complete application for approval of the proposed amended inter-municipal agreement, the Local Finance Board does not approve the agreement, it shall specify the reason or reasons, therefor, and shall file its statement with the clerk of each member municipality. If the Local Finance Board does not act upon the application for approval of the proposed amended inter-municipal agreement within 60 days after receipt of a complete application, then the proposed amended inter-municipal agreement shall be deemed approved.

e. Upon approval by the board of commissioners of an amended inter-municipal agreement, each member municipality shall introduce an ordinance approving the amended inter-municipal agreement. Before final adoption of the ordinances, copies of the ordinances, together with the proposed amended inter-municipal agreement, shall be submitted to the Local Finance Board for

approval. If, upon submission of a complete application for approval of the proposed amended inter-municipal agreement, the Local Finance Board does not approve the agreement, it shall specify the reason or reasons, therefor, and shall file its statement with the clerk of each member municipality. If the Local Finance Board does not act upon the application for approval of the proposed amended inter-municipal agreement within 60 days after receipt of the submission of a complete application, then the ordinances and proposed amended inter-municipal agreement shall be deemed approved and the municipalities may proceed to adopt the proposed ordinances.

C.40A:66-5 Provision of inter-municipal agreement.

5. The inter-municipal agreement establishing the municipal shared services energy authority pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall provide:

a. The name and purpose of the authority and the functions or services to be provided by the authority;

b. The establishment and organization of a governing board for the authority which shall be a board of commissioners in which the powers of the authority are vested. The inter-municipal agreement may provide for the creation by the board of commissioners of an executive committee to which the power and duties may be delegated as the board shall specify;

c. The number of commissioners, the manner of their appointment, the terms of office, if any, and the procedure for filling vacancies on the board. Commissioners shall receive no compensation for their service on the board. Each member shall have the power to appoint one member to the board of commissioners and shall be entitled to remove that member at will;

d. The manner of selection of the executive director and staff of the authority and their duties;

e. The voting requirements for action by the board; but, unless specifically provided otherwise, a majority of commissioners shall constitute a quorum and a majority of the quorum shall be necessary for any action taken by the board;

f. The duties of the board, which shall include the obligation to comply with the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) except as otherwise provided in P.L.2015, c.129 (C.40A:66-1 et al.), and the laws of this State and, in addition, with every provision in the inter-municipal agreement creating the authority on its part to be kept or performed;

g. The manner in which additional municipalities and rural electric cooperatives as authorized pursuant to section 4 of P.L.2015, c.129

(C.40A:66-4) may become parties to the inter-municipal agreement by amendment;

h. The manner in which members may withdraw from participation in the inter-municipal agreement, which shall include a defeasance of the member's pro-rata share of any bonds issued by the authority;

i. Provisions for the disposition, division, or distribution of any property or assets of the authority on dissolution;

j. The term of the inter-municipal agreement, which may be a definite period or until rescinded or terminated, and the method, if any, by which the inter-municipal agreement may be rescinded or terminated, but the inter-municipal agreement may not be rescinded or terminated so long as the authority has bonds outstanding, unless provision for full payment of the bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture, or security instrument securing the bonds; and

k. The terms for payment to the authority of funds for commodities to be procured and services to be rendered by the authority, including the authority to enter into purchase agreements between the members and the authority for the purchase of wholesale electric power and energy whereby the member is obligated to make payments or provide collateral in amounts which shall be sufficient to enable the authority to meet its expenses, interest, and principal payments, whether at maturity or upon sinking fund redemption, for its bonds, reasonable reserves for debt service, operation, and maintenance and renewals and replacements and the requirements of any rate covenant with respect to debt service coverage contained in any resolution, trust indenture, or other security instrument. The purchase agreements between the members and the authority may contain other terms and conditions as the authority and the members may determine, including provisions whereby a member is obligated to pay for electric power and energy irrespective of whether electric power and energy is produced or delivered to the member or whether any electric supply project contemplated by the agreement is completed, operable or operating, and notwithstanding suspension, interruption, interference, reduction, or curtailment of the output of the electric supply project. The inter-municipal agreement may further provide that, if one or more of the members defaults in the payment of its obligations under a purchase agreement, the remaining members, which also have purchase agreements, shall be required to accept and pay for, and shall be entitled proportionately to use or otherwise dispose of, the power and energy to be purchased by the defaulting purchaser. For the purposes

of this section, "purchase of electric power and energy" includes the purchase of any right to capacity, or interest in, any electric supply project.

C.40A:66-6 Construction of act.

6. Nothing in P.L.2015, c.129 (C.40A:66-1 et al.) shall be construed to restrict the right of a person to form a rural electric cooperative or a municipality to engage in functions authorized pursuant to R.S.40:62-12 et seq.

C.40A:66-7 Certain interest in contracts prohibited.

7. A commissioner, officer, or employee of the municipal shared services energy authority shall not have or acquire any interest, direct or indirect, in any contract or proposed contract or property related to the provision of wholesale electric power, transmission, generation, materials, services, or supplies to be furnished, to or used by, the authority or any of its members.

C.40A:66-8 Municipal shared services energy authority to be public body politic and corporate; powers.

8. The municipal shared services energy authority shall be a public body politic and corporate, established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare. The authority shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate but shall not have taxing power. The authority shall be a "contracting unit" for purposes of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), shall have perpetual succession, and, to meet the electric power or energy needs of its members, shall have the following powers:

a. To adopt and have a common seal and to alter the same at pleasure;

b. To sue and be sued;

c. To acquire, own, rent, hold, lease, as lessor or lessee, use and sell or otherwise dispose of, mortgage, pledge, or grant a security in, any real or personal property, commodity, or service or interest therein;

d. To hold or place collateral with a counterparty to a wholesale power supply contract and to account for value and use collateral as provided in the power supply contract, notwithstanding any other law or regulation to the contrary;

e. To plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend, or improve one or more electric supply projects within the corporate limits and franchise areas of the members, and act as agent, or designate one or more other persons participating in an electric supply project to act as its agent, in connection with

the planning, acquisition, construction, operation, maintenance, repair, extension, or improvement of the electric supply project for generation, production, transmission, and provision to the members of the authority of electrical power and energy at wholesale, to meet the electric power or energy needs of the members, provided that the authority shall not sell electric power or energy at the retail level;

f. To enter into franchises, exchange, interchange, pooling, wheeling, or transmission agreements with any person, firm, entity, or public agency in order to purchase wholesale electric power and energy for the members, or to sell excess power and energy purchased or produced by the members' generation assets and not needed to serve the load within the corporate limits and franchise areas of the members, and to negotiate for, and buy fuels necessary for the production of electric power and energy within the corporate limits and franchise areas of the members, to develop bulk power and fuel supply programs, and to implement energy conservation measures within the corporate limits and franchise areas of the members as necessary or appropriate, to meet the electric power or energy needs of its members;

g. To negotiate and enter into power supply contracts pursuant to section 19 of P.L.2015, c.129 (C.40A:66-19) and to take actions as are necessary to remain in compliance with the terms of those contracts;

h. To make and execute additional contracts and other instruments necessary or convenient to the exercise of its powers;

i. To employ agents and employees;

j. To contract with any person, entity, or public agency within or outside the State of New Jersey for the construction of any electric supply project within the corporate limits and franchise area of its members or for the purchase, sale, or transmission of electric power and energy generated by any electric supply project located within the corporate limits and franchise area of its members, in whole or in part, for the benefit of its members, or for any interest or share therein, or any right to capacity thereof, on terms and for a period of time as its board shall determine, provided that the authority shall not enter into any contract that speculates in the energy markets and the authority shall not construct or contract for the construction of any electric supply project that, when added to the existing authority-owned or co-owned generation assets, will produce more than 105 percent of the power and energy requirements of the members;

k. To purchase and sell, exchange, or transmit electric power and energy at wholesale within and outside the State, consistent with federal law, in amounts as it shall determine to be necessary or appropriate to make the most effective use of its powers and to meet its responsibilities, to sell, ex-

change, or transmit excess electric power purchased or produced by electric generation facilities within the corporate limits and franchise areas of its members that is not needed to serve the load within those corporate limits and franchise areas;

l. To co-own an electric generating facility project initiated by any person and constructed outside the corporate limits and franchise area of the members, provided that: (1) the share of authority co-ownership shall be restricted to supply the electric and power needs of the members of the authority; and (2) when added to the aggregate of existing authority-owned or member-owned generation facilities together with co-ownership of facilities outside of the corporate limits and franchise areas of the members, the aggregate produces no more than 105 percent of the power and energy needs of the members;

m. To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold, and dispose of any bonds;

n. To accept gifts or grants of real or personal property, money, material, labor, or supplies solely for the purposes and exclusive use and benefit of the municipal shared services energy authority, and to make and perform those agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance, or disposition of the gifts or grants;

o. To make and enforce by-laws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance, and operation of its properties and to amend its by-laws;

p. To do and perform any acts and things authorized by P.L.2015, c.129 (C.40A:66-1 et al.), through or by means of its own officers, agents, and employees, or by contract with any person;

q. To enter into any and all contracts, execute any and all instruments, and do and perform any and all things or acts necessary, convenient, or desirable for the purposes of the municipal shared services energy authority, or to carry out any power expressly authorized under P.L.2015, c.129 (C.40A:66-1 et al.);

r. To exercise powers which are granted to municipalities under R.S.40:62-12 et seq.;

s. To join organizations, including private or trade organizations, which the board of commissioners has deemed to be beneficial to the accomplishment of the authority's purposes;

t. To enter into a power supply contract, lease, operation contract, or contract for management of electric generation within the corporate limits and franchise areas of its members, or for the purchase of fuel for electric generation within the corporate limits and franchise areas of the members,

to meet the electric power or energy needs of its members, for a term not to exceed 40 years; and

u. To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in those obligations, securities, and other investments as the authority deems to be proper and as the members of the authority are authorized pursuant to law.

C.40A:66-9 Issuance of bonds.

9. a. In order to meet the electric power needs of its members, the municipal shared services energy authority shall have the power to authorize or provide for the issuance of bonds pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) for the purpose of raising funds to pay the cost of any part of an electric supply project, to fulfill the terms of a power supply contract, including any provision for collateral or related performance security measures, and to fund or refund any bonds.

b. The municipal shared services energy authority shall adopt a bond resolution which shall:

(1) describe in brief and general terms sufficient for reasonable identification the electric supply project or part thereof, to be constructed or acquired, or describe the bonds which are to be funded or refunded, if any;

(2) state the cost or estimated cost of the project, if any; and

(3) provide for the issuance of the bonds in accordance with sections 10 through 18 of P.L.2015, c.129 (C.40A:66-10 through C.40A:66-18).

C.40A:66-10 Powers upon adoption of bond resolution.

10. Upon adoption of a bond resolution, the municipal shared services energy authority shall have power to incur indebtedness, borrow money, and issue its bonds for the purpose of financing a project to meet the electric power needs of its members or of funding or refunding the bonds issued pursuant to P.L.2015, c.129 (C.40A:66-1 et al.). The bonds shall be authorized by the bond resolution and may be issued in one or more series and shall bear the date or dates, mature at a time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within a maximum rate as permitted by law, be in a denomination or denominations, be in a form, either coupon or registered, carry conversion or registration privileges, have a rank or priority, be executed in a manner, be payable from sources in a medium of payment at a place or places within or without the State, and be subject to the terms of redemption, with or without a premium, as the bond resolution may provide.

C.40A:66-11 Sale of bonds.

11. Bonds of the municipal shared services energy authority may be sold by the municipal shared services energy authority at public or private sale, and at a price or prices the municipal shared services energy authority shall determine subject to the provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c. 313 (C.40A:5A-1 et seq.).

C.40A:66-12 Filing of copy of bond resolution for public inspection, publication.

12. The municipal shared services energy authority may cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and in the office of the clerk of the governing body of each member municipality, and may thereupon cause to be published, in a newspaper published or circulating in each member's community, a notice stating the fact and date of this adoption and the places where the bond resolution has been filed for public inspection, the date of the first publication of the notice, and that any action or proceeding in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements, or contract provided for by the bond resolution, shall be commenced within 20 days after the first publication of the notice. If the notice shall at any time be published and if no action or proceeding questioning the validity of the establishment of the municipal shared services energy authority or the validity or proper authorization of bonds provided for by the bond resolution referred to in the notice, or the validity of any covenants, agreements, or contract provided for by the bond resolution shall be commenced or instituted within 20 days after the first publication of the notice, then all residents and taxpayers and owners of property in each of the member municipalities, and all other persons whatsoever, shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceedings, questioning the validity of the establishment of the municipal shared services energy authority, the validity or proper authorization of the bonds, or the validity of the covenants, agreements, or contracts, and the municipal shared services energy authority shall be conclusively deemed to have been validly established and to be authorized to transact business and exercise powers as an authority pursuant to P.L.2015, c.129 (C.40A:66-1 et al.), and the bonds, covenants, agreements, and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

C.40A:66-13 Bond, obligation, coupon fully negotiable.

13. The provisions of any law, rule, or regulation to the contrary notwithstanding, any bond or other obligation issued pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall be fully negotiable for the purposes of the negotiable instruments law under Title 12A of the New Jersey Statutes, and each holder or owner of a bond or other obligation, or of any coupon appurtenant thereto, by accepting the bond or coupon shall be conclusively deemed to have agreed that the bond, obligation, or coupon is and shall be fully negotiable for the purposes of the negotiable instruments law under Title 12A of the New Jersey Statutes.

C.40A:66-14 No liability for bonds, obligations, certain.

14. Neither the members of the municipal shared services energy authority nor any person executing bonds issued pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall not be in any way a debt or liability of the State, and bonds or other obligations issued by the municipal shared services energy authority pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall not be in any way a debt or liability of the State, of any local unit, of any county, or of any municipality, except for member municipalities guaranteeing the bonds in accordance with the provisions of section 18 of P.L.2015, c.129 (C.40A:66-18), and shall not create or constitute any indebtedness, liability, or obligation of the State, of any local unit, of any county, or of any municipality, either legal, moral, or otherwise, and nothing in P.L.2015, c.129 (C.40A:66-1 et al.) shall be construed to authorize the municipal shared services energy authority to incur any indebtedness on behalf of, or in any way, to obligate the State or any county or municipality.

C.40:66-15 Provisions, covenants with bond holders.

15. Any bond resolution of the municipal shared services energy authority providing for or authorizing the issuance of any bonds may contain provisions, and the municipal shared services energy authority shall, in order to secure the payment of the bonds in addition to its other powers, have the power by the provisions in the bond resolution to covenant and agree with the several holders of the bonds, as to:

a. The custody, security, use, expenditure, or application of the proceeds of the bonds;

b. The construction and completion, or replacement, of all or any part of an electric supply project of the municipal shared services energy authority or its system;

c. The use, regulation, operation, maintenance, insurance, or disposition of all or any part of an electric supply project of the municipal shared services energy authority, or its system, or restrictions on the exercise of the powers of the municipal shared services energy authority to dispose of, limit, or regulate the use of all or any part of the electric supply project or system;

d. The payment of the principal of, or interest on, the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of the bonds or obligations as to any lien or security, or the acceleration of the maturity of the bonds or obligations;

e. The use and disposition of any monies of the municipal shared services energy authority, including any of the authority's revenues, derived or to be derived from the operation of all or any part of one or more electric supply projects of the municipal shared services energy authority or systems thereof, including any parts thereof that are thereafter constructed or acquired as any of the project's parts, extensions, replacements, or improvements thereafter constructed or acquired;

f. The pledging, setting aside, depositing, or acting as trustee for all or any part of the system revenues or other monies of the municipal shared services energy authority to secure the payment of the principal of, or interest on, the bonds or any other obligations, or the payment of expenses of operation or maintenance of one or more electric supply projects of the municipal shared services energy authority or its system, and the powers and duties of any trustee with regard thereto;

g. The setting aside out of the system revenues or other monies of the municipal shared services energy authority including its reserves and sinking funds, and the source, custody, security, regulation, application, and disposition thereof;

h. The determination or definition of the system revenues or of the expenses of operation and maintenance of the system or one or more of its electric supply projects;

i. The rents, rates, fees, or other charges in connection with the use, products, or services of one or more electric supply projects of the municipal shared services energy authority or its system, including any of the parts, extensions, replacements, or improvements of the project or its system thereafter constructed or acquired, and the fixing, establishment, collection, and enforcement of those charges, the amount of electric supply

project revenues or system revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

j. The assumption or payment or discharge of any indebtedness, liens, or other claims relating to the whole or any part of one or more electric supply projects of the municipal shared services energy authority or of its system for any obligations having or which may have a lien on any part of the system of the municipal shared services energy authority;

k. The limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the municipal shared services energy authority;

l. The limitations on the powers of the municipal shared services energy authority to construct, acquire or operate, or to permit the construction, acquisition, or operation of, any plants, structures, facilities, or properties which may compete or tend to compete with one or more of the municipal shared services energy authority's electric supply projects or any part of its system;

m. The vesting in a trustee or trustees within or without the State any property, rights, powers, and duties in trust as the municipal shared services energy authority may determine, which may include any or all of the rights, powers, and duties of the trustee appointed by the holders of bonds, and limiting or abrogating the right of the holders to appoint a trustee or limiting the rights, duties, and powers of the trustee;

n. The payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolutions or of any covenant or contract with the holders of the bonds;

o. The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds that the holders of which must consent thereto, and the manner in which the consent may be given or evidenced; and

p. Any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of, or interest on, the bonds.

The provisions of the bond resolution and the covenants and agreements relative thereto shall constitute valid and legally binding contracts between the municipal shared services energy authority and the several holders of the bonds, regardless of the time of issuance of the bonds, and shall be enforceable by any holder or holders by appropriate suit, action, or proceeding in any court of competent jurisdiction, or by proceeding in lieu of prerogative writ.

C.40A:66-16 Trustee to represent bond holders; powers.

16. a. If the bond resolution of the municipal shared services energy authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of the series shall be entitled to the benefits of this section, then, in the event that there shall be a default in the payment of the principal of, or interest on, any bonds of the series after the bonds shall become due, whether at maturity or upon call for redemption, and the default shall continue for a period of 30 days, or in the event that the municipal shared services energy authority shall fail or refuse to comply with the provisions of P.L.2015, c.129 (C.40A:66-1 et al.) or shall fail or refuse to carry out and perform the terms of any contract with the holders of those bonds, and that failure or refusal shall continue for a period of 30 days after written notice to the municipal shared services energy authority of its existence and nature, the holders of 25 percent in aggregate principal amount of the bonds and the series then outstanding by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of the series for the purposes provided in this section.

b. The trustee, appointed pursuant to subsection a. of this section, may and upon written request of the holders of 25 percent in aggregate principal amount of the bonds of the series then outstanding shall, in the trustee's or its own name:

(1) by any action, writ, proceeding in lieu of prerogative writ, or other proceeding, enforce all rights of the holders of the bonds, including the right to require the municipal shared services energy authority to charge and collect service charges adequate to carry out any contract as to, or pledge of, system revenues, and to require the municipal shared services energy authority to carry out and perform the terms of any contract with the holders of the bonds or its duties under P.L.2015, c.129 (C.40A:66-1 et al.);

(2) bring an action upon all or any part of the bonds or interest coupons or claims appurtenant thereto;

(3) by action, require the municipal shared services energy authority to account as if it were the trustee of an express trust for the holders of the bonds;

(4) by action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds; and

(5) declare all the bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the municipal shared services energy authority and, if all defaults shall be made good, then with the

consent of the holders of 25 percent of the principal amount of the bonds then outstanding, annul the declaration and its consequences.

c. The trustee shall, in addition to the powers set forth in subsections a. and b. of this section, possess all of the powers necessary for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of the series in the enforcement and protection of their rights.

d. In any action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to P.L.2015, c.129 (C.40A:66-1 et al.), shall constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any service charges and system revenues of the municipal shared services energy authority pledged for the payment or security of bonds of the series.

C.40A:66-17 Appointment of receiver.

17. If the bond resolution of the municipal shared services energy authority authorizing or providing for the issuance of a series of its bonds shall provide that the holders of the bonds of the series shall be entitled to the benefits of section 15 of P.L.2015, c.129 (C.40A:66-15), and shall further provide that any trustee appointed pursuant to that section or having the powers of a trustee shall have the powers provided by this section, then the trustee, whether or not all of the bonds of the series have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the assets of the authority, and the receiver may enter upon and take possession of the assets of the authority and, subject to any pledge or contract with the holders of the bonds, shall take possession of all monies and other property derived from or applicable to the acquisition, construction, operation, maintenance, or reconstruction of the assets of the authority, and proceed with the acquisition, construction, operation, maintenance, or reconstruction which the municipal shared services energy authority is under any obligation to do, and operate, maintain, and reconstruct the utility system and fix, charge, collect, enforce, and receive the service charges and all system revenues thereafter arising subject to any pledge thereof or contract with the holders of the bonds relating thereto and perform the public duties and carry out the contracts and obligations of the municipal shared services energy authority in the same manner as the municipal shared services energy authority itself might do, and under the direction of the court.

C.40A:66-18 Guaranty of bonds.

18. For the purpose of aiding the municipal shared services energy authority in the planning, undertaking, acquisition, construction, financing, or operation of any electric supply project authorized pursuant to P.L.2015, c.129 (C.40A:66-1 et al.), a member municipality may, by ordinance of its governing body, in the manner provided for adoption of a bond ordinance as provided in the "Local Bond Law," N.J.S.40A:2-1 et seq. and with or without consideration and upon those terms and conditions as may be agreed to by and between the member municipality and the authority, unconditionally guaranty the punctual payment of the principal of, and interest on, all or a portion of any bonds of the authority. Any guaranty of the bonds of the authority made pursuant to this section shall be evidenced by endorsement thereof on the bonds, executed in the name of the member municipality and on its behalf by the officer thereof as may be designated in the ordinance authorizing the guaranty, and the municipality shall be obligated to pay the principal of, and interest on, the bonds in the same manner and extent as in the case of bonds issued by it. Any ordinance authorizing the guaranty shall be treated as a security agreement and shall be subject to the provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). Any guaranty of bonds of the authority may be made, and any ordinance authorizing the guaranty may be adopted, notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the "Local Bond Law," N.J.S.40A:2-1 et seq., but the principal amount of the bonds so guaranteed, shall, after their issuance, be included in the gross debt of the member municipality for the purpose of determining the indebtedness of the municipality under or pursuant to the "Local Bond Law," N.J.S.40A:2-1 et seq. The principal amount of the bonds guaranteed and included in gross debt shall be deducted and declared to be a deduction from gross debt under the "Local Bond Law," N.J.S.40A:2-1 et seq.:

a. after the issuance of the bonds until the end of the fiscal year beginning next after the completion of acquisition or construction of the facility to be financed from the proceeds of the bonds; and

b. in any annual debt statement filed pursuant to the "Local Bond Law," N.J.S.40A:2-1 et seq. as of the end of the fiscal year or any subsequent fiscal year if the revenues or other receipts or monies of the authority in that year are sufficient to pay its expenses of operation and maintenance in the year, and all amounts payable in the year on account of the principal of, and interest on, all guaranteed bonds, and all bonds of the authority issued under P.L.2015, c.129 (C.40A:66-1 et al.).

C.40A:66-19 Wholesale power supply contract.

19. a. The municipal shared services energy authority may enter into a wholesale power supply contract with any person to meet the electric power or energy needs of its members, for the purchase or sale of electric power or energy, or both, and for the wholesale sale of any excess electric power or energy. A power supply contract shall be for a term not to exceed 40 years and shall provide for payment to or from the authority of funds for commodities to be procured, and services to be rendered by or to the authority. The authority may enter into a power supply contract with persons for the purchase or sale of electric power and energy, or both, whereby the purchaser is obligated to make payments in amounts which shall be sufficient to enable the authority to meet its expenses, interest, and principal payments, whether at maturity or upon sinking fund redemption, for its bonds, reasonable reserves for debt service, operation and maintenance, renewals and replacements, and the requirements of any rate covenant with respect to debt service coverage contained in any resolution, trust indenture, or other security instrument. A power supply contract may contain other terms and conditions as the municipal shared services energy authority and the purchasers may determine, including provisions whereby the purchaser is obligated to pay for electric power irrespective of whether energy is produced or delivered to the purchaser, or whether any electric supply project contemplated by the power supply contract is completed, operable, or operating, and notwithstanding suspension, interruption, interference, reduction, or curtailment of the output of the electric supply project. The power supply contract may provide that if one or more of the purchasers defaults in the payment of its obligations under the power supply contract, the remaining purchasers which also have a power supply contract shall be required to accept and pay for the electric power and energy to be purchased by the defaulting purchaser, and shall be entitled proportionately to use or otherwise dispose of the electric power and energy to be purchased by the defaulting purchaser. For purposes of this subsection, the term "purchase or sale of electric power and energy" includes the purchase of any right to capacity of, or interest in, any electric supply project located within the corporate limits and franchise areas of the members.

b. The obligations of a member municipality under a power supply contract with the authority, or arising out of the default by any other member with respect to a power supply contract, shall not be construed to constitute a debt of the municipality. To the extent provided in the power supply contract, these obligations shall constitute special obligations of the municipality, payable solely from the revenues and other monies derived by

the municipality from its municipal electric utility and shall be treated as expenses of operating a municipal electric utility.

c. The power supply contract may also provide for payments in the form of collateral, contributions to defray the cost of any purpose set forth in the contract, and as advances for a purpose subject to repayment by the municipal shared services energy authority.

d. A power supply contract may be for a term covering the life of an electric supply project, for the anticipated output period of the electric supply project, or for any other term not exceeding 40 years.

C.40A:66-20 Compliance.

20. The authority formed pursuant to P.L.2015, c.129 (C.40A:66-1 et al.) shall comply with the provisions of P.L.2015, c.129 (C.40A:66-1 et al.) and all applicable federal and State laws. Nothing in P.L.2015, c.129 (C.40A:66-1 et al.) shall be construed to require regulation of an authority or its members as an electric public utility as defined under R.S.48:2-13. Wholesale sales and purchases by the authority shall not subject the authority or its members to the jurisdiction of the Board of Public Utilities as a public utility pursuant to Title 48 of the Revised Statutes. A municipality that is a member of the authority shall continue to be subject to all laws of the State.

C.40A:66-21 Exemption from levy, sale.

21. All property of the authority within the corporate limits and franchise areas of the members shall be exempt from levy and sale by virtue of an execution of a court of competent jurisdiction and no execution or other judicial process shall issue against the authority nor shall any judgment against the authority be a charge or lien upon its property, provided, however, that nothing in this section shall apply to or limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by the authority on its system, revenues, or other monies.

C.40A:66-22 Investment of funds.

22. Notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political subdivisions of public bodies, and agencies thereof, all banks, bankers, 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 sink-

ing funds, monies, or other funds belonging to them or within their control, in any bonds of the authority, and the bonds shall be authorized security for any and all public deposits.

C.40A:66-23 Public property; tax exemption.

23. Every electric supply project or facility within the corporate limits and franchise areas of the members that is owned by the authority, including any pro rata share of any property within the corporate limits and franchise areas of the members that is owned by the authority in conjunction with any other person or public agency and used in connection with the generation, transmission, and production of electric power and energy, and all other property of the authority within the corporate limits and franchise areas of the members, is hereby declared to be public property and devoted to an essential public and governmental function and purpose, and the property within the corporate limits and franchise areas of the members, the authority and its income shall be exempt from all taxes and special assessments of the State or any subdivision of the State. All bonds of the authority are hereby declared to be issued by a political subdivision of the State and for an essential public and governmental purpose and to be a public instrumentality in the bonds, and the interest thereon and the income therefrom and all service charges, funds, revenues, and other monies pledged or available to pay or secure the payment of the bonds, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes, and taxes on transfers by or in contemplation of death.

C.40A:66-24 Pledge, covenant with bond holders.

24. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued pursuant to a bond resolution of the authority, that the State will not limit or alter the rights hereby vested in the municipal shared services energy authority to acquire, construct, operate, and participate in one or more electric supply projects and facilities for the generation, production, and transmission of electric power and energy at wholesale, to fix, establish, charge, and collect charges, fees, and payments, and to fulfill the terms of any agreement made with the holders of the bonds or other obligations, will not in any way impair the rights or remedies of these holders, and will not modify in any way the exemptions from taxation provided for in P.L.2015, c.129 (C.40A:66-1 et al.) until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of these holders, are fully met and discharged.

C.40A:66-25 Payment of funds to authority.

25. All banks, bankers, trust companies, savings banks, investment companies, and other persons carrying on a banking business are hereby authorized to give to the municipal shared services energy authority a good and sufficient undertaking with those sureties as shall be approved by the authority to the effect that the bank or banking institution shall faithfully keep and pay over to the order of or upon the warrant of the authority or its authorized agent, all funds as may be deposited with it by the authority and agreed interest thereon, at times or upon demands as may be agreed with the authority or in lieu of these sureties, deposit with the authority or its agent or any trustee therefor or for the holders of any bonds, as collateral, the securities as the authority may approve. The deposits of the authority may be evidenced or secured by a depository collateral agreement in a form and upon terms and conditions as may be agreed upon by the authority and the bank or banking institution.

C.40A:66-26 Annual audit.

26. The municipal shared services energy authority shall cause an annual audit of its accounts to be made, and for this purpose shall employ a certified public accountant licensed pursuant to the laws of the State. The audit shall be completed and filed with the authority within four months after the close of its fiscal year and a certified duplicate thereof shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five days after the original report is filed with the authority.

C.40A:66-27 Filing of copy of bond resolution.

27. The municipal shared services energy authority shall file a copy of each bond resolution adopted by it with the Director of the Division of Local Government Services in the Department of Community Affairs, together with a summary of the dates, amounts, maturities, and interest rates of all bonds issued pursuant thereto.

28. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to read as follows:

C.40A:11-5 Exceptions.

5. Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating the contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1) (a) (i) of this section, a brief notice of the award of the contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records, and appendices to be used in any legal proceeding in which the contracting unit may be a party;

(d) The furnishing of a tax map or maps for the contracting unit;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Those goods and services necessary or required to prepare and conduct an election;

(m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(n) The doing of any work by handicapped persons employed by a sheltered workshop;

(o) The provision of any goods or services including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;

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

(q) Library and educational goods and services;

(r) (Deleted by amendment, P.L.2005, c.212).

(s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;

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

(u) Contracting unit towing and storage contracts, provided that all of the contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of the services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law" and without regard for the value of the contract therefor;

(v) The purchase of steam or electricity from, or the rendering of services directly related to the purchase of steam or electricity from a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C. s.796;

(w) The purchase of electricity or administrative or dispatching services directly related to the transmission of purchased electricity by a contracting unit engaged in the generation of electricity;

(x) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;

(y) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to P.L.1989, c.109 (N.J.S.40A:31-1 et al.), so long as the agreement is entered into no later than six months after the effective date of P.L.1993, c.381;

(z) A contract for the provision of water supply services entered into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

(aa) The cooperative marketing of recyclable materials recovered through a recycling program;

(bb) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);

(cc) Expenses for travel and conferences;

(dd) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;

(ee) The management or operation of an airport owned by the contracting unit pursuant to R.S.40:8-1 et seq.;

(ff) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or

(hh) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county, or municipality, or any board, body, officer, agency, or authority thereof, or any other state or subdivision thereof.

(3) Bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected the bids on two occasions because it has determined that they are

not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; a contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing the contract; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award the contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

(4) The contracting unit has solicited and received at least three quotations on materials, supplies, or equipment for which a State contract has

been issued pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12), and the lowest responsible quotation is at least 10 percent less than the price the contracting unit would be charged for the identical materials, supplies, or equipment, in the same quantities, under the State contract. A contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing the contract. A copy of the purchase order relating to the contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of the contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director upon request any other documents relating to the solicitation and award of the contract, including, but not limited to, quotations, requests for quotations, and resolutions. The director periodically shall review material submitted by contracting units to determine the impact of the contracts on local contracting and shall consult with the State Treasurer on the impact of the contracts on the State procurement process. The director may, after consultation with the State Treasurer, adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.

(5) Notwithstanding any provision of law, rule, or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing the services. Within 30 days after receipt of the written description the director shall, if the director finds that the process

provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, "collection" means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

(6) Notwithstanding any provision of law, rule, or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, for the provision of wholesale electricity by a municipal shared services energy authority as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative or dispatching services related to the transmission of electricity, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing these services. The process shall be designed in a way that is appropriate to and commensurate with industry practices, and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this section, shall be deemed approved.

29. 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 Utilities, 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, con-

structed, 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 constructed 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 de-

fined 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 copartnership 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; and

(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.

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.

C.40A:66-28 Certain municipal powers unaffected.

30. The powers granted under P.L.2015, c.129 (C.40A:66-1 et al.) shall not limit the powers of a municipality to enter into a shared service agreement or contract, or to establish a separate legal entity pursuant to State law or otherwise to carry out their powers under applicable statutory provisions, nor shall the powers granted under P.L.2015, c.129 (C.40A:66-1 et al.) limit the powers reserved to a municipality by State law.

31. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 130

AN ACT concerning the dispensing of certain biological products, supplementing Title 45 of the Revised Statutes, and amending R.S.24:1-1 and P.L.1977, c.240.

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

C.24:6K-1 Definitions relative to dispensing certain biological products.

1. As used in this act:

"Biological product" means a "biological product" as defined in subsection (i) of section 351 of the Public Health Service Act (42 U.S.C. s.262(i)), and refers to a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arse-

nic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Interchangeable" means "interchangeable" as defined in subsection (i) of section 351 of the Public Health Service Act (42 U.S.C. s.262(i)) and indicated as interchangeable by the federal Food and Drug Administration in the "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations," sometimes referred to as the "Purple Book."

"Therapeutically equivalent" means a therapeutic equivalence rating of "A" has been listed by the federal Food and Drug Administration in the "Approved Drug Products with Therapeutic Equivalence Evaluations," sometimes referred to as the "Orange Book."

C.24:6K-2 Link to current lists of all biological products.

2. The New Jersey State Board of Pharmacy shall maintain a link to the current list of all biological products determined by the federal Food and Drug Administration to be interchangeable pursuant to section 351 of the Public Health Service Act (42 U.S.C. s.262) on the Board of Pharmacy's Internet website.

C.24:6K-3 Conditions for substitution.

3. a. A pharmacist may substitute a biological product for a prescribed biological product, provided that the following conditions are met:

(1) the authorized prescriber has not indicated that there shall be no substitution as set forth in section 8 of P.L.1977, c.240 (C.24:6E-7); and

(2) the biological product to be substituted has been determined by the federal Food and Drug Administration to be:

(a) interchangeable with the prescribed biological product; or

(b) therapeutically equivalent to the prescribed biological product.

b. If a pharmacist dispenses a biological product, the pharmacist or the pharmacist's designee shall, within five business days following the dispensing of the biological product, communicate to the prescriber the specific product provided to the patient, including the name of the product and the manufacturer. No communication shall be required under this subsection when:

(1) there is no biological product that has been determined by the federal Food and Drug Administration to be either:

(a) interchangeable with the product prescribed; or

(b) therapeutically equivalent to the product prescribed; or

(2) a refill prescription is not changed from the product dispensed on the prior filling of the prescription.

c. The communication requirement under subsection b. of this section may be satisfied by making an entry in an interoperable electronic medical records system or an electronic pharmacy record that can be accessed electronically by the prescriber, or through the use of another electronic prescribing technology that can be accessed electronically by the prescriber. Entry into an electronic records system as described in this paragraph is presumed to provide notice to the prescriber. Otherwise, the communication may be conveyed using other electronic means, if available, or by facsimile.

d. A pharmacist who substitutes a biological product in compliance with this section shall record, on the prescription label and record of dispensing, the product name and manufacturer of the biological product dispensed, followed by the words: "Substituted for" and the name of the biological product for which the prescription was written.

e. The same recordkeeping requirements as apply to the dispensing of drugs shall apply to the dispensing of biological products.

f. A pharmacist who substitutes a biological product in compliance with this section shall incur no greater liability in filling the prescription by dispensing the biological product than would be incurred in filling the prescription by dispensing the prescribed biological product.

4. R.S.24:1-1 is amended to read as follows:

Definitions.

As used in this Title:

a. "State department," "department of health" and "department" mean the "State Department of Health."

b. "Council" means the Public Health Council in the State Department of Health.

c. "Local board" or "local board of health" means the board of health of any municipality, or the boards, bodies, or officers in such municipality lawfully exercising the powers of a local board of health under the laws governing such municipality, and includes any consolidated local board of health or county local board of health created and established pursuant to law.

d. "Food" means (1) articles used for food or drink for man or other animals (2) chewing gum and (3) articles used for components of any such article.

e. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States,

or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include biological products, or devices or their components, parts, or accessories.

f. "Package" or "container" means wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, or other receptacles, but the word, "package" shall not include open containers which permit a visual and physical inspection by the purchaser at retail, nor bags and other receptacles which are filled in the presence of the purchaser at retail.

g. "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

h. "Cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

i. "New drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

j. "Label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this subtitle that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper. The term "immediate container" does not include package liners.

k. "Labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

l. "Official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

m. If an article is alleged to be misbranded because the labeling is misleading, then in determining whether such labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, or any combination thereof, but also the extent to which such labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

n. The representation of a drug as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

o. The provisions of this act regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving away of any such article and the supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.

p. The term "Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. s.301 et seq.; 52 Stat. 1040 et seq.).

5. Section 5 of P.L.1977, c.240 (C.24:6E-4) is amended to read as follows:

C.24:6E-4 Definitions.

5. As used in this act unless the context clearly indicates otherwise:

a. "Drug product" means a dosage form containing one or more active therapeutic ingredients along with other substances included during the manufacturing process. The term "drug product" does not include "biological product" as defined in section 1 of P.L.2015, c.130 (C.24:6K-1).

b. "Brand name" means the proprietary name assigned to a drug by the manufacturer thereof.

c. "Established name" with respect to a drug or ingredient thereof, means (1) the applicable official name designated pursuant to the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. s.301 et seq.), or (2) if there is no such official name and such drug or ingredient is recognized in an official compendium, then the official title thereof in such compendium, except that where a drug or ingredient is recognized in the United States Pharmacopoeia and in the Homeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopoeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia shall apply, or (3) if neither (1) nor (2) is applicable, then the common or usual name, if any, of such drug or ingredient.

d. "Prescription" means an order for drugs or combinations or mixtures thereof, written or signed by a duly licensed physician, dentist, veterinarian, or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease in man or animals, and includes orders for drugs or medicines or combinations or mixtures thereof transmitted to pharmacists through word of mouth, telephone, telegraph, or other means of communication by a duly licensed physician, dentist, veterinarian, or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease in man or animals.

e. "Department" means the Department of Health.

f. "Chemical equivalents" means those drug products that contain the same amounts of the same therapeutically active ingredients in the same dosage forms and that meet present compendial standards.

g. "Reference drug product" means the product which is adopted by the department as the standard for other chemically equivalent drugs in terms of testing for the therapeutic equivalence. In all cases, the reference drug product shall be a currently marketed drug which is the subject of a full (not abbreviated) new drug application approved by the Federal Food and Drug Administration.

h. "Therapeutic equivalents" means chemical equivalents which, when administered to the same individuals in the same dosage regimen, will provide essentially the same efficacy or toxicity as their respective reference drug products.

i. "Bioavailability" means the extent and rate of absorption from a dosage form as reflected by the time-concentration curve of the administered drug in the systemic circulation.

j. "Bioequivalents" means chemical equivalents which, when administered to the same individuals in the same dosage regimen, will result in comparable bioavailability.

k. "Pharmaceutical equivalents" means those drug products that contain the same amounts of the same therapeutically active ingredients in the same dosage form and that meet established standards.

l. "Interchangeable drug products" means pharmaceutical equivalents or bioequivalents that are determined to be therapeutic equivalents by the department.

m. "Present compendial standards" means the official standards for drug excipients and drug products listed in the latest revision of the United States Pharmacopoeia (USP) and the National Formulary (NF).

n. "Dosage form" means the physical formulation or medium in which the product is intended, manufactured and made available for use, including, but not limited to: tablets, capsules, oral solutions, aerosols, inhalers, gels, lotions, creams, ointments, transdermals and suppositories, and the particular form of the above which utilizes a specific technology or mechanism to control, enhance, or direct the release, targeting, systemic absorption, or other delivery of a dosage regimen in the body.

6. Section 11 of P.L.1977, c.240 (C.24:6E-10) is amended to read as follows:

C.24:6E-10 Signs, information to be disclosed relative to drugs, biological products to be dispensed.

11. Every pharmacy, drug store, or drug department selling prescription drugs or biological products shall post a sign at the entrance and where prescription drugs or biological products are sold disclosing the fact that upon request, before a prescription drug or biological product is dispensed, a consumer shall be told the price of such drug or biological product, whether such drug or biological product is to be substituted from a list of interchangeable drug or biological products, and of the consumer's right to be informed of the price savings resulting from substitution for such drug or biological product and to be dispensed the drug or biological product as prescribed by the physician, if not satisfied with said price savings. Such sign shall not be less than 12 inches by 12 inches.

C.24:6K-4 Rules, regulations.

7. The Commissioner of Health and the Director of the Division of Consumer Affairs, pursuant to the "Administrative Procedure Act,"

P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations necessary to implement the provisions of this act.

8. This act shall take effect on the first day of the second month next following the date of enactment, but the Commissioner of Health and the Director of the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of the act.

Approved November 9, 2015.

CHAPTER 131

AN ACT concerning continuing education for psychologists and supplementing P.L.1966, c.282 (C.45:14B-1 et seq.).

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

C.45:14B-47 Continuing education for certain practicing psychologists.

1. a. The State Board of Psychological Examiners shall require each person licensed as a practicing psychologist, as a condition for biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete 40 credits of continuing psychology education, four credits of which shall be educational programs or topics related to domestic violence.

b. The board shall:

(1) Establish standards for continuing psychology education, including the nature of qualifying experience and amount of applicable credits for such qualifying experience, and the subject matter and content of courses of study; and

(2) Accredit education programs offering credit toward continuing psychology education requirements or recognize national or State organizations that may accredit education programs.

c. The board may, in its discretion, waive requirements for continuing education as set forth in subsection a. of this section on an individual basis for reasons of hardship such as illness or disability, retirement of license, or other good cause. A waiver shall apply only to the current biennial renewal period at the time of board issuance.

d. The board shall only approve programs that are provided on a nondiscriminatory basis.

e. Prior to license renewal, each licensee shall submit to the board proof of completion of the required number of hours of continuing psychology education.

2. This act shall take effect on the 360th day following enactment.

Approved November 9, 2015.

CHAPTER 132

AN ACT concerning the appointment of a guardian for a person receiving services from the Division of Developmental Disabilities and amending P.L.1970, c.289.

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

1. Section 2 of P.L.1970, c.289 (C.30:4-165.8) is amended to read as follows:

C.30:4-165.8 Necessary affidavits, documents relative to appointment of certain guardians; definitions.

2. a. The moving papers shall include: (1) a verified complaint; (2) an affidavit from a practicing physician or a psychologist licensed pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.) who has made a personal examination of the alleged incapacitated person not more than six months prior to the filing of the verified complaint; and (3) one of the following documents: (a) an affidavit from the chief executive officer, medical director, or other officer having administrative control over the program from which the individual is receiving functional or other services provided by the Division of Developmental Disabilities; (b) an affidavit from a designee of the Division of Developmental Disabilities having personal knowledge of the functional capacity of the individual who is the subject of the guardianship action; (c) a second affidavit from a practicing physician or psychologist licensed pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.); (d) a copy of the Individualized Education Program, including any medical or other reports, for the individual who is subject to the guardianship action, which shall have been prepared no more than two years prior to the filing of the verified complaint; or (e) an affidavit from a licensed care professional having personal knowledge of the functional capacity of the individual who is the subject of the guardianship action. The documents described in paragraphs (2)

and (3) of this subsection shall set forth with particularity the facts supporting the belief that the alleged incapacitated person suffers from a significant chronic functional impairment to such a degree that the person either lacks the cognitive capacity to make decisions for himself or to communicate, in any way, decisions to others.

b. As used in this section:

"Designee of the Division of Developmental Disabilities" means an evaluator, care manager, case manager, or other employee or contractor affiliated with the Division of Developmental Disabilities, whether or not such person has administrative control over the program from which the individual is receiving functional or other services.

"Individualized education program" means a written plan which sets forth present levels of academic achievement and functional performance, measurable annual goals, and short-term objectives or benchmarks, and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives.

"Licensed care professional" means a duly certified or licensed advanced practice nurse, board certified assistant behavior analyst, board certified behavior analyst, clinical nurse practitioner, licensed practical nurse, family counselor, nurse, occupational therapist, physical therapist, physician assistant, professional counselor, registered nurse, social worker, or speech language pathologist.

"Significant chronic functional impairment" includes, but is not limited to, a lack of comprehension of concepts related to personal care, health care, or medical treatment.

2. Section 1 of P.L.1970, c.289 (C.30:4-165.7) is amended to read as follows:

C.30:4-165.7 Filing of complaint for guardianship.

1. The commissioner or any parent, spouse, relative, or interested party, on behalf of an alleged incapacitated person who is receiving functional or other services and is over 18 years of age, may file a complaint upon notice to the alleged incapacitated person with the Superior Court in the county furnishing the services or in which such parent, spouse, relative, or interested party resides, for a judgment designating a guardian. The county of settlement shall be served with a copy of the moving papers, however, the county may waive service of the moving papers if it has no reason to oppose the action. If the county elects to oppose the action it shall do so

within 30 days after being served with a copy of the moving papers. Unless filed by the commissioner, a complaint shall be served by the filing party upon the Division of Developmental Disabilities, to the attention of the Regional Director for the region in which the alleged incapacitated person is receiving functional or other services. The filing party shall likewise serve upon the Regional Director a copy of the Order Fixing Hearing Date and Appointing Attorney for Alleged Incapacitated Person, as well as a copy of any Judgment of Incapacity and Order Appointing Guardian.

3. This act shall take effect on the first day of the third month next following the date of enactment.

Approved November 9, 2015.

CHAPTER 133

AN ACT concerning bestiality and amending R.S.4:22-17.

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

1. R.S.4:22-17 is amended to read as follows:

Cruelty; certain acts, crime; degrees.

4:22-17. a. It shall be unlawful to:

(1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;

(2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;

(3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or

(4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.

b. (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than $250 nor more than $1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than $500 nor more than $2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.

(2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.

(3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

c. It shall be unlawful to purposely, knowingly, or recklessly:

(1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;

(2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;

(3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or

(4) Use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, "sexual contact" means any contact between a person and an animal by penetration of the penis or a foreign object into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other. This term does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted animal husbandry practice.

d. (1) A person who violates paragraph (1), (2), (3) or (4) of subsection c. of this section shall be guilty of a crime of the fourth degree, except that the person shall be guilty of a crime of the third degree if:

(a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as a result of the violation; or

(c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

(2) A person who violates any provision of subsection c. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.

f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.

g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

2. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 134

AN ACT prohibiting the administration of standardized assessments in certain grades and supplementing chapter 7C 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:7C-6.3 Definitions relative to administration of standardized assessments in certain grades.

1. a. As used in this section, "commercially-developed standardized assessment" means an assessment that requires all test takers to answer the same questions, or a selection of questions from a common bank of questions, in the same manner, and is developed and scored by an entity under a contract with a board of education. A commercially-developed standardized assessment shall not include diagnostic and formative assessments used by teaching staff members to identify particular student learning needs or the need for special services, or to modify instructional strategies to improve an individual student's learning.

b. A board of education shall not administer any commercially-developed standardized assessment that is not required pursuant to State or federal law to a student enrolled in kindergarten through the second grade. Nothing in this section shall be construed to limit the ability of a classroom teacher or board of education to develop, administer, and score an assessment for an individual classroom, grade level, or group of grade levels in any subject area in kindergarten through the second grade.

2. This act shall take effect immediately and shall first be applicable to the first full school year beginning after the date of enactment.

Approved November 9, 2015.

CHAPTER 135

AN ACT concerning employer contribution reports and remittances and amending R.S.43:21-14.

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

1. R.S.43:21-14 is amended to read as follows:

Periodic contribution reports.

43:21-14. (a) (1) In addition to such reports as may be required under the provisions of subsection (g) of R.S.43:21-11, every employer shall file with the controller periodic contribution reports on such forms and at such times as the controller shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter (R.S.43:21-1 et seq.), and at the time of filing each contribution report shall pay the contributions required by this chapter (R.S.43:21-1 et seq.), for the period covered by such report. The controller may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the controller, on or before the last day for the filing thereof shall pay a penalty of $10.00 for each day of delinquency until and including the fifth day following such last day and for any period of delinquency after such fifth day, a penalty of $10.00 a day or 25% of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser; if there be no liability for contributions for the period covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of $10.00 a day for each day of delinquency in filing or $50.00, whichever is the lesser; provided, however, that when it is shown to the satisfaction of the controller that the failure to file any such report was not the result of fraud or an intentional disregard of this chapter (R.S.43:21-1 et seq.), or the regulations promulgated hereunder, the controller, in his discretion, may remit or abate any unpaid penalties heretofore or hereafter imposed under this section. On or before October 1 of each year, the controller shall submit to the Commissioner of Labor and Workforce Development a report covering the 12-month period ending on the preceding June 30, and showing the names and addresses of all employers for whom the controller remitted or abated any penalties, or ratified any remission or abatement of penalties, and the amount of such penalties with respect to each employer. Any employer who shall fail to pay the contributions due for any period, on or before the date they are required by the controller to be paid, shall pay interest on the amount thereof from such date until the date of payment thereof, at the rate of 1% a month through June 30, 1981 and at the rate of 1 1/4% a month after June 30, 1981. Upon the written request of any em-

ployer or employing unit, filed with the controller on or before the due date of any report or contribution payment, the controller, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution, with interest at the applicable rate; provided no such extension shall exceed 30 days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the federal Social Security Act for the year in which said period occurs.

(2) (A) For the calendar quarter commencing July 1, 1984 and each successive quarter thereafter, each employer shall file a report with the controller within 30 days after the end of each quarter in a form and manner prescribed by the controller, listing the name, social security number and wages paid to each employee and the number of base weeks (as defined in subsection (t) of R.S.43:21-19) worked by the employee during the calendar quarter. (B) Any employer who fails without reasonable cause to comply with the reporting requirements of this paragraph (2) shall be liable for a penalty in the following amount for each employee with respect to whom the employer is required to file a report but who is not included in the report or for whom the required information is not accurately reported for each employee required to be included, whether or not the employee is included:

(i) For the first failure for one quarter in any eight consecutive quarters, $5.00 for each employee;

(ii) For the second failure for any quarter in any eight consecutive quarters, $10.00 for each employee; and

(iii) For the third failure for any quarter in any eight consecutive quarters, and for any failure in any eight consecutive quarters, which failure is subsequent to the third failure, $25.00 for each employee.

(C) Information reported by employers as requested by this paragraph (2) shall be used by the Department of Labor and Workforce Development for the purpose of determining eligibility for benefits of individuals in accordance with the provisions of R.S.43:21-1 et seq. Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the Department of Labor and Workforce Development is hereby authorized to provide the Department of Human Services and the Higher Education Student Assistance Authority with information reported by employers as required by this paragraph (2). For each fiscal year, the Director of the Division of Budget and Accounting of the Department of the Treasury shall charge the appropriate account of the Department of Human Services and the Higher Education Student Assistance Authority in amounts sufficient to reimburse the Department of

Labor and Workforce Development for the cost of providing information under this subparagraph (C).

(D) (Deleted by amendment, P.L.2015, c.135)

(b) The contributions, penalties, and interest due from any employer under the provisions of this chapter (R.S.43:21-1 et seq.), from the time they shall be due, shall be a personal debt of the employer to the State of New Jersey, recoverable in any court of competent jurisdiction in a civil action in the name of the State of New Jersey; provided, however, that except in the event of fraud, no employer shall be liable for contributions or penalties unless contribution reports have been filed or assessments have been made in accordance with subsection (c) or (d) of this section before four years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R.S.43:21-1 et seq.), nor shall any employer be required to pay interest on any such contribution unless contribution reports were filed or assessments made within such four-year period; provided further that if such contribution reports were filed or assessments made within the four-year period, no civil action shall be instituted, nor shall any certificate be issued to the Clerk of the Superior Court under subsection (e) of this section, except in the event of fraud, after six years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments received from an employer on account of any debt incurred under the provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the controller on account of the contribution liability of the employer and then to interest and penalties, and any balance remaining shall be recoverable by the controller from the employer. Upon application therefor, the controller shall furnish interested persons and entities certificates of indebtedness covering employers, employing units and others for contributions, penalties and interest, for each of which certificates the controller shall charge and collect a fee of $2.00 per name; no such certificate to be issued, however, for a fee of less than $10.00. All fees so collected shall be paid into the unemployment compensation administration fund.

(c) If any employer shall fail to make any report as required by the rules and regulations of the division pursuant to the provisions of this chapter (R.S.43:21-1 et seq.), the controller may make an estimate of the liability of such employer from any information it may obtain, and, according to such estimate so made, assess such employer for the contributions, penalties, and interest due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

(d) After a report is filed under the provisions of this chapter (R.S.43:21-1 et seq.) and the rules and regulations thereof, the controller shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment of the contributions due from such employer, the controller shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

(e) As an additional remedy, the controller may issue to the Clerk of the Superior Court of New Jersey a certificate stating the amount of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.) and describing the liability, and thereupon the clerk shall immediately enter upon his record of docketed judgments such certificate or an abstract thereof and duly index the same. Any such certificate or abstract, heretofore or hereafter docketed, from the time of docketing shall have the same force and effect as a judgment obtained in the Superior Court of New Jersey, and the controller shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment in a civil action upon contract in said court. Such debt, from the time of docketing thereof, shall be a lien on and bind the lands, tenements and hereditaments of the debtor.

The Clerk of the Superior Court shall be entitled to receive for docketing such certificate, $0.50, and for a certified transcript of such docket, $0.50. If the amount set forth in said certificate as a debt shall be modified or reversed upon review, as hereinafter provided, the Clerk of the Superior Court shall, when an order of modification or reversal is filed, enter in the margin of the docket opposite the entry of the judgment, the word "modified" or "reversed," as the case may be, and the date of such modification or reversal.

The employer, or any other party having an interest in the property upon which the debt is a lien, may deposit the amount claimed in the certificate with the Clerk of the Superior Court of New Jersey, together with an additional 10% of the amount thereof, or $100.00, whichever amount is the greater, to cover interest and the costs of court, or in lieu of depositing the amount in cash, may give a bond to the State of New Jersey in double the amount claimed in the certificate, and file the same with the Clerk of the Superior Court. Said bond shall have such surety and shall be approved in the manner required by the Rules Governing the Courts of the State of New Jersey.

After the deposit of said money or the filing of said bond, the employer, or any other party having an interest in the said property, may, after exhausting all administrative remedies, secure judicial review of the legality or validity of the indebtedness or the amount thereof, and the said deposit

of cash shall be as security for, and the bond shall be conditioned to prosecute, the judicial review with effect.

Upon the deposit of said money or the filing of the said bond with the Clerk of the Superior Court, all proceedings on such judgment shall be stayed until the final determination of the cause, and the moneys so deposited shall be subject to the lien of the indebtedness and costs and interest thereon, and the lands, tenements, and hereditaments of said debtor shall forthwith be discharged from the lien of the State of New Jersey and no execution shall issue against the same by virtue of said judgment.

Notwithstanding the provisions of subsections (a) through (c) of this section, the Department of Labor and Workforce Development may, with the concurrence of the State Treasurer, when all reasonable efforts to collect amounts owed have been exhausted, or to avoid litigation, reduce any liability for contributions, penalties and interest, provided no portion of those amounts represents contributions made by an employee pursuant to subsection (d) of R.S.43:21-7.

(f) If, not later than two years after the calendar year in which any moneys were erroneously paid to or collected by the controller, whether such payments were voluntarily or involuntarily made or made under mistake of law or of fact, an employer, employing unit, or employee who has paid such moneys shall make application for an adjustment thereof, the said moneys shall, upon order of the controller, be either credited or refunded, without interest, from the appropriate fund. For like cause and within the same period, credit or refund may be so made on the initiative of the controller.

(g) All interest and penalties collected pursuant to this section shall be paid into a special fund to be known as the unemployment compensation auxiliary fund; all moneys in this special fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be expended, under legislative appropriation, for the purpose of aiding in defraying the cost of the administration of this chapter (R.S.43:21-1 et seq.); for the repayment of any interest bearing advances made from the federal unemployment account pursuant to the provisions of section 1202(b) of the Social Security Act, 42 U.S.C. s.1322; and for essential and necessary expenditures in connection with programs designed to stimulate employment, as determined by the Commissioner of Labor and Workforce Development, except that any moneys in this special fund shall be first applied to aiding in the defraying of necessary costs of the administration of this chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of Labor and Workforce Development. The Treasurer of the State

shall be ex officio the treasurer and custodian of this special fund and, subject to legislative appropriation, shall administer the fund in accordance with the directions of the controller. Any balances in this fund shall not lapse at any time, but shall be continuously available, subject to legislative appropriation, to the controller for expenditure. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation auxiliary fund, in an amount to be fixed by the division, the premiums for such bond to be paid from the moneys in the said special fund.

(h) All disputes under R.S.43:21-1 et seq. unless specifically indicated otherwise, shall be resolved in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(i) Notwithstanding any of the provisions of this section, or any other law, to the contrary, all functions, powers and duties of the controller and the Commissioner of Labor and Workforce Development relating to receiving reports, receiving billings, receiving correspondence, remittance processing, data entry and imaging required pursuant to this section shall be performed by the Division of Revenue in the Department of the Treasury.

2. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 136

AN ACT establishing the Task Force on Chronic Obstructive Pulmonary Disease in the Department of Health.

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

1. a. There is established the Task Force on Chronic Obstructive Pulmonary Disease in the Department of Health.

b. The purpose of the task force is to conduct an investigation on, and study strategies to promote public awareness about, the causes of chronic obstructive pulmonary disease, or COPD, in order to increase knowledge about the importance of early diagnosis and treatment, effective prevention strategies, and disease management. The task force shall:

(1) determine what existing resources are currently being utilized Statewide for chronic obstructive pulmonary disease;

(2) evaluate the effectiveness of treatment and prevention strategies currently in place for chronic obstructive pulmonary disease in the State;

(3) examine the current scientific base of knowledge concerning chronic obstructive pulmonary disease through surveillance, epidemiology, and research; and

(4) investigate the need for improving the quality and accessibility of existing chronic obstructive pulmonary disease-related community-based services.

2. a. The task force shall consist of eleven members as follows:

(1) The Commissioners of Health and Human Services, or their designees, as ex-officio members;

(2) One member of the Senate, who shall be appointed by the Senate President, and one member of the General Assembly, who shall be appointed by the Speaker of the General Assembly;

(3) two public members who represent the health care industry in the State of New Jersey, one of whom shall be appointed by the Senate President and one of whom shall be appointed by the Speaker of the General Assembly; and

(4) five public members appointed by the Governor as follows: one member who represents the American Lung Association in New Jersey; one member who has been diagnosed with chronic obstructive pulmonary disease; one member who is a pulmonologist with experience in diagnosing persons with chronic obstructive pulmonary disease; one member who is a respiratory therapist with experience in treating persons with chronic obstructive pulmonary disease; and one member who represents the health care industry in the State of New Jersey.

b. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments. The members of the task force shall serve without compensation but may be reimbursed for any expenses incurred by them in the performance of their duties, subject to the availability of funds.

c. The task force shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its members.

d. The Department of Health shall provide professional and clerical staff to the task force as necessary to carry out its duties.

e. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to perform its duties.

f. The task force shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on its findings, recommendations, and activities no later than one year after the organization of the task force.

3. This act shall take effect immediately and shall expire upon the issuance of the task force report.

Approved November 9, 2015.

CHAPTER 137

AN ACT concerning powdered alcohol and amending various parts of the statutory law.

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

1. R.S.33:1-1 is amended to read as follows:

Definitions.

33:1-1. For the purpose of this chapter, the following words and terms shall be deemed to have the meanings herein given to them:

a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.

b. "Alcoholic beverage." Any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

c. "Building." A structure of which licensed premises are or may be a part, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and every part of the structure of which the licensed

premises are a part, and of any other structure to which there is a common means of access, and any other appurtenances.

d. "Commissioner." The Director of the Division of Alcoholic Beverage Control.

e. "Container." Any glass, can, bottle, vessel or receptacle of any material whatsoever used for holding alcoholic beverages, which container is covered, corked or sealed in any manner whatsoever.

f. "Eligible." The status of a person who is a citizen of the United States, a resident of this State, of good moral character and repute, and of legal age.

g. "Governing board or body." The board or body which governs a municipality, including a board of aldermen in municipalities so governed; but in every municipality having a board of public works which exercises general licensing powers such board shall be considered as the governing board or body.

h. "Importing." The act of bringing or causing to be brought any alcoholic beverage into this State.

i. "Illicit beverage." Any alcoholic beverage manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported in violation of this chapter, or on which any federal tax or tax imposed by the laws of this State has not been paid; and any alcoholic beverage possessed, kept, stored, owned or imported with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport in violation of the provisions of this chapter.

j. "Licensed building." Any building containing licensed premises.

k. "Licensed premises." Any premises for which a license under this chapter is in force and effect.

l. "Magistrate." The Superior Court or municipal court.

m. "Manufacturer." Any person who, directly or indirectly, personally or through any agency whatsoever, engages in the making or other processing whatsoever of alcoholic beverages.

n. "Municipality." Any city, town, township, village, or borough, including a municipality governed by a board of commissioners or improvement commission, but excluding a county.

o. "Municipal board." The municipal board of alcoholic beverage control as established by this chapter.

p. "Officer." Any sheriff, deputy sheriff, constable, police officer, member of the Division of State Police, or any other person having the

power to execute a warrant for arrest, or any inspector or investigator of the Division of Alcoholic Beverage Control.

q. "Original container." Any container in which an alcoholic beverage has been delivered to a retail licensee.

r. "Person." Any natural person or association of natural persons, association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer, or employee of any of them.

s. "Premises." The physical place at which a licensee is or may be licensed to conduct and carry on the manufacture, distribution or sale of alcoholic beverages, but not including vehicular transportation.

t. "Restaurant." An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted.

u. "Retailer." Any person who sells alcoholic beverages to consumers.

v. "Rules and regulations." The rules and regulations established from time to time by the director.

w. "Sale." Every delivery of an alcoholic beverage otherwise than by purely gratuitous title, including deliveries from without this State and deliveries by any person without this State intended for shipment by carrier or otherwise into this State and brought within this State, or the solicitation or acceptance of an order for an alcoholic beverage, and including exchange, barter, traffic in, keeping and exposing for sale, serving with meals, delivering for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

x. "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this chapter, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this chapter, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or to aid or abet another in the manufacture, sale, distribution, bottling, recti-

fying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this chapter, or the aiding or abetting of another in any of the foregoing activities.

y. "Unlawful property." All illicit beverages and all implements, vehicles, vessels, airplanes, and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person; and all alcoholic beverages, fixtures and personal property located in or upon any premises, building, yard or inclosure connected with a building, in which an illicit beverage is found, possessed, stored or kept.

z. "Wholesaler." Any person who sells an alcoholic beverage for the purpose of resale either to a licensed wholesaler or to a licensed retailer, or both.

aa. "Limousine." A motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route, or is furnished without fare as an accommodation for a patron in connection with other business purposes, and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. This shall not include taxicabs, hotel or airport shuttles and buses, buses employed solely in transporting school children or teachers to and from school, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services or vehicles owned and operated without charge or remuneration by a business entity for its own purposes.

bb. "Entertainment facility" is a privately-owned facility in which athletic, commercial, cultural, or artistic events are featured.

cc. "Powdered alcohol." Any powder or crystalline substance containing alcohol, as defined in subsection a. of this section, produced for human consumption.

Any definition herein contained shall apply to the same word in any form. Thus "sell" means to make a "sale" as above defined.

2. R.S.33:1-2 is amended to read as follows:

License required, terms; personal use; brand registration; fees.

33:1-2. a. It shall be unlawful to manufacture, sell, possess with intent to sell, transport, warehouse, rectify, blend, treat, fortify, mix, process, bottle or distribute alcoholic beverages in this State, except pursuant to and within the terms of a license, or as otherwise expressly authorized, under this chapter; but any drink actually intended for immediate personal use may be mixed by any person. Except as hereinafter provided, a person may, without limitation, purchase any amount of alcoholic beverages intended in good faith to be used solely for personal use and may personally transport those alcoholic beverages so purchased for personal use in any vehicle from a point within this State. Alcoholic beverages intended in good faith solely for personal use may be transported, by the owner thereof, in a vehicle other than that of the holder of a transportation license, from a point outside this State to the extent of, not exceeding 1/4 barrel or one case containing not in excess of 12 quarts in all, of beer, ale or porter, and one gallon of wine and two quarts of other alcoholic beverages within any consecutive period of 24 hours; provided, however, that except pursuant to and within the terms of a license or permit issued by the director, no person shall transport into this State or receive from without this State into this State, alcoholic beverages where the alcoholic beverages are transported or received from a state which prohibits the transportation into that state of alcoholic beverages purchased or otherwise obtained in the State of New Jersey. If any person or persons desire to transport alcoholic beverages intended only for personal use in quantities in excess of those above-mentioned, an application may be made to the director who may, upon being satisfied of the good faith of the applicant, and upon payment of a fee of $25.00 issue a special permit limited by such conditions as the director may impose, authorizing the transportation of alcoholic beverages in quantities in excess of those above-mentioned.

b. A holder of a Class B license under R.S.33:1-11 shall not sell or deliver for sale in New Jersey any brand of alcoholic beverage for resale in this State unless the alcoholic beverage is acquired from the brand owner, or his authorized agent, or a wholesale licensee designated as the registered distributor by the brand owner, or his authorized agent.

c. No licensee shall knowingly sell, offer for sale, deliver, receive or purchase, for resale in this State, any alcoholic beverage, including private label brands owned by a retailer and exclusive brands owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer or affiliated retailer, unless the brand owner or his authorized agent files with the Director of the Division of Alcoholic Beverage Control a brand registration schedule containing such information as the director shall by rule or regulation require. Each brand registration schedule must be renewed annually by January 1 of each year.

d. Each person who files a brand registration schedule and amendments thereto shall pay a filing fee of $23 per filing for each initial brand registration and annual renewal and $10 for each amendment. All wines shall be subject to the initial brand registration and annual renewal filings and fees, except that different vintages of the same wine shall not require separate brand registrations or renewals. Any registration may be suspended or revoked in the same manner as an alcoholic beverage license for any violation of Title 33 of the Revised Statutes and the rules and regulations promulgated thereto.

e. Nothing contained in this section shall be deemed to limit or modify the prohibition against discrimination in the sale of any nationally advertised brand of alcoholic beverages to currently authorized wholesalers as set forth in P.L.1966, c.59 (C.33:1-93.6 et seq.) nor shall this section be deemed to require the sale to anyone other than authorized retailers of private label brands which are owned by a retailer or exclusive brands which are owned by a manufacturer or wholesaler and offered for sale or sold by the manufacturer or wholesaler exclusively to one retailer or affiliated retailer, in this State.

f. No person shall sell, offer for sale, or deliver, receive or purchase for resale in this State, any product consisting of or containing powdered alcohol.

3. Section 1 of P.L.1979, c.264 (C.2C:33-15) is amended to read as follows:

C.2C:33-15 Possession, consumption of alcoholic beverages by persons under legal age; penalty.

1. a. Any person under the legal age to purchase alcoholic beverages who knowingly possesses without legal authority or who knowingly consumes any alcoholic beverage in any school, public conveyance, public place, or place of public assembly, or motor vehicle, is guilty of a disorderly persons offense, and shall be fined not less than $500.

b. Whenever this offense is committed in a motor vehicle, the court shall, in addition to the sentence authorized for the offense, suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person under this section, the court shall forward a report to the New Jersey Motor Vehicle Commission stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the commission along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person as well as the first and last date of the license suspension period imposed by the court.

The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40.

If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the commission the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the commission shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

c. In addition to the general penalty prescribed for a disorderly persons offense, the court may require any person who violates this act to participate in an alcohol education or treatment program, authorized by the Division of Mental Health and Addiction Services in the Department of Human Services, for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

d. Nothing in this act shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of

Alcoholic Beverage Control, or for a bona fide hotel or restaurant, in accordance with the provisions of R.S.33:1-26, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution.

e. The provisions of section 3 of P.L.1991, c.169 (C.33:1-81.1a) shall apply to a parent, guardian or other person with legal custody of a person under 18 years of age who is found to be in violation of this section.

f. An underage person and one or two other persons shall be immune from prosecution under this section if:

(1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) the underage person was the first person to make the 9-1-1 report; and

(4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

The underage person who received medical assistance also shall be immune from prosecution under this section.

g. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1.

4. Section 1 of P.L.1985, c.311 (C.2C:33-17) is amended to read as follows:

C.2C:33-17 Availability of alcoholic beverages to underaged, offenses.

1. a. Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices or encourages that person to drink an alcoholic beverage is a disorderly person.

This subsection shall not apply to a parent or guardian of the person under legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages or to a religious observance, ceremony or rite. This subsection shall also not apply to any person in his home who is of the legal age to consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal

age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage in the presence of and with the permission of the parent or guardian of the person under the legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages.

b. A person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the purpose that alcoholic beverages will be made available for consumption by, or will be consumed by, persons who are under the legal age for consuming alcoholic beverages is guilty of a disorderly persons offense.

This subsection shall not apply if:

(1) the real property is licensed or required to be licensed by the Division of Alcoholic Beverage Control in accordance with the provisions of R.S.33:1-1 et seq.;

(2) the person making the property available, or leaving it in the care of another person, is of the legal age to consume alcoholic beverages and is the parent or guardian of the person who consumes alcoholic beverages while under the legal age for consuming alcoholic beverages; or

(3) the alcoholic beverages are consumed by a person under the legal age for consuming alcoholic beverages during a religious observance, ceremony or rite.

c. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1.

5. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 138

AN ACT establishing a crime-fraud exception to the marital and civil union partnership privilege, and amending P.L.1960, c.52.

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

1. The Legislature finds and declares that:

a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), "The Evidence Act, 1960," also enumerated as Rule 509 of the New Jersey Rules of Evidence, provides that no person shall disclose any communication made in confidence

between such person and his or her spouse or partner in a civil union couple unless both consent to the disclosure, or unless the communication is relevant to an issue in an action between them, or in a criminal action or proceeding in which either spouse or partner consents to the disclosure, or in a criminal action or proceeding under section 17 of P.L.1960, c.52 (C.2A:84A-17), also referenced as Rule 501 of the New Jersey Rules of Evidence, for which a testimonial privilege does not apply. This privilege does not terminate with the couple's divorce, dissolution of civil union, or separation.

b. This privilege arises from the strong public policy of encouraging free and uninhibited communication between spouses and partners, and, consequently, of protecting the sanctity and tranquility of marriages and civil unions. However, in its current form, this privilege also unintentionally serves to immunize conversations between spouses and partners about their ongoing and future joint criminal behavior.

c. In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the New Jersey Supreme Court proposed an amendment to Rule 509 of the New Jersey Rules of Evidence, which corresponds to section 22 of "The Evidence Act, 1960," to include a crime-fraud exception to the communications privilege in an effort to strike an appropriate balance between marital and civil union partnership privacy and the public's interest in attaining justice.

d. Amending "The Evidence Act, 1960" in accordance with the New Jersey Supreme Court's proposal will aid in preventing the unintended consequence of immunizing the criminal activity of certain spouses and partners who invoke the privilege, while preserving the general privilege and its intended purpose of protecting and encouraging free and uninhibited communication and confidence between spouses and civil union partners.

2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to read as follows:

C.2A:84A-22 Marital privilege - confidential communications.

22. Marital privilege--Confidential communications.

(1) Except as otherwise provided in this section, no person shall disclose any communication made in confidence between such person and his or her spouse or civil union partner.

(2) There is no privilege:

(a) if both spouses or partners consent to the disclosure;

(b) if the communication is relevant to an issue in an action between the spouses or partners;

(c) in a criminal action or proceeding in which either spouse or partner consents to the disclosure;

(d) in a criminal action or proceeding coming within section 17 of P.L.1960, c.52 (C.2A:84A-17); or

(e) in a criminal action or proceeding if the communication relates to an ongoing or future crime or fraud in which the spouses or partners were or are joint participants at the time of the communication.

(3) When a spouse or partner is incapacitated or deceased, consent to the disclosure may be given for such spouse or partner by the guardian, executor, or administrator. The requirement for consent shall not terminate with divorce, dissolution of civil union or separation. A communication between spouses or partners while living separate and apart under a divorce from bed and board or legal separation from a partner in a civil union shall not be a privileged communication.

3. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 139

AN ACT concerning the eligibility requirements for certain sign programs, amending P.L.1997, c.144, and supplementing Title 27 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.1997, c.144 (C.27:7-21.12) is amended to read as follows:

C.27:7-21.12 Motor service signs, lease, license, contract.

1. a. The Commissioner of Transportation may lease, license, or contract the use, management, or operation of any State right-of-way or any real property of the department for the purpose of placing motorist service signs and tourist-oriented directional signs in a manner as to produce revenue for the support of the State.

b. In entering into a lease, license, or contract pursuant to this section, the commissioner shall either set a fee for the lease, license, or contract which shall yield at least a fair rental value for the use of the right-of-way or real property, or award the lease, license, or contract on the basis of competitive public bids or proposals to the responsible bidder or proposer whose bid or proposal is determined to be in the best interest of the State, price and other factors considered.

c. Any sign placed on departmental property pursuant to a lease, license, or contract entered into pursuant to this section shall conform to the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration, United States Department of Transportation.

d. Notwithstanding the provisions of any law, rule, or regulation to the contrary, and consistent with federal law, a facility shall not be required to have a public telephone or free drinking water available in order to participate in any motorist service sign program or Tourist Oriented Directional Sign Program, as implemented by the department.

C.27:23-58 Public telephone, free drinking water unnecessary for participation in service sign program along NJ Turnpike, Garden State Parkway.

2. a. Notwithstanding the provisions of any law, rule, or regulation to the contrary, and consistent with federal law, a facility shall not be required to have a public telephone or free drinking water available in order to participate in any specific service sign program, as implemented by the New Jersey Turnpike Authority.

b. As used in this section, "specific service sign program" means a program that provides for the installation and maintenance of signs along the New Jersey Turnpike or Garden State Parkway that identify and provide directional information to motorists for gas, food, lodging, camping, and attraction facilities, including, but not limited to, a tourist-oriented directional sign program, a specific service logo sign program, or a highway sponsorship sign program.

C.27:25A-49 Public telephone, free drinking water unnecessary for participation in sign program along Atlantic City Expressway.

3. a. Notwithstanding the provisions of any law, rule, or regulation to the contrary, and consistent with federal law, a facility shall not be required to have a public telephone or free drinking water available in order to participate in any specific service sign program, as implemented by the South Jersey Transportation Authority.

b. As used in this section, "specific service sign program" means a program that provides for the installation and maintenance of signs along

the Atlantic City Expressway that identify and provide directional information to motorists for gas, food, lodging, camping, and attraction facilities, including, but not limited to, a tourist-oriented directional sign program, a specific service logo sign program, or a highway sponsorship sign program.

4. This act shall take effect immediately and shall not apply to contracts entered into or renewed before the date of enactment.

Approved November 9, 2015.

CHAPTER 140

AN ACT concerning the efficient procurement of goods and services by certain entities and amending and supplementing P.L.1994, c.48, and supplementing P.L.1989, c.141 (C.18A:64A-28.1 et at.).

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

1. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to read as follows:

C.18A:3B-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3;

"Commission" means the New Jersey Commission on Higher Education established by this act;

"Council" means the New Jersey Presidents' Council established by this act;

"Council of County Colleges" means the New Jersey Council of County Colleges established pursuant to N.J.S.18A:64A-26;

"County college" means an educational institution established by one or more counties, pursuant to chapter 64A of Title 18A of the New Jersey Statutes;

"Educational research and services corporation" means a nonprofit corporation whose voting members are public research universities, State colleges, county colleges, public institutions of higher education primarily lo-

cated in the State of New Jersey, and nonprofit independent institutions of higher education that receive direct State aid;

"Programmatic Mission" means all program offerings consistent within those levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to the effective date of this act or approved thereafter by the commission; "Public Research University" means Rutgers, The State University of New Jersey, Rowan University, and the New Jersey Institute of Technology;

"State college" means any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes including any State college designated as a teaching university.

C.18A:3B-6.1 Educational research and service corporation.

2. a. The governing board of a public research university or a State college may join with other public research universities, State colleges, county colleges, public institutions of higher education primarily located in the State of New Jersey, and nonprofit independent institutions of higher education that receive direct State aid, to form an educational research and services corporation to be operated exclusively for charitable, scientific, and educational purposes, within the meaning of paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501).

b. (1) An educational research and services corporation may act as a lead agency or contracting unit for the procurement of goods or services concerning educational technology systems and related services by those entities comprising the educational and research services corporation.

(2) An educational research and services corporation shall be deemed a local unit for the purposes of the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35) and may act as a lead agency or contracting unit for the procurement of goods or services concerning educational technology systems and related services by municipalities, fire districts, counties, local authorities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), school districts, county colleges, State colleges, public research universities, nonprofit independent institutions of higher education that receive direct State aid, or any combination of those entities.

c. An educational research and services corporation formed under P.L.2015, c.140, shall be subject to all applicable requirements under all applicable State and local procurement laws, including, but not limited to, section 1 of P.L.1977, c.33 (C.52:25-24.2), P.L.2012, c.25 (C.52:32-55 et seq.), and P.L.2005, c.51 (C.19:44A-20.13 et seq.).

C.18A:64A-28.2a Council of County Colleges to act as lead agency.

3. The Council of County Colleges may act as the lead agency for the joint procurement of goods or services by county colleges pursuant to the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.).

4. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 141

AN ACT concerning stalking and amending N.J.S.2C:29-9.

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

1. 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 knowingly 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 subsection.

(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 subsection.

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.

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.

2. This act shall take effect immediately and shall apply to persons convicted of an offense committed on or after the effective date.

Approved November 9, 2015.

CHAPTER 142

AN ACT concerning private outdoor video surveillance cameras, supplementing Title 40 of the Revised Statutes, and amending R.S.40:48-1.

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

C.40:48-1.6 Findings, declarations relative to private outdoor video surveillance cameras.

1. The Legislature finds and declares that:

a. The ability of law enforcement officials to timely investigate criminal activity is essential to apprehending culpable criminals and ensuring public safety.

b. Footage from private outdoor video surveillance cameras may provide useful information for law enforcement officials investigating incidents of criminal activity that occurred within the vicinity of these cameras.

c. The purpose of this act is to facilitate law enforcement investigations into criminal activity and save valuable time and resources by permit-

ting a municipality to enact an ordinance allowing all owners of private outdoor video surveillance cameras in the municipality to voluntarily register their cameras with the municipal police department or force.

C.40:48-1.7 Private outdoor video surveillance camera registry.

2. a. A municipality may enact an ordinance to establish a private outdoor video surveillance camera registry and to allow any person who owns a private outdoor video surveillance camera on a residential or business property in the municipality to voluntarily register the camera with the municipal police department or force for the purpose of assisting law enforcement investigations of criminal activity that occurred within the vicinity of the camera's location. The ordinance shall provide that registration of a camera does not constitute a waiver of any rights granted under the Constitution of the United States or the State of New Jersey.

b. The municipal ordinance shall require the following information to be included in the private outdoor video surveillance camera registry:

(1) the name of the person who owns the camera;

(2) the most recent contact information, including the street address and telephone number of the person who owns the camera;

(3) the street address of the residence or business where the camera is installed;

(4) the number of cameras located at the residence or business;

(5) the outdoor areas recorded by the camera;

(6) the means by which the camera's footage is saved or stored, and the duration of time for which the footage is saved or stored; and

(7) any additional information the municipality deems necessary.

c. Information stored in the municipal registry pursuant to subsection b. of this section shall be available for the exclusive use by law enforcement officials to investigate criminal activity within the vicinity of the camera's location. Information stored in the registry shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

d. A State, county, or municipal law enforcement agency may contact a person whose information appears in the municipal registry established pursuant to subsection a. of this section, in order to request access to any camera's footage which may assist an investigation of criminal activity that occurred within the vicinity of the camera's location. A person who regis-

ters a camera with a municipal police department or force shall not be required to submit the camera's footage to a law enforcement agency, unless otherwise required by law.

e. As used in this act, "private outdoor video surveillance camera" or "camera" means a device installed outside a residence or business, which, for security purposes, captures footage of an area outside the residence or business.

3. R.S.40:48-1 is amended to read as follows:

Ordinances; general purpose.

40:48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

Finances and property. 1. Manage, regulate and control the finances and property, real and personal, of the municipality;

Contracts and contractor's bonds. 2. Prescribe the form and manner of execution and approval of all contracts to be executed by the municipality and of all bonds to be given to it;

Officers and employees; duties, terms and salaries. 3. Prescribe and define, except as otherwise provided by law, the duties and terms of office or employment, of all officers and employees; and to provide for the employment and compensation of such officials and employees, in addition to those provided for by statute, as may be deemed necessary for the efficient conduct of the affairs of the municipality;

Fees. 4. Fix the fees of any officer or employee of the municipality for any service rendered in connection with his office or position, for which no specific fee or compensation is provided. In the case of salaried officers or employees, such fee shall be paid into the municipal treasury;

Salaries instead of fees; disposition of fees. 5. Provide that any officer or employee receiving compensation for his services, in whole or in part by fees, whether paid by the municipality or otherwise, shall be paid a salary to be fixed in the ordinance, and thereafter all fees received by such officer or employee shall be paid into the municipal treasury;

Maintain order. 6. Prevent vice, drunkenness and immorality; to preserve the public peace and order; to prevent and quell riots, disturbances and disorderly assemblages; to prohibit the consumption of alcoholic beverages by underage persons on private property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

Punish beggars; prevention of loitering. 7. Restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

Auctions and noises. 8. Regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises;

Swimming; bathing costume; prohibition of public nudity. 9. Regulate or prohibit swimming or bathing in the waters of, in, or bounding the municipality, and to regulate or prohibit persons from appearing upon the public streets, parks and places clad in bathing costumes or robes, or costumes of a similar character; regulate or prohibit persons from appearing in a state of nudity upon all lands within its borders which are under the jurisdiction of the State including, without limitation, all lands owned by, controlled by, managed by or leased by the State;

Prohibit annoyance of persons or animals. 10. Regulate or prohibit any practice tending to frighten animals, or to annoy or injure persons in the public streets;

Animals; pounds; establishment and regulation. 11. Establish and regulate one or more pounds, and to prohibit or regulate the running at large of horses, cattle, dogs, swine, goats and other animals, and to authorize their impounding and sale for the penalty incurred, and the costs of impounding, keeping and sale; to regulate or prohibit the keeping of cattle, goats or swine in any part of the municipality; to authorize the destruction of dogs running at large therein;

Hucksters. 12. Prescribe and regulate the place of vending or exposing for sale articles of merchandise from vehicles;

Building regulations; wooden structures. 13. Regulate and control the construction, erection, alteration and repair of buildings and structures of every kind within the municipality; and to prohibit, within certain limits, the construction, erection or alteration of buildings or structures of wood or other combustible material;

Inflammable materials; inspect docks and buildings. 14. Regulate the use, storage, sale and disposal of inflammable or combustible materials, and to provide for the protection of life and property from fire, explosions and other dangers; to provide for inspections of buildings, docks, wharves, warehouses and other places, and of goods and materials contained therein, to secure the proper enforcement of such ordinance;

Dangerous structures; removal or destruction; procedure. 15. Provide for the removal or destruction of any building, wall or structure which is or

may become dangerous to life or health, or might tend to extend a conflagration; and to assess the cost thereof as a municipal lien against the premises;

Chimneys and boilers. 16. Regulate the construction and setting up of chimneys, furnaces, stoves, boilers, ovens and other contrivances in which fire is used;

Explosives. 17. Regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives;

Firearms and fireworks. 18. Regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions;

Soft coal. 19. Regulate the use of soft coal in locomotives, factories, power houses and other places;

Theaters, schools, churches and public places. 20. Regulate the use of theaters, cinema houses, public halls, schools, churches, and other places where numbers of people assemble, and the exits therefrom, so that escape therefrom may be easily and safely made in case of fire or panic; and to regulate any machinery, scenery, lights, wires and other apparatus, equipment or appliances used in all places of public amusement;

Excavations. 21. Regulate excavations below the established grade or curb line of any street, not greater than eight feet, which the owner of any land may make, in the erection of any building upon his own property; and to provide for the giving of notice, in writing, of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation; and to provide that in case of the neglect or refusal, for 10 days, of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties giving such notice, or their agents, contractors or employees, may enter into and upon such adjoining property and do all necessary work to make such foundations secure, and may recover the cost of such work and labor in so protecting such adjacent property; and to make such further and other provisions in relation to the proper conduct and performance of said work as the governing body or board of the municipality may deem necessary and proper;

Sample medicines. 22. Regulate and prohibit the distribution, depositing or leaving on the public streets or highways, public places or private property, or at any private place or places within any such municipality, any medicine, medicinal preparation or preparations represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto, but no ordinance shall prohibit a

delivery of any such article to any person above the age of 12 years willing to receive the same;

Boating. 23. Regulate the use of motor and other boats upon waters within or bounding the municipality;

Fire escapes. 24. Provide for the erection of fire escapes on buildings in the municipality, and to provide rules and regulations concerning the construction and maintenance of the same, and for the prevention of any obstruction thereof or thereon;

Care of injured employees. 25. Provide for the payment of compensation and for medical attendance to any officer or employee of the municipality injured in the performance of his duty;

Bulkheads and other structures. 26. Fix and determine the lines of bulkheads or other works or structures to be erected, constructed or maintained by the owners of lands facing upon any navigable water in front of their lands, and in front of or along any highway or public lands of said municipality, and to designate the materials to be used, and the type, height and dimensions thereof;

Lifeguard. 27. Establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality;

Appropriation for life-saving apparatus. 28. Appropriate moneys to safeguard people from drowning within its borders, by location of apparatus or conduct of educational work in harmony with the plans of the United States volunteer life-saving corps in this State;

Fences. 29. Regulate the size, height and dimensions of any fences between the lands of adjoining owners, whether built or erected as division or partition fences between such lands, and whether the same exist or be erected entirely or only partly upon the lands of any such adjoining owners, or along or immediately adjacent to any division or partition line of such lands. To provide, in such ordinance, the manner of securing, fastening or shoring such fences, and for surveying the land when required by statute, and to prohibit in any such ordinance the use at a height of under 10 feet from the ground, of any device, such as wire or cable, that would be dangerous to pedestrians, equestrians, bicyclists, or drivers of off-the-road vehicles, unless that device is clearly visible to pedestrians, equestrians, bicyclists or drivers of off-the-road vehicles. In the case of fences thereafter erected contrary to the provisions thereof, the governing body may provide for a penalty for the violation of such ordinance, and in the case of such fence or fences erected or existing at the time of the passage of any such ordinance, may provide therein for the removal, change or alteration there-

of, so as to make such fence or fences comply with the provisions of any such ordinance;

Advertise municipality. 30. Appropriate funds for advertising the advantages of the municipality;

Government Energy Aggregation Programs. 31. Establish programs and procedures pursuant to which the municipality may act as a government aggregator pursuant to sections 40 through 43 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the provisions of any other law, rule or regulation to the contrary, a municipality acting as a government aggregator pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed to be operating any form of public utility service pursuant to R.S.40:62-1 et seq., to the extent such municipality is solely engaged in the provision of such aggregation service and not otherwise owning or operating any plant or facility for the production or distribution of gas, electricity, steam or other product as provided in R.S.40:62-12;

Joint municipal action on consent for the provision of cable television service. 32. Establish programs and procedures pursuant to which a municipality may act together with one or more municipalities in granting municipal consent for the provision of cable television service pursuant to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other law, rule or regulation to the contrary, two or more municipalities acting jointly pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent those municipalities are solely engaged in granting municipal consent jointly and are not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Private cable television service aggregation programs. 33. Establish programs and procedures pursuant to which a municipality may employ the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent for the provision of cable television service provided that any such municipality shall adhere to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and supplemented. Notwithstanding the provisions of any other

law, rule or regulation to the contrary, a municipality that employs the services of a private aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et seq., to the extent that the municipality is solely engaged in employing the services of a private aggregator for the purpose of facilitating the joint action of two or more municipalities in granting municipal consent and is not otherwise owning or operating any facility for the provision of cable television service as provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

Protective Custody. 34. Provide protective custody to persons arrested for operating a motor vehicle under the influence of alcoholic beverages, any chemical substance, or any controlled dangerous substance in violation of R.S.39:4-50 as provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

Private Outdoor Video Surveillance Camera Registry. 35. Establish a private outdoor video surveillance camera registry and allow voluntary registration of private outdoor video surveillance cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

4. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 143

AN ACT concerning supplemental State school aid for certain school districts, supplementing P.L.2007, c.260 (C.18A:7F-43 et al.), and making an appropriation.

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

C.18A:7F-65 Commercial valuation stabilization aid.

1. a. In addition to any other State school aid provided pursuant to the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), a school district may receive, upon the recommendation of the Commissioner of Education, commercial valuation stabilization aid if the school district is situated in a municipality in which:

(1) in 2008, the assessed value of commercial property accounted for at least 75 percent of the municipality's total assessed property valuation; and

(2) between 2008 and 2013, the assessed value of commercial property decreased by at least 25 percent.

b. Upon identifying a school district that meets the criteria of subsection a. of this section, the commissioner shall conduct a needs assessment of the school district to determine if the district should receive commercial valuation stabilization aid. The needs assessment shall consider, at a minimum:

(1) the breadth of educational programming offered by the district;

(2) whether the district's expenditures are consistent with the efficiency standards established pursuant to section 4 of P.L.2007, c.260 (C.18A:7F-46); and

(3) in consultation with the Commissioner of Community Affairs, the district's capacity to raise a general fund tax levy that is adequate to support the district's expenditures.

In the event that the Commissioner of Education determines that the district should be awarded commercial valuation stabilization aid, the commissioner shall determine the amount of the award. The commissioner shall perform the needs assessment in each subsequent school year and determine the amount of aid, if any.

c. Notwithstanding the provisions of subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5) to the contrary, in the first year that a school district receives commercial valuation stabilization aid, the district shall reduce its general fund tax levy by an amount equal to the amount of the aid received. In the subsequent school year, for the purpose of calculating a school district's tax levy growth limitation pursuant to the provisions of section 3 of P.L.2007, c.62 (C.18A:7F-38), a school district's prebudget year adjusted tax levy shall reflect this reduction.

d. A school district shall be ineligible to receive commercial valuation stabilization aid in the first school year in which the total assessed property valuation in the municipality in which the school district is situated is greater than or equal to the municipality's total assessed property valuation in 2008. For the purposes of this subsection, the municipality's total assessed property valuation shall include the value of any property exempt from taxation pursuant to the provisions of P.L. , c. (C.) (pending before the Legislature as Senate Bill No.....). The municipal tax assessor shall annually determine the value of the exempt property, and the Commissioner of Community Affairs shall review the assessment for reasonability and completeness.

e. Notwithstanding the provisions of section 3 of P.L.2007, c.62 (C.18A:7F-38) to the contrary, a school district's tax levy growth limitation shall be increased by an amount equal to any reduction in the amount of commercial valuation stabilization aid that the district received in the prior budget year.

C.18A:7F-66 Efficiency of expenditures.

2. In the case of a school district that receives commercial valuation stabilization aid pursuant to section 1 of this act, the commissioner may take such action as is deemed necessary and appropriate to ensure the efficiency of school district expenditures.

3. Such sums as are necessary to provide additional aid to a school district for commercial valuation stabilization aid determined pursuant to section 1 of this act are appropriated from the General Fund to the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting.

4. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 144

AN ACT concerning participation in treatment and reentry initiatives during incarceration, participation in treatment and rehabilitation initiatives during sentence of probation, amending P.L.2009, c.329, and supplementing chapter 45 of Title 2C of the New Jersey Statutes.

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

1. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to read as follows:

C.30:4-91.15 Program to record and analyze recidivism.

3. a. The Commissioner of Corrections, in conjunction with the Juvenile Justice Commission and the State Parole Board, shall establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles, whether on parole or upon the completion of their maximum sentences. The purpose of this program shall be to assist in measuring the effectiveness of the State's reentry initiatives and programs.

b. The program shall record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. These data shall be analyzed to determine whether

the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The commissioner shall prepare and disseminate semi-annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall include summaries of the treatment received by the releasees and any participation and involvement in reentry initiatives by the releasees, and shall make recommendations concerning the effectiveness of the treatment programs and reentry initiatives. These reports shall be available to the general public and shall not contain any personally identifying information. To facilitate the accessibility of these reports to the general public, the commissioner shall, to the greatest extent possible, utilize the Internet.

d. The commissioner shall annually prepare and transmit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a summary of the recommendations set forth in the reports prepared pursuant to subsection c. of this section, along with any recommendations the department, Juvenile Justice Commission or the State Parole Board may have for legislation to improve the effectiveness of the State's reentry initiatives and programs.

C.2C:45-6 Program to record, analyze recidivism of persons sentenced to probation.

2. a. The Administrative Director of the Courts shall establish a program to record and analyze the recidivism of all persons sentenced to a period of probation pursuant to N.J.S.2C:43-2 and N.J.S.2C:45-1 et seq. The purpose of this program shall be to assist in measuring the effectiveness of the State's rehabilitation initiatives and programs.

b. The program shall record data regarding types of crimes committed by offenders that result in a sentence of probation, the arrests for all offenses committed by probationers within three years following their sentence of probation and any convictions resulting from the arrests, crimes committed while on probation, the number of repeat offenders and the number of probationers concurrently serving a parole sentence. These data shall be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of probationers, the treatment they received during the period of probation, participation and involvement in rehabilitation initiatives and programs,

and such other factors as may be relevant to the purposes of this section, including, but not limited to, race, gender, ethnicity, and age.

c. The Administrative Director of the Courts shall prepare and disseminate to the public annual reports summarizing the recidivism rates, patterns, and other findings and analyses resultant of the information gathered pursuant to this section. These reports shall include summaries of the treatment received by the probationers and shall make recommendations concerning the effectiveness of the rehabilitation initiatives and programs. These reports shall be available to the general public and shall not contain personally identifying information. To facilitate the accessibility of these reports to the general public, the administrative director shall, to the greatest extent possible, utilize the Internet.

d. The Administrative Director of the Courts shall annually prepare and transmit to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the reports prepared, along with any recommendations the Administrative Office of the Courts may have for legislation to improve the effectiveness of the State's rehabilitation initiatives and programs.

3. This act shall take effect on the 365th day following enactment.

Approved November 9, 2015.

CHAPTER 145

AN ACT concerning mortgage guaranty insurance and amending P.L.1968, c.248.

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

1. Section 4 of P.L.1968, c.248 (C.17:46A-4) is amended to read as follows:

C.17:46A-4 Limitations and restrictions for transacting business.

4. Limitations and restrictions for transacting business.

(a) Mortgage guaranty insurance may be transacted in this State only by a stock insurance company holding a certificate of authority for the transaction of such insurance, and shall be written only to insure loans secured by authorized real estate securities as defined in section 2 of this act.

(b) A mortgage guaranty insurance company shall not insure loans secured by properties in a single housing tract or a contiguous tract in excess of 10% of the insurance company's policyholders' surplus. In determining the amount of such risk, applicable reinsurance in any assuming insurance company authorized to transact mortgage guaranty insurance in this State shall be deducted from the total direct risk insured. "Contiguous," for the purposes of this section, means not separated by more than 1/2 mile.

(c) The liability of a mortgage guaranty insurance company for an insured loan shall in no event exceed the actual loss. In lieu of paying the percentage of the insured loan as specified in the policy, a mortgage guaranty insurance company may elect to pay the entire indebtedness to the insured and acquire title to the authorized real estate security.

(d) (Deleted by amendment; P.L.1975, c.122, s.2.)

(e) (1) A mortgage guaranty insurance company which anywhere transacts any class of insurance other than mortgage guaranty insurance is not eligible for the issuance of a certificate of authority to transact mortgage guaranty insurance in this State nor for the renewal thereof.

(2) A mortgage guaranty insurance company which anywhere transacts the classes of insurance defined in paragraph (a) (2) or (a) (3) of section 2 of this act is not eligible for a certificate of authority to transact in this State the class of mortgage guaranty insurance defined in paragraph (a) (1) of section 2 of this act.

(f) Nothing in this act shall be construed as limiting the right of any mortgage guaranty insurance company to impose reasonable requirements upon the lender with regard to the terms of any note or bond or other evidence of indebtedness secured by a mortgage or deed of trust, such as requiring a stipulated down payment by the borrower.

2. This act shall take effect immediately, and shall apply to policies of mortgage guaranty insurance issued on or after that date.

Approved November 9, 2015.

CHAPTER 146

AN ACT requiring carbon monoxide detectors in certain structures, designated as Korman and Park's Law, amending and supplementing P.L.1975, c.217, and supplementing P.L.1983, c.383 (C.52:27D-192 et seq.).

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

C.52:27D-123f Carbon monoxide detectors required in certain structures.

1. a. An application for a construction permit for any structure other than a structure subject to the provisions of P.L.1999, c.15 (C.52:27D-133.3 et al.) shall not be declared complete without containing provisions for the placement of a carbon monoxide sensor device or devices, unless it is determined that there is no potential carbon monoxide hazard in the structure.

b. Any determination as to the placement of a carbon monoxide sensor device or devices in a structure and as to whether there is a potential carbon monoxide hazard in a structure shall be made in accordance with the rules and regulations adopted pursuant to subsection c. of this section.

c. The Commissioner of Community Affairs shall promulgate rules and regulations pursuant to its rule-making authority under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the purposes of this section. The rules and regulations shall include, but not be limited to, standards for the placement of a carbon monoxide sensor device or devices in a structure and for the determination as to whether there is a potential carbon monoxide hazard in a structure.

d. For the purposes of this section:

"Carbon monoxide sensor device" means a carbon monoxide alarm or detector that bears the label of a nationally recognized testing laboratory, and has been tested and listed as complying with the most recent Underwriters Laboratories standard 2034 or its equivalent.

2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to read as follows:

C.52:27D-124 Powers of the commissioner.

6. The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including, but not limited to, the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings,

as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are met. The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpena to compel the attendance of witnesses and the production of evidence. The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.):

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits; and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act.

(3) (Deleted by amendment, P.L.1983, c.338).

h. To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

i. To adopt, amend and repeal rules and regulations providing for:

(1) Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency or an in-plant inspection agency;

(2) (Deleted by amendment, P.L.2005, c.212).

(3) (Deleted by amendment, P.L.2005, c.212).

j. To enforce and administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts.

k. To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

l. To adopt, amend, and repeal rules and regulations implementing the provisions of P.L.1999, c.15, P.L.2003, c.44, and section 1 of P.L.2015, c.146 (C.52:27D-123f) concerning the installation and maintenance of carbon monoxide sensors.

C.52:27D-198.18 Certain existing structures required to be equipped with carbon monoxide detectors.

3. a. Within 90 days of the adoption of rules and regulations pursuant to subsection c. of this section, any existing structure other than a structure subject to the provisions of P.L.1999, c.15 (C.52:27D-133.3 et al.) shall be

equipped with a carbon monoxide sensor device or devices, unless it is determined that there is no potential carbon monoxide hazard in the structure.

b. Any determination as to the placement of a carbon monoxide sensor device or devices in a structure and as to whether there is a potential carbon monoxide hazard in a structure shall be made in accordance with the rules and regulations adopted pursuant to subsection c. of this section.

c. The Commissioner of Community Affairs shall promulgate rules and regulations pursuant to its rule-making authority under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the purposes of this section. The rules and regulations shall include, but not be limited to, standards for the placement of a carbon monoxide sensor device or devices in a structure and for the determination as to whether there is a potential carbon monoxide hazard in a structure.

d. For the purposes of this section:

"Carbon monoxide sensor device" means a carbon monoxide alarm or detector that bears the label of a nationally recognized testing laboratory, and has been tested and listed as complying with the most recent Underwriters Laboratories standard 2034 or its equivalent.

C.52:27D-198.19 Inspection, violations, penalties.

4. a. An enforcing agency shall inspect each structure subject to the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.) within its jurisdiction for compliance with such requirements at the time of any inspection conducted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

b. The local governing body having jurisdiction over the enforcing agency or, if the Department of Community Affairs is the enforcing agency, the Commissioner of Community Affairs, may establish a fee which covers the cost of inspection and of issuance of a certificate evidencing compliance with the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.); provided, however, that the fee authorized shall not exceed the costs of inspection and issuance of a certificate.

c. An owner of a structure found to be in violation of the carbon monoxide detector installation requirements of P.L.2015, c.146 (C.52:27D-123f et al.) shall be liable to a penalty of not more than $1,000 for a first offense and not more than $2,500 for each subsequent offense found upon reinspection to be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalties provided by this paragraph.

5. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 147

AN ACT concerning certain protective orders, amending N.J.S.2C:29-9 and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:14-13 Short title.

1. P.L.2015, c.147 (C.2C:14-13 et al.) shall be known and may be cited as the "Sexual Assault Survivor Protection Act of 2015."

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 c. 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 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) 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. 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).

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.).

C.2C:14-15 Temporary protective order.

3. Temporary Protective Order.

a. An applicant may seek emergency, ex parte relief in the nature of a temporary protective order. A judge of the Superior Court may enter an emergency ex parte order when necessary to protect the safety and well-being of an alleged victim on whose behalf the relief is sought. The court may grant any relief necessary to protect the safety and well-being of an alleged victim.

b. The court shall, upon consideration of the application, order emergency ex parte relief in the nature of a temporary protective order if the court determines that the applicant is a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and qualifies for such relief pursuant to section 2 of P.L.2015, c.147 (C.2C:14-14). The court shall render a decision on the application and issue a temporary protective order, where appropriate, in an expedited manner.

c. The court may issue a temporary protective order, pursuant to court rules, upon sworn testimony or an application of an alleged victim who is not physically present, pursuant to court rules, or by a person who represents an alleged victim 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.

d. An order for emergency, ex parte relief shall be granted upon good cause shown and shall remain in effect until a judge of the Superior Court issues a further order. Any temporary protective order issued pursuant to this section is immediately appealable for a plenary hearing de novo not on the record before any judge of the Superior Court of the county in which the alleged victim resides or is sheltered if that judge issued the temporary protective order or has access to the reasons for the issuance of the temporary protective order and sets forth in the record the reasons for the modification or dismissal.

e. A temporary protective order issued pursuant to this section may include, but is not limited to, the following emergency relief:

(1) an order prohibiting the respondent from committing or attempting to commit any future act of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, against the alleged victim;

(2) an order prohibiting the respondent from entering the residence, property, school, or place of employment of the victim or the victim's family or household members, and requiring the respondent to stay away from any specified place that is named in the order and is frequented regularly by the alleged victim or the alleged victim's family or household members;

(3) an order prohibiting the respondent from having any contact with the alleged victim or others, including an order forbidding the respondent 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, or contact via electronic device, with the alleged victim or the alleged victim's family members, or their employers, employees, or fel-

low workers, an employee or volunteer of a sexual assault response entity that is providing services to an alleged victim, or others with whom communication would be likely to cause annoyance or alarm to the alleged victim;

(4) an order prohibiting the respondent from stalking or following, or threatening to harm, stalk, or follow, the alleged victim;

(5) an order prohibiting the respondent from committing or attempting to commit an act of harassment, including an act of cyber-harassment, against the alleged victim; and

(6) any other relief that the court deems appropriate.

f. A copy of the temporary protective order issued pursuant to this section shall be immediately forwarded to the police of the municipality in which the alleged victim resides or is sheltered. A copy of the temporary protective order shall also be forwarded to the sheriff of the county in which the respondent resides for immediate service upon the respondent in accordance with the Rules of Court. The court or the sheriff may coordinate service of the temporary protective order upon the respondent through the police in appropriate circumstances. If personal service cannot be effected upon the respondent, the court may order other appropriate substituted service. At no time shall the alleged victim be asked or required to serve any order on the respondent.

g. Notice of temporary protective 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.

C.2C:14-16 Final protective order.

4. Final Protective Order.

a. A hearing shall be held in the Superior Court within 10 days of the filing of an application pursuant to section 3 of P.L.2015, c.147 (C.2C:14-15) in the county where the temporary protective order was ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the application shall be served on the respondent in conformity with the Rules of Court. If a criminal complaint arising out of the same incident which is the subject matter of an application for a protective order has been filed, testimony given by the applicant, the alleged victim, or the respondent in accordance with an application filed pursuant to this section shall not be used in the criminal proceeding against the respondent, other than contempt matters, and where it would otherwise be admissible hearsay under the rules of evidence that govern when a party is unavailable. At the hearing, the standard for proving the allegations made in the application for a pro-

tective order shall be a preponderance of the evidence. The court shall consider but not be limited to the following factors:

(1) the occurrence of one or more acts of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, against the alleged victim; and

(2) the possibility of future risk to the safety or well-being of the alleged victim.

b. The court shall not deny relief under this section due to: the applicant's or alleged victim's failure to report the incident to law enforcement; the alleged victim's or the respondent's alleged intoxication; whether the alleged victim did or did not leave the premises to avoid nonconsensual sexual contact, sexual penetration, or lewdness, or an attempt at such conduct; or the absence of signs of physical injury to the alleged victim.

c. In any proceeding involving an application for a protective order pursuant to P.L.2015, c.147 (C.2C:14-13 et al.), evidence of the alleged victim's previous sexual conduct or manner of dress at the time of the incident shall not be admitted nor shall any reference made to such conduct or manner or dress, except as provided in N.J.S.2C:14-7.

d. The issue of whether an act alleged in the application for a protective order occurred, or whether an act of contempt under paragraph (2) of subsection b. of N.J.S.2C:29-9 occurred, shall not be subject to mediation or negotiation in any form.

e. A final protective order issued pursuant to this section shall be issued only after a finding or an admission is made that the respondent committed an act of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, against the alleged victim. A final protective order shall:

(1) prohibit the respondent from having contact with the victim; and

(2) prohibit the respondent from committing any future act of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, against the victim.

f. In addition to any relief provided to the victim under subsection e. of this section, a final protective order issued pursuant to this section may include, but is not limited to, the following relief:

(1) an order prohibiting the respondent from entering the residence, property, school, or place of employment of the victim or the victim's family or household members, and requiring the respondent to stay away from any specified place that is named in the order and is frequented regularly by the victim or the victim's family or household members;

(2) an order prohibiting the respondent from having any contact with the victim or others, including an order forbidding the respondent 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, or contact via electronic device, with the victim or the victim's family members or their employers, employees, or fellow workers; an employee or volunteer of a sexual assault response entity that is providing services to a victim; or others with whom communication would be likely to cause annoyance or alarm to the victim;

(3) an order prohibiting the respondent from stalking or following, or threatening to harm, stalk or follow, the victim;

(4) an order prohibiting the respondent from committing or attempting to commit an act of harassment, including an act of cyber-harassment, against the victim; and

(5) any other relief that the court deems appropriate.

g. A copy of the final protective order issued pursuant to this section shall be immediately forwarded to the police of the municipality in which the victim resides or is sheltered. A copy of the final protective order shall be forwarded to the sheriff of the county in which the respondent resides for immediate service upon the respondent in accordance with the Rules of Court. The court or the sheriff may coordinate service of the final protective order upon the respondent through the police in appropriate circumstances. If personal service cannot be effected upon the respondent, the court may order other appropriate substituted service. At no time shall the victim be asked or required to serve any order on the respondent.

h. Notice of a final protective order issued pursuant to this section shall be sent by the clerk of the Superior Court or other person designated by the court to the appropriate county prosecutor, the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency. Notice of the issuance of a final protective order shall also be provided to the Division of Child Protection and Permanency in the Department of Children and Families where the victim is less than 18 years of age.

i. A final protective order issued pursuant to this section shall remain in effect until further order of a judge of the Superior Court. Either party may file a petition with the court to dissolve or modify a final protective order. When considering a petition for dissolution or modification of a final protective order, the court shall conduct a hearing to consider whether a material change in circumstances has occurred since the issuance of the protective order which would make its continued enforcement inequitable, oppressive or unjust taking into account the current status of the parties,

including the desire of the victim for the continuation of the protective order, the potential for contact between the parties, the history of the respondent's violations of the protective order or criminal convictions, and any other factors that the court may find relevant to protecting the safety and well-being of the victim.

C.2C:14-17 Protective order, enforcement.

5. a. Any temporary or final protective order issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

b. When a law enforcement officer finds probable cause that a respondent has committed contempt of an order entered pursuant to P.L.2015, c.147 (C.2C:14-13 et al.), the respondent shall be arrested and taken into custody. The court shall determine whether the respondent shall be released pending trial or detained pending a pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) and applicable court rules.

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.2C:14-19 Records, copies of protective orders.

7. a. All records maintained pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

b. A victim shall be provided with copies of all protective orders issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) and other relevant documents upon request at no cost.

C.2C:14-20 Central registry of protective orders.

8. The Administrative Office of the Courts shall establish and maintain a central registry of all protective orders issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) and all persons who have been charged with a violation of such a protective order. All records made pursuant to this section shall be kept confidential and shall be released only to:

a. A public agency authorized to investigate a report of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, or domestic violence;

b. A police or other law enforcement agency for official purposes;

c. A court, upon its finding that access to such records may be necessary for determination of an issue before the court;

d. A surrogate, in that person's official capacity as deputy clerk of the Superior Court, in order to prepare documents that may be necessary for a court to determine an issue in an adoption proceeding; or

e. The Division of Child Protection and Permanency in the Department of Children and Families when the division is conducting a background investigation involving:

(1) an allegation of child abuse or neglect, to include any adult member of the same household as the individual who is the subject of the abuse or neglect allegation; or

(2) an out-of-home placement for a child being placed by the Division of Child Protection and Permanency, to include any adult member of the prospective placement household.

Any individual, agency, or court which receives from the Administrative Office of the Courts the records referred to in this section shall keep the records and reports, or parts thereof, confidential and shall not disseminate or disclose such records and reports, or parts thereof; provided that nothing in this section shall prohibit a receiving individual, agency, surrogate or court from disclosing records and reports, or parts thereof, in a manner consistent with and in furtherance of the purpose for which the records and reports or parts thereof were received.

Any individual who disseminates or discloses a record or report, or parts thereof, of the central registry, other than for an official purpose authorized by this section, for the investigation of an alleged violation of a protective order issued pursuant to P.L.2015, c.147 (C.2C:14-13 et al.),

conducting a background investigation involving a person's application for employment at a police or law enforcement agency, making a determination of an issue before the court, conducting a background investigation as specified in subsection e. of this section, or for any other purpose other than that which is authorized by law, the Rules of Court or court order, shall be guilty of a crime of the fourth degree.

C.2C:14-21 Rules of Court.

9. The Supreme Court may promulgate Rules of Court to effectuate the purposes of P.L.2015, c.147 (C.2C:14-13 et al.).

10. 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 knowingly 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. 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.).

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.

11. This act shall take effect on the 180th day following enactment.

Approved November 9, 2015.

CHAPTER 148

AN ACT concerning dental service corporations and amending P.L.1968, c.305.

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

1. Section 2 of P.L.1968, c.305 (C.17:48C-2) is amended to read as follows:

C.17:48C-2 Definitions.

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

(a) The term "dental service corporation" or "the corporation" shall mean a corporation which is (1) organized, without capital stock, and not for profit, for the purpose of establishing, maintaining and operating a non-

profit dental service plan, whereby the expense of dental services to subscribers and other covered dependents is paid in whole or in part by the corporation to participating dentists and to others as provided herein in return for premiums or other valuable considerations, and which (2) holds a certificate of authority issued under this act;

(b) The term "subscriber" shall mean a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of the dental services for which the corporation is liable to make and which constitutes the contract between the subscriber and the corporation;

(c) The term "covered dependent" shall mean the spouse, civil union partner, or domestic partner, former spouse, former civil union partner, or former domestic partner for whom the subscriber is legally liable to provide dental coverage, an adult dependent or a child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate;

(d) The term "participating dentist" shall mean any dentist authorized to practice dentistry under the laws of this State and who agrees in writing with the corporation to provide the dental services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be determined by its board of trustees and who agrees to abide by the by-laws, rules and regulations of the corporation applicable to participating dentists , which rules and regulations may exclude a dentist: (1) who is suspended, debarred, or otherwise ineligible to participate in or provide services to persons covered by or receive payment from a government health care program, or (2) whose participation violates one or more standards established in accordance with State or federal laws or regulations;

(e) The term "dental service" shall mean any and all general and special dental services ordinarily provided by such licensed dentists in accordance with accepted practices in the community at the time the service is rendered;

(f) The term "commissioner" shall mean the Commissioner of Banking and Insurance.

2. Section 5 of P.L.1968, c.305 (C.17:48C-5) is amended to read as follows:

C.17:48C-5 Standards in reviewing application.

5. In reviewing any application for authority to operate under this act, the commissioner shall be guided by the following standards:

(a) It shall be shown that the initial working funds are adequate. No certificate of authority shall be issued to any applicant therefor except on receipt of evidence by the commissioner that such applicant is in possession of unencumbered funds of not less than $25,000.00 and that such amount is held in cash or in bank to its credit. From and after the issuance of a certificate of authority to an applicant, the corporation shall maintain such amount as a general surplus over and above its reserves, liabilities, and special contingent surplus.

(b) It shall be shown that the applicant has enlisted a sufficient number of participating dentists, with skills in appropriate fields and accessible to subscribers, to indicate ability to render the intended dental service. In carrying out the intent of this section the commissioner shall determine that at least 100 dentists have agreed to participate.

(c) It shall be shown that the applicant will accept as a participating dentist any dentist who is authorized to practice dentistry in the jurisdiction where his services are to be rendered, and is ready, available and willing to render dental service to be provided under a contract or contracts; provided, however, that any dentist who is suspended, debarred, or otherwise ineligible to participate in or provide services to persons covered by or receive payment from a governmental health care program, and any dentist whose participation would violate one or more standards established in accordance with State or federal laws or regulations need not be accepted as a participating dentist.

3. Section 6 of P.L.1968, c.305 (C.17:48C-6) is amended to read as follows:

C.17:48C-6 Board of trustees; membership; chairman.

6. The activities and operations of a dental service corporation shall be conducted by a board of trustees composed initially of an even number of persons, not less than 10 in all, as may be specified in the certificate of incorporation or an amendment thereto, 1/2 of whom shall be persons who are licensed to practice dentistry in this State and who are holders of active registration certificates in good standing. The initial members of the board shall elect one additional person to serve as chairman of the board to preside at all meetings of the board, and who shall be a member of the board and participate in its work and functions, except that he shall cast no vote on any matter coming before the board except in case of a tie in the votes cast by the other members of the board. The offering and operation of contracts and agreements under the authority of this act shall not constitute the practice of dentistry.

4. Section 7 of P.L.1968, c.305 (C.17:48C-7) is amended to read as follows:

C.17:48C-7 Contracts; provisions.

7. Every contract made by any dental service corporation to provide payment for dental service shall provide for the payment for dental service for a period of 12 months or less, and no contract shall be made providing for the inception of such services at a date later than one year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 90 days' prior written notice of termination by either the subscriber or the corporation. No contract between the corporation and a subscriber shall provide for payment for dental services for more than one person, except that a family contract may provide that payment will be made for dental services rendered to a subscriber, or covered dependents, or both.

5. Section 15 of P.L.1968, c.305 (C.17:48C-15) is amended to read as follows:

C.17:48C-15 Agreements with dentists; approval of payments; corporate records.

15. No dental service corporation shall enter into any contract with a subscriber unless and until it shall have filed with the commissioner a copy of the agreement proposed to be entered into by the corporation and the participating dentists. Every such agreement shall provide for the payment of dental services to subscribers and covered dependents to the end of the subscription certificate year; that 30 days' written notice of termination of such agreement may be given to the corporation at any time by any participating dentist but shall not apply to any subscription certificate in force at the time of such notice until the first date thereafter when such subscription certificate may properly be terminated by the corporation, and that the agreement of the dentist to render such service to the end of any certificate year shall not be affected by cessation of the transaction of business by reason of appropriate resolution of the board of trustees, or directors of such corporation, injunction issued by a court of competent authority, legislative act or by any other exercise of judicial, administrative or legislative authority; provided, that this requirement shall not apply to any subscription certificate which is not maintained in force by the payment of premiums required thereby. There shall be included in the minutes of the board of trustees of every dental service corporation a record of the approval of payments to be made to participating dentists. The corporation shall maintain in its office complete records of all the dental services rendered to subscribers and covered dependents in

such form as will indicate the kind of services rendered, the amounts claimed for such services by the participating dentists, and the amounts paid by the corporation during the preceding seven-year period. No payment to any participating dentists shall be authorized by the board of trustees except in accordance with a plan of payments adopted by the board and recorded in the minutes of a meeting. Every dental service corporation shall furnish a copy of the plan of payments to the commissioner at the commissioner's request. If the commissioner at any time shall notify the corporation of his disapproval of any rate of payment included in the plan of payments as being excessive or inadequate in itself or in relation to other rates of payment, payment shall not thereafter be made at the rate. In making his determination the commissioner shall give consideration to prevailing rates of payment by insurers and hospital, medical and dental service corporations of this and other States for similar services under similar conditions, the fair relationships of the values of the different kinds of services covered in the plan of payments and any other relevant facts. Upon request of the commissioner, the corporation shall furnish to the commissioner such information as the commissioner shall specify to facilitate review of any plan of payments.

6. Section 16 of P.L.1968, c.305 (C.17:48C-16) is amended to read as follows:

C.17:48C-16 Group contract; benefits; "employees" defined.

16. A dental service corporation may also issue to a policyholder a group contract, covering at least one employee other than a proprietor, a partner in a partnership or a shareholder that owns more than two percent of the shares of a Subchapter S corporation, or at least 10 members of any other eligible group, as well as immediate family members of those individuals at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the commissioner determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

7. Section 18 of P.L.1968, c.305 (C.17:48C-18) is amended to read as follows:

C.17:48C-18 Written group contracts; statements.

18. Every group contract entered into by a dental service corporation with any policyholder shall be in writing and a contract form stating the terms and conditions thereof shall be furnished to the policyholder to be kept by him. No group contract form shall be used unless it contains the following provisions:

(a) A statement of the contract rate payable to the dental service corporation for the original period of coverage, the time or times at which, the manner in which, the contract rate due is to be paid, and the basis, if any, on which the rate may subsequently be adjusted;

(b) A provision that all contract rates due under the contract shall be paid to the dental service corporation on or before the due date thereof or within such period of grace as may be specified therein;

(c) A statement of the nature of the dental services to be paid for and the period during which such payments will be made, and if there are any services to be excepted, a detailed statement of such exceptions;

(d) A provision that the contract, any endorsements or riders thereto, the application of the policyholder in whose name the contract is issued, a copy of which shall be attached to the contract, and the individual applica-

tions, if any, of the employees or members shall constitute the entire contract between the parties and that all statements contained in any such application for coverage shall be deemed representations and not warranties;

(e) A provision that there shall be issued to the policyholder, for delivery to the employee or member, a certificate or other document which sets forth or summarizes the essential features of the coverage including the time, place and method for making claims for benefits;

(f) A provision that all new employees or new members, as the case may be, in the groups or classes eligible for the coverage must be added to the eligible groups or classes;

(g) A statement of the terms and conditions, if any, upon which the contract may be terminated or amended. Any notice to the policyholder shall be effective if sent by mail to the policyholder's address as shown at the time on the corporation's records. The notice to the policyholder as herein required shall be sent at least 30 days before the termination or amendment of the contract takes effect.

Any such group contract may contain a provision that all dental services paid for by a dental service corporation shall be in accordance with the accepted dental practices in the community at the time, but the corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any officer or employee or on the part of any dentist or others engaged by him in the course of rendering dental services to persons covered.

Any dental service corporation may classify persons covered whereby under specified circumstances a covered person may pay a participating dentist for dental services an amount in addition to that payable by the corporation for dental services and the group contract shall contain the provisions thereof and specify such circumstances.

8. Section 21 of P.L.1968, c.305 (C.17:48C-21) is amended to read as follows:

C.17:48C-21 Experience rates, commissioner's determination.

21. No dental service corporation shall issue group contracts which are not experience rated pursuant to section 20 of this act, if the commissioner has determined that those rates are excessive, inadequate or unfairly discriminatory. A dental service corporation shall furnish any schedule of rates to the commissioner upon request. It shall be unlawful for any corporation to effect any such group contract according to rates which have been disapproved by the commissioner.

9. This act shall take effect immediately, and apply to dental service corporation contracts entered into or renewed after the date of enactment.

Approved November 9, 2015.

CHAPTER 149

AN ACT permitting holders of certain alcoholic beverage licenses to be issued an amusement game license and updating the definition of a recognized amusement park and amending P.L.1959, c.109 and supplementing P.L.1959, c.108 (C.5:8-78 et seq.).

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

C.5:8-78.1 Eligibility for amusement game license.

1. The holder of a plenary retail consumption license, as defined in R.S.33:1-12, whose licensed premises is at least 20,000 square feet, shall be eligible to be issued for the licensed premises an amusement game license pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), provided that the licensed premises includes at least 100 amusement games and all other requirements for licensure to conduct amusement games are met.

2. Section 2 of P.L.1959, c.109 (C.5:8-101) is amended to read as follows:

C.5:8-101 Licensing of owner, operator of amusement games; terms defined.

2. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative and except when prohibited by this act, to license the owner and operator of any amusement game or games, whether of skill or chance, or both and whether said game be played and operated with or without numbers or figures, to hold and operate such amusement game or games, which term is defined as a game or games played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, all occur as a continuous sequence at the time when and place where the player or players are all present, provided that the same are to be held and operated at a recognized amusement park or at a seashore or other resort in that part thereof customarily constituting an amusement or enter-

tainment area according to the customary understanding of said terms in the community, and provided that the same shall be held, operated and conducted pursuant to this act and such license and the license issued by the State Amusement Games Control Commissioner, as hereinafter provided, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Amusement Games Control Commissioner, not inconsistent with the provisions of this act, and for any person or persons to participate in and play such amusement games conducted under such licenses.

"Recognized amusement park" means a commercially operated permanent business, open to the public at least 31 consecutive days annually, the location of which is designed and themed for the primary purpose of providing participatory amusements incorporating skill-based attractions, rides or water slides licensed in accordance with P.L.1975, c.105 (C.5:3-31 et seq.), and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a license issued prior to the effective date of P.L.2015, c.149 (C.5:8-78.1 et al.).

"Skill-based attraction" means an amusement utilizing a tangible object such as a ball, puck or other portable object either alone or in competition with other on-premises guests, or requiring the exertion of physical, aerobic activity, such as dancing, climbing, running, or jumping rope; or any amusement that is predominantly skill-based and can be played in competition with other on-premises guests.

3. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 150

AN ACT concerning insurance producer licensing and amending P.L.2001, c.210.

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

1. Section 6 of P.L.2001, c.210 (C.17:22A-31) is amended to read as follows:

C.17:22A-31 Written examination, fee.

6. a. A resident individual applying for an insurance producer license shall pass a written examination unless exempt pursuant to section 10 of this act. The examination shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer and the insurance laws and regulations of this State. Examinations required by this section shall be developed and conducted under rules and regulations prescribed by the commissioner.

b. The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations and collecting the nonrefundable fee set forth in section 19 of this act.

c. Each individual applying for an examination shall remit a nonrefundable fee as prescribed by the commissioner as set forth in section 19 of this act.

d. An individual who fails to appear for the examination as scheduled or fails to pass the examination, may reapply for an examination and shall remit all required fees and forms before being rescheduled for another examination.

e. The commissioner shall ensure that the examination and registration materials for the examination shall be offered in English and Spanish.

f. The commissioner shall make available to approved insurance education providers, instructional materials in Spanish, suitable for use as a course curriculum for preparation for the examination.

2. This act shall take effect on the 180th day following enactment.

Approved November 9, 2015.

CHAPTER 151

AN ACT concerning certain programs for the elderly and disabled and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-91.1 Participation eligibility for PACE program.

1. a. A person who applies to participate in the PACE program shall notify and provide to the PACE program provider valid proof of the person's date of birth upon enrollment in the PACE program.

b. The PACE program provider shall notify and provide to each enrollee in the PACE program, three months prior to the date on which the enrollee will be 65 years of age, contact and eligibility information for the Medicare program and any other information the PACE program provider shall deem necessary to ensure that enrollees in the PACE program have sufficient information to allow them to apply for Medicare coverage.

c. As used in this section, the definitions of section 1 of P.L.1997, c.296 (C.26:2H-88) shall apply.

C.26:2H-91.2 Rules, regulations.

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

3. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 152

AN ACT concerning certain programs for the elderly and disabled and amending P.L.1997, c.296.

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

1. Section 1 of P.L.1997, c.296 (C.26:2H-88) is amended to read as follows:

C.26:2H-88 Definitions relative to PACE program.

1. As used in this act:

"Medicaid" means the program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Medicare" means the program established pursuant to Pub.L.89-97 (42 U.S.C. s.1395 et seq.).

"PACE" means the "Program of All-Inclusive Care for the Elderly," operated by a public, private, nonprofit, or proprietary entity, as permitted by federal law. The program is a comprehensive health and social services delivery system that integrates acute and long-term care services. PACE is

a capitated program which provides services to disabled and frail elderly persons who are certified by the State as nursing home eligible to maximize their autonomy and continued independence.

2. Section 2 of P.L.1997, c.296 (C.26:2H-89) is amended to read as follows:

C.26:2H-89 PACE program operation.

2. A PACE program shall operate in the State only in accordance with a contract with the Department of Human Services pursuant to the provisions of P.L.1997, c.296 and P.L.2015, c.152. A contract entered into on or after the effective date of P.L.2015, c.152 shall require, at a minimum, that a provider of services under the PACE program submit to the department, on a monthly basis, the expenditure details of the encounters which a person enrolled in one of the programs has had with the program. The department shall utilize these details to analyze capitated rates and help ensure the efficient utilization of services from the program.

The program shall not be subject to the requirements of P.L.1973, c.337 (C.26:2J-1 et seq.).

3. This act shall take effect on the first day of the thirteenth month next following the date of enactment, except the Commissioner of Human Services may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved November 9, 2015.

CHAPTER 153

AN ACT concerning monitoring of long-term care services and supplementing Title 30 of the Revised Statutes.

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

C.30:4D-17.38 Monitoring of long-term care services.

1. a. The Department of Human Services shall monitor the services provided to an individual receiving services under the Medicaid Managed

Long Term Services and Supports section 1115 demonstration waiver, in accordance with this section.

b. In the case of an individual who receives services under one of these programs through a managed care organization, the department shall annually perform a review of a sample of the number of encounters the individual has had with the managed care organization in a given month, as compared with the services authorized for the individual by the program, to help ensure efficient utilization of services from the managed care organization.

c. In the case of an individual who receives services under one of these programs through a provider whose claims are processed by a third-party billing agent, the department shall require the third party-billing agent to annually perform a review of a sample of the provider's billing limits and the services provided to the individual, to help ensure that: services are provided if those services are authorized for the individual by the program; and claims are processed if those claims do not exceed the billing limits authorized for the individual by the program.

2. This act shall take effect on the first day of the thirteenth month next following the date of enactment, except the Commissioner of Human Services may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved November 9, 2015.

CHAPTER 154

AN ACT concerning alarm businesses and amending P.L.1997, c.305.

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

1. Section 8 of P.L.1997, c.305 (C.45:5A-28) is amended to read as follows:

C.45:5A-28 Nonapplicability of act.

8. The provisions of this act regarding the practice of locksmithing services shall not apply to:

a. The activities of any person performing public emergency services for a governmental entity if that person is operating under the direction or control of the organization by which he is employed;

b. The activities of any sales representative who is offering a sales demonstration to licensed locksmiths;

c. The activities of any automotive service dealer or lock manufacturer, or their agent or employee, while servicing, installing, repairing, or rebuilding locks from a product line utilized by that dealer or lock manufacturer;

d. The activities of any member of a trade union hired to install any mechanical locking device as part of a new building construction or renovation project;

e. The activities of any person using any key duplicating machine or key blanks, except for keys marked "do not duplicate" or "master key;" and

f. The activities of an alarm business that is licensed pursuant to P.L.1997, c.305 (C.45:5A-23 et seq.), performed in combination with the installation, maintenance, moving, repairing, replacing, servicing or reconfiguration of an alarm system and limited to locks or access control devices that are controlled by an alarm system control device, including the removal of existing hardware.

2. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 155

AN ACT concerning all-terrain vehicles and amending P.L.1968, c.73, P.L.1991, c.496, and P.L.1973, c.307.

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

1. Section 1 of P.L.1968, c.73 (C.2A:42A-2) is amended to read as follows:

C.2A:42A-2 Definitions.

1. As used in P.L.1968, c.73 (C.2A:42A-2 et seq.):

"All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, but shall not include golf carts.

"Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

"Sport and recreational activities" means and includes: hunting; fishing; trapping; horseback riding; training of dogs; hiking; camping; picnicking; swimming; skating; skiing; sledding; tobogganing; operating or riding snowmobiles, all-terrain vehicles or dirt bikes; and any other outdoor sport, game and recreational activity including practice and instruction in any of these activities.

2. Section 5 of P.L.1991, c.496 (C.2A:42A-6.1) is amended to read as follows:

C.2A:42A-6.1 Definitions.

5. For purposes of P.L.1985, c.431 (C.2A:42A-6 et seq.):

"All-terrain vehicle" means a motor vehicle, designed to travel over any terrain, of a type possessing between three and six non-highway tires, but shall not include golf carts.

"Dirt bike" means a motor powered vehicle possessing two or more tires, designed to travel over any terrain and capable of traveling off of paved roads, whether or not the vehicle is subject to registration with the New Jersey Motor Vehicle Commission.

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

3. Section 1 of P.L.1973, c.307 (C.39:3C-1) is amended to read as follows:

C.39:3C-1 Definitions.

1. As used in P.L.1973, c.307 (C.39:3C-1 et seq.):

"All-terrain vehicle" means a motor vehicle, designed and manufactured for off-road use only, of a type possessing between three and six non-

highway tires, but shall not include golf carts or an all-terrain vehicle operated by an employee or agent of the State, a county, a municipality, or a fire district, or a member of an emergency service organization or an emergency medical technician which is used while in the performance of the employee's, agent's, member's or technician's official duties.

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"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 Environmental Protection.

"Department" means the Department of Environmental Protection.

"Dirt bike" means any two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with Federal Motor Vehicle Safety Standards or United States Environmental Protection Agency on-road emissions standards.

"Emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

"Emergency service organization" means a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district, or duly incorporated volunteer first aid, emergency, or volunteer ambulance or rescue squad association.

"Natural resource" means all land, fish, shellfish, wildlife, biota, air, waters, and other such resources owned, managed, held in trust, or otherwise controlled by the State.

"Public land" means all land owned, operated, managed, maintained, or under the jurisdiction of the Department of Environmental Protection, including any and all land owned, operated, managed, maintained, or purchased jointly by the Department of Environmental Protection with any other party and any land so designated by municipal or county ordinance. Public land shall also mean any land used for conservation purposes, including, but not limited to, beaches, forests, greenways, natural areas, water resources, wildlife preserves, land used for watershed protection, or biological or ecological studies, and land exempted from taxation pursuant to section 2 of P.L.1974, c.167 (C.54:4-3.64).

"Snowmobile" means any motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled type runners, skis, an endless belt tread, cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military vehicle.

"Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.

4. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 156

AN ACT concerning false public alarms and amending N.J.S.2C:33-3.

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

1. N.J.S.2C:33-3 is amended to read as follows:

False public alarms.

2C:33-3. False Public Alarms. a. (1) (a) Except as otherwise provided in this section, a person is guilty of a crime of the third degree if he initiates or circulates a report or warning of an impending fire, explosion, crime, catastrophe, emergency, or any other incident knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

(b) A person is guilty of a crime of the second degree if the false alarm involves a report or warning of an impending bombing, hostage situation, person armed with a deadly weapon as defined by subsection c. of N.J.S.2C:11-1, or any other incident that elicits an immediate or heightened response by law enforcement or emergency services.

(c) A person is guilty of a crime of the second degree if the false alarm involves a report or warning about any critical infrastructure located in this State. For purposes of this subparagraph, "critical infrastructure" means any building, place of assembly, or facility that is indispensably necessary for national security, economic stability, or public safety.

(2) A person is guilty of a crime of the third degree if he knowingly causes the false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

b. A person is guilty of a crime of the second degree if in addition to the report or warning initiated, circulated or transmitted under subsection a.

of this section, he places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility of public transport or in a place likely to cause public inconvenience or alarm. A violation of this subsection is a crime of the first degree if it occurs during a declared period of national, State or county emergency.

c. A person is guilty of a crime of the second degree if a violation of subsection a. of this section in fact results in serious bodily injury to another person or occurs during a declared period of national, State or county emergency. A person is guilty of a crime of the first degree if a violation of subsection a. of this section in fact results in death.

d. For the purposes of this section, "in fact" means that strict liability is imposed. It shall not be a defense that the death or serious bodily injury was not a foreseeable consequence of the person's acts or that the death or serious bodily injury was caused by the actions of another person or by circumstances beyond the control of the actor. The actor shall be strictly liable upon proof that the crime occurred during a declared period of national, State or county emergency. It shall not be a defense that the actor did not know that there was a declared period of emergency at the time the crime occurred.

e. A person is guilty of a crime of the fourth degree if the person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service.

All local and county law enforcement authorities shall submit an annual report, on a form prescribed by the Attorney General, to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number and nature of offenses under this section committed within their respective jurisdictions and the disposition of these offenses. Every two years, the Uniform Crime Reporting Unit or other designated recipient of the annual reports shall forward a summary of all reports received during the preceding two-year period, along with a summary of offenses investigated by the Division of State Police for the same period, to the State's Office of Emergency Management.

2. This act shall take effect on the first day of the fourth month next following enactment, except that the Attorney General may take any anticipatory administrative action in advance of the effective date as shall be necessary to implement the provisions of this act.

Approved November 9, 2015.

CHAPTER 157

AN ACT concerning the withholding of State school aid and supplementing chapter 55 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:55-2.1 Withholding of certain funds prohibited.

1. Notwithstanding the provisions of N.J.S.18A:55-2, or any other law, rule, or regulation to the contrary, the commissioner shall not direct the State treasurer to withhold funds payable by the State to a school district based on the participation rate on any State assessment of the school district's students.

2. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 158

AN ACT concerning medical marijuana, supplementing chapter 40 of Title 18A of the New Jersey Statutes and chapter 6D of Title 30 of the Revised Statutes, and amending P.L.2009, c.307 and N.J.S.2C:35-18.

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

C.18A:40-12.22 Policy for administration of medical marijuana to nonpublic school student.

1. a. A board of education or chief school administrator of a nonpublic school shall develop a policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

b. A policy adopted pursuant to subsection a. of this section shall, at a minimum:

(1) require that the student be authorized to engage in the medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and that the parent, guardian, or primary caregiver be authorized to assist the student with the medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.);

(2) establish protocols for verifying the registration status and ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) concerning the

medical use of marijuana for the student and the parent, guardian, or primary caregiver;

(3) expressly authorize parents, guardians, and primary caregivers of students who have been authorized for the medical use of marijuana to administer medical marijuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event;

(4) identify locations on school grounds where medical marijuana may be administered; and

(5) prohibit the administration of medical marijuana to a student by smoking or other form of inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

c. Medical marijuana may be administered to a student while the student is on school grounds, aboard a school bus, or attending school-sponsored events, provided that such administration is consistent with the requirements of the policy adopted pursuant to this section.

C.30:6D-5b Use of medical marijuana for certain patients with developmental disabilities.

2. a. The chief administrator of a facility that offers services for persons with developmental disabilities shall develop a policy authorizing a parent, guardian, or primary caregiver authorized to assist a qualifying patient with the use of medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) to administer medical marijuana to a person who is receiving services for persons with developmental disabilities at the facility.

b. A policy adopted pursuant to subsection a. of this section shall, at a minimum:

(1) require the person receiving services for persons with developmental disabilities be a qualifying patient authorized for the use of medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), and that the parent, guardian, or primary caregiver be authorized to assist the person with the medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.);

(2) establish protocols for verifying the registration status and ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) concerning the medical use of marijuana for the person and the parent, guardian, or primary caregiver;

(3) expressly authorize parents, guardians, and primary caregivers to administer medical marijuana to the person receiving services for persons with developmental disabilities while the person is at the facility; and

(4) identify locations at the facility where medical marijuana may be administered.

c. Medical marijuana may be administered to a person receiving services for persons with developmental disabilities at a facility that offers such services while the person is at the facility, provided that such administration is consistent with the requirements of the policy adopted pursuant to this section and the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

d. Nothing in this section shall be construed to authorize medical marijuana to be smoked in any place where smoking is prohibited pursuant to N.J.S.2C:33-13.

3. N.J.S.2C:35-18 is amended to read as follows:

Exemption; burden of proof.

2C:35-18. Exemption; Burden of Proof. a. If conduct is authorized by the provisions of P.L.1970, c.226 (C.24:21-1 et seq.), P.L.2009, c.307 (C.24:6I-1 et al.), or P.L.2015, c.158 (C.18A:40-12.22 et al.), that authorization shall, subject to the provisions of this section, constitute an exemption from criminal liability under this chapter or chapter 36, and the absence of such authorization shall not be construed to be an element of any offense in this chapter or chapter 36. It is an affirmative defense to any criminal action arising under this chapter or chapter 36 that the defendant is the authorized holder of an appropriate registration, permit or order form or is otherwise exempted or excepted from criminal liability by virtue of any provision of P.L.1970, c.226 (C.24:21-1 et seq.), P.L.2009, c.307 (C.24:6I-1 et al.), or P.L.2015, c.158 (C.18A:40-12.22 et al.). The affirmative defense established herein shall be proved by the defendant by a preponderance of the evidence. It shall not be necessary for the State to negate any exemption set forth in this act or in any provision of Title 24 of the Revised Statutes in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under this act.

b. No liability shall be imposed by virtue of this chapter or chapter 36 upon any duly authorized State officer, engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances or controlled substance analogs.

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

C.24:6I-6 Applicability of N.J.S.2C:35-18.

6. a. The provisions of N.J.S.2C:35-18 shall apply to any qualifying patient, primary caregiver, alternative treatment center, physician, or any

other person acting in accordance with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

b. A qualifying patient, primary caregiver, alternative treatment center, physician, or any other person acting in accordance with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.) shall not be subject to any civil or administrative penalty, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a professional licensing board, related to the medical use of marijuana as authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

c. Possession of, or application for, a registry identification card shall not alone constitute probable cause to search the person or the property of the person possessing or applying for the registry identification card, or otherwise subject the person or his property to inspection by any governmental agency.

d. The provisions of section 2 of P.L.1939, c.248 (C.26:2-82), relating to destruction of marijuana determined to exist by the department, shall not apply if a qualifying patient or primary caregiver has in his possession a registry identification card and no more than the maximum amount of usable marijuana that may be obtained in accordance with section 10 of P.L.2009, c.307 (C.24:6I-10).

e. No person shall be subject to arrest or prosecution for constructive possession, conspiracy or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

f. No custodial parent, guardian, or person who has legal custody of a qualifying patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy or any other offense for assisting the minor in the medical use of marijuana as authorized under P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.).

5. The Commissioner of Human Services and the State Board of Education may, in consultation with the Commissioner of Health and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be necessary to implement the provisions of this act.

6. This act shall take effect immediately.

Approved November 9, 2015.

CHAPTER 159

AN ACT concerning construction permits for the installation of wheelchair ramps on residential real property and amending P.L.1975, c.217.

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

1. Section 13 of P.L.1975, c.217 (C.52:27D-131) is amended to read as follows:

C.52:27D-131 Construction permits; application, approval, expiration, cancellation, extension.

13. a. The enforcing agency shall examine each application for a construction permit. If the application conforms with this act, the code, and the requirements of other applicable laws and ordinances, the enforcing agency shall approve the application and shall issue a construction permit to the applicant. Every application for a construction permit shall be granted, in whole or in part, or denied within 20 business days, unless the application is limited to the construction of a ramp designed to provide wheelchair access to a one or two-unit dwelling, and required for such access by a resident of the dwelling, in which case the permit shall be granted or denied within five business days. If application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application for a construction permit within the period of time prescribed herein, such failure shall be deemed a denial of the application for purposes of an appeal to the construction board of appeals unless such period of time has been extended with the consent of the applicant. The enforcing agency may approve changes in plans and specifications previously approved by it, if the plans and specifications when so changed remain in conformity with law. Except as otherwise provided in this act or the code, the construction or alteration of a building or structure shall not be commenced until a construction permit has been issued. The construction of a building or structure shall be in compliance with the approved application for a construction permit; and the enforcing agency shall insure such compliance in the manner set forth in section 14 of this act.

The commissioner, after consultation with the code advisory board, may, for certain classes or types of occupancy posing special or unusual hazards to public safety, establish regulations designating the department as

the enforcing agency for purposes of approving plans and specifications. A municipal enforcing agency shall not grant an occupancy permit for any such class or type of construction unless the applicant submits appropriate plans and specifications certified or approved by the department. Upon submission by an applicant of such certified approved plans and specifications, the enforcing agency shall recognize the approval when deciding whether to approve the application for a construction permit.

b. A construction permit, issued in accordance with the foregoing provisions, pursuant to which no construction has been undertaken above the foundation walls within one year from the time of issuance, shall expire.

c. The enforcing agency may revoke or cancel a construction permit in the event the project for which the permit is obtained is not completed by the third anniversary of the date of issuance of the construction permit. Notwithstanding the provisions of any other law, rule or regulation to the contrary, the enforcing agency may revoke or cancel a construction permit in effect on the effective date of P.L.2001, c.457 (C.52:27D-131.1 et al.), if the project for which the construction permit was obtained is not completed by the third anniversary of the effective date of P.L.2001, c.457 (C.52:27D-131.1 et al.).

d. If the project for which the permit is obtained is not completed by a deadline set forth in this section, the permittee may submit a request for an extension of the permit to the enforcing agency for review. The enforcing agency may extend the permit for a period of one year. Approval of the extension shall not be unreasonably withheld. Denial of a request for an extension may be appealed to the county construction board of appeals established pursuant to section 9 of P.L.1975, c.217 (C.52:27D-127). If a project is not completed within the deadline set forth in this section, the enforcing agency shall take all appropriate action up to and including demolition of the uncompleted structure.

The provisions of this subsection shall not apply to a permit obtained: (1) to construct improvements to the interior of a residential property in which the permittee is currently residing that are not visible from the outside of the residential property, (2) for any building of which the exterior and all required site improvements have been fully constructed, or (3) for a project while that project is under the control of a mortgagee in possession.

The enforcing agency may suspend, revoke or cancel a construction permit in case of neglect or failure to comply with the provisions of this act or the code, or upon a finding by it that a false statement or representation has been made in the application for the construction permit.

2. This act shall take effect immediately.

Approved December 2, 2015.

CHAPTER 160

AN ACT concerning the use of bittering agents in antifreeze, and supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).

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

C.13:1D-68 Violations, penalties relative to violations of C.13:1D-65.

1. a. Any person who violates any provision of section 2 of P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of up to $500 , to be collected by the Commissioner of Environmental Protection in a civil action by summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction over proceedings for the enforcement of the penalty established by this section.

b. The Commissioner of Environmental Protection may institute a civil action for injunctive relief to enforce the provisions of P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit and prevent a violation of section 2 of that act, and the court may proceed in the action in a summary manner.

C.13:1D-69 Construction of act relative to C.13:1D-65.

2. Nothing set forth in P.L.2009, c.277 (C.13:1D-64 et seq.) shall be construed as creating, establishing, or authorizing a private cause of action by an aggrieved person against a person who has violated, or is alleged to have violated, the provisions of section 2 of P.L.2009, c.277 (C.13:1D-65).

3. This act shall take effect immediately.

Approved December 2, 2015.

CHAPTER 161

AN ACT concerning eligibility for enrollment in a school district and supplementing chapter 38 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:38-1.3 Verification of eligibility for enrollment in district.

1. a. In the case of a dispute between a school district and the parents or guardians of a student in regard to a student's eligibility to enroll in the district or to remain enrolled in the district pursuant to the provisions of N.J.S.18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.

b. The New Jersey Motor Vehicle Commission shall disclose to a school district the information requested pursuant to subsection a. of this section in accordance with procedures established by the commission.

c. A school district shall not condition enrollment in the district on immigration status.

2. This act shall take effect immediately.

Approved December 2, 2015.

CHAPTER 162

AN ACT requiring the Secretary of State to create an electronic mail notification system alerting certain persons when the United States flag and the State flag are flown at half-staff and supplementing chapter 3 of Title 52 of the Revised Statues.

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

C.52:3-12.1 Electronic notification system for flags flying at half-staff.

1. The Secretary of State shall create and maintain an electronic notification system in which a person may sign-up to receive automatic notification of when the Governor orders the United States flag and the State flag flown at half-staff. The notification shall include the date and purpose for the flags being flown at half-staff.

2. This act shall take effect 30 days after enactment but the Secretary of State may take such anticipatory action as may be necessary to effectuate the purpose of this act.

Approved December 2, 2015.

CHAPTER 163

AN ACT concerning guide dogs and service dogs and amending P.L.1941, c.151.

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

1. Section 2 of P.L.1941, c.151 (C.4:19-15.2) is amended to read as follows:

C.4:19-15.2 Dog licensing, tag; exemptions.

2. Any person who shall own, keep or harbor a dog of licensing age shall annually or every third year, in accordance with a 3-year dog license or renewal thereof issued under subsection b. of section 12 of this act (C. 4:19-15.12b), apply for and procure from the clerk of the municipality or other official designated by the governing body thereof to license dogs in the municipality in which he resides, a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto. A person or group temporarily caring for a dog placed in a foster home as part of a formalized training to be a guide dog or service dog shall be exempt from applying for and procuring a license and registration tag for the dog while the dog remains in the foster home for such training.

For the purposes of this section, "guide dog" and "service dog" mean a guide dog or service dog as defined in section 5 of P.L.1945, c.169 (C.10:5-5).

2. Section 3 of P.L.1941, c.151 (C.4:19-15.3) is amended to read as follows:

C.4:19-15.3 Application, renewal of dog license; fee; exemptions.

3. The person applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section 12 of this act, and the sum

of $1.00 for a one-year registration tag or $3.00 for a three-year registration tag for each dog; and for each renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire no later than June 30 in the year stated on the license; except that this expiration date shall not require a municipality to alter its schedule for administering rabies inoculations to any dog to be licensed and registered; nor shall this expiration date require a municipality to alter its schedule for renewing licenses and registration tags, provided that the registration period precedes June 30. The governing body of a municipality may stagger the expiration of such annual licenses so long as all expirations occur no later than June 30 in the calendar year stated on the license.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey, and such license and tag shall be accepted by all municipalities as evidence of compliance with this section.

Dogs used as guide dogs or service dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of a guide dog or service dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.

For the purposes of this section, "guide dog" and "service dog" mean a guide dog or service dog as defined in section 5 of P.L.1945, c.169 (C.10:5-5).

License forms and uniform official metal registration tags designed by the Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

3. This act shall take effect immediately.

Approved December 2, 2015.

CHAPTER 164

AN ACT concerning third-party electric power and gas supplier customer contracts, and amending P.L.1999, c.23.

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

1. Section 36 of P.L.1999, c.23 (C.48:3-85) is amended to read as follows:

C.48:3-85 Consumer protection standards.

36. a. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, interim consumer protection standards for electric power suppliers or gas suppliers, within 90 days of February 9, 1999, including, but not limited to, standards for collections, credit, contracts, and authorized changes of an energy customer's electric power supplier or gas supplier, for the prohibition of discriminatory marketing, for advertising and for disclosure. The standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(1) (a) An electric power supplier or gas supplier shall not provide electric generation service or gas supply service to a customer in this State unless the electric power supplier or gas supplier has provided the customer a one-page information sheet summarizing the material terms and conditions of the contract as determined by the board. Contract standards shall include, but not be limited to, requirements that electric power supply contracts or gas supply contracts conspicuously disclose the duration of the contract; state the price per kilowatt hour or per therm or other pricing determinant approved by the board; use a 12-point font; provide a one-page information sheet in a 12-point font summarizing the material terms and conditions of the contract in English and Spanish, as determined by the board; and state, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate, and provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public, including an explanation on how weather fluctuations may affect the price of variable rate contracts; have the customer's written signature or electronic signature; an audio recording of a telephone call initiated by the customer; independent, third-party verification, in accordance with section 37 of P.L.1999, c.23 (C.48:3-86), of a telephone call initiated by an electric power supplier, gas supplier, or private aggregator; or any alternative forms of verification as the board, in consultation with the Divi-

sion of Consumer Affairs in the Department of Law and Public Safety, may permit for switching electric power suppliers or gas suppliers and for contract renewal; and include termination procedures, notice of any fees, and toll-free or local telephone numbers for the electric power supplier or gas supplier and for the board. An electric power supplier or gas supplier shall not provide the customer's telephone number, electronic mail address, or postal address to other electric power suppliers or gas suppliers if the customer's telephone number appears on the no telemarketing call list established and maintained by the Division of Consumer Affairs, pursuant to the provisions of section 9 of P.L.2003, c.76 (C.56:8-127), or the national do-not-call registry as maintained by the Federal Trade Commission.

(b) As used in this paragraph, "customer" means a residential customer or a commercial electric customer with a cumulative peak load of 50 kilowatts or less, or a commercial gas customer with a cumulative peak load of 5,000 therms or less.

(2) Standards for the prohibition of discriminatory marketing shall provide, at a minimum, that a decision made by an electric power supplier or a gas supplier to accept or reject a customer shall not be based on race, color, national origin, age, gender, religion, source of income, receipt of public benefits, family status, sexual preference, or geographic location. The board shall adopt reporting requirements to monitor compliance with its standards.

(3) Advertising standards for electric power suppliers or gas suppliers shall provide, at a minimum, that optional charges to the customer will not be added to any advertised cost per kilowatt hour or per therm, and that the only unit of measurement that may be used in advertisements is cost per kilowatt hour or per therm, unless otherwise approved by the board. If an electric power supplier or gas supplier does not advertise using cost per kilowatt hour or per therm, the electric power supplier or gas supplier shall provide, at the customer's request, an estimate of the cost per kilowatt hour or per therm. Any optional charges to the customer shall be identified separately and denoted as optional.

(4) Credit standards shall include, at a minimum, that the credit requirements used to make decisions must be the same for all residential customers and that electric power suppliers, gas suppliers, and private aggregators not impose unreasonable income or credit requirements.

(5) Billing standards shall include, at a minimum, provisions prohibiting electric public utilities, gas public utilities, electric power suppliers, and gas suppliers from charging a fee to residential customers for either the commencement or termination of electric generation service or gas supply service.

b. (1) Except as provided in paragraph (2) of this subsection, an electric power supplier, a gas supplier, an electric public utility, and a gas public utility shall not disclose, sell, or transfer individual proprietary information, including, but not limited to, a customer's name, address, telephone number, energy usage, and electric power payment history, to a third party without the consent of the customer.

(2) (a) An electric public utility or a gas public utility may disclose and provide, in an electronic format, which may include a CD rom, diskette, and other format as determined by the board, without the consent of a residential customer, a residential customer's name, rate class, and account number, to a government aggregator that is a municipality or a county, or to an energy agent acting as a consultant to a government aggregator that is a municipality or a county, if the customer information is to be used to establish a government energy aggregation program pursuant to sections 42, 43, and 45 of P.L.1999, c.23 (C.48:3-91; 48:3-92; and 48:3-94). The number of residential customers and their rate class, and the load profile of non-residential customers who have affirmatively chosen to be included in a government energy aggregation program pursuant to paragraph (3) of subsection a. of section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant to this paragraph prior to the request by the government aggregator for bids pursuant to paragraph (1) of subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94), and the name, address, and account number of a residential customer and the name, address, and account number of non-residential customers who have affirmatively chosen to be included in a government energy aggregation program pursuant to paragraph (3) of subsection a. of section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant to this paragraph upon the awarding of a contract to a licensed power supplier or licensed gas supplier pursuant to paragraph (2) of subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94). Any customer information disclosed pursuant to this paragraph shall not be considered a government record for the purposes of, and shall be exempt from the provisions of P.L.2001, c.404 (C.47:1A-5 et al.).

(b) An electric public utility or a gas public utility disclosing customer information pursuant to this paragraph shall exercise reasonable care in the preparation of this customer information, but shall not be responsible for errors or omissions in the preparation or the content of the customer information.

(c) Any person using any information disclosed pursuant to this paragraph for any purpose other than to establish a government energy aggregation program pursuant to sections 42, 43, and 45 of P.L.1999, c.23 (C.48:3-

91; 48:3-92; and 48:3-94) shall be subject to the provisions of section 34 of P.L.1999, c.23 (C.48:3-83).

(d) The role of an electric public utility or a gas public utility in a government energy aggregation program established pursuant to P.L.1999, c.23 (C.48:3-49 et al.) shall be limited to the provisions of this paragraph.

(3) Whenever any individual proprietary information is disclosed, sold, or transferred, pursuant to paragraph (1) or paragraph (2) of this subsection, it shall be used only for the provision of continued electric generation service, electric related service, gas supply service, or gas related service to that customer. In the case of a transfer or sale of a business, customer consent shall not be required for the transfer of customer proprietary information to the subsequent owner of the business for maintaining the continuation of those services.

(4) Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall, within 90 days of the effective date of P.L.2003, c.24 (C.48:3-93.1 et al.), review existing regulations including, without limitation, Chapter 4 of Title 14 of the New Jersey Administrative Code (Energy Competition Standards), to determine their consistency with the provisions of section 36 of P.L.1999, c.23 (C.48:3-85), section 43 of P.L.1999, c.23 (C.48:3-92) and section 45 of P.L.1999, c.23 (C.48:3-94), repeal or modify any regulations that are inconsistent with the provisions thereof, and shall adopt regulations and standards implementing the provisions thereof permitting disclosure of customer information without the consent of the customer including, without limitation, provisions for the development of a board-approved agreement between the disclosing party and the receiving party and the creation of a mechanism for the recovery by the disclosing electric public utility or gas public utility of its reasonable incremental costs of providing the customer information if those costs are not covered in an existing third party supplier agreement.

(5) An electric power supplier, a gas supplier, a gas public utility, or an electric public utility may use individual proprietary information that it has obtained by virtue of its provision of electric generation service, electric related service, gas supply service, or gas related service to:

(a) Initiate, render, bill, and collect for these services to the extent otherwise authorized to provide billing and collection services;

(b) Protect the rights or property of the electric power supplier, gas supplier, or public utility; and

(c) Protect consumers of these services and other electric power suppliers, gas suppliers, or electric and gas public utilities from fraudulent, abusive, or unlawful use of, or subscription to, these services.

c. The board shall establish and maintain a database for the purpose of recording customer complaints concerning electric and gas public utilities, electric power suppliers, gas suppliers, private aggregators, and energy agents.

d. The board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall establish, or cause to be established, a multi-lingual electric and gas consumer education program. The goal of the consumer education program shall be to educate residential, small business, and special needs consumers about the implications for consumers of the restructuring of the electric power and gas industries. The consumer education program shall include, but need not be limited to, the dissemination of information to enable consumers to make informed choices among available electricity and gas services and suppliers, and the communication to consumers of the consumer protection provisions of P.L.1999, c.23 (C.48:3-49 et al.).

The board shall ensure the neutrality of the content and message of advertisements and materials.

The board shall promulgate standards for the recovery of consumer education program costs from customers which include reasonable measures and criteria to judge the success of the program in enhancing customer understanding of retail choice.

e. (Deleted by amendment, P.L.2003, c.24).

f. (1) In addition to the advertising standards adopted by the board pursuant to paragraph (3) of subsection a. of this section, the board, in consultation with the Division of Consumer Affairs in the Department of Law and Public Safety, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) interim advertising and marketing standards for electric power suppliers, gas suppliers, brokers, energy agents, marketers, private aggregators, sales representatives, and telemarketers applicable to potential residential customers, within 270 days of the effective date of P.L.2013, c.263, which standards shall include, but not be limited to, prohibiting electric power suppliers, gas suppliers, brokers, energy agents, marketers, private aggregators, sales representatives, and telemarketers from: (a) making false or misleading advertising claims to a potential residential customer; or (b) contacting a potential residential customer by telephone for the purpose of making an unsolicited advertisement if the electric power supplier, gas supplier, broker, energy agent, marketer,

private aggregator, sales representative, or telemarketer does not have an existing business relationship with the potential residential customer and the residential customer's telephone number appears on the no telemarketing call list established and maintained by the Division of Consumer Affairs, pursuant to the provisions of section 9 of P.L.2003, c.76 (C.56:8-127), or the national do-not-call registry as maintained by the Federal Trade Commission. The standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) In addition to any other penalties, fines, or remedies authorized by law, an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer that violates subparagraph (a) of paragraph (1) of this subsection and collects charges for electric generation service or gas supply service supplied to a residential customer, who was subjected to false or misleading advertising claims by the electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer in violation of subparagraph (a) of paragraph (1) of this subsection, shall be liable to the residential customer in an amount equal to all charges paid by the residential customer after such violation occurs in accordance with any procedures as the board may prescribe, whether the electric power supplier or gas supplier provided the electric generation service or gas supply service to that customer, or the electric generation service or gas supply service was provided to the customer by a broker, energy agent, marketer, private aggregator, sales representative, or telemarketer who contacted the customer on behalf of the electric power supplier or gas supplier. An electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer that violates this subsection shall also be liable for a civil penalty pursuant to section 34 of P.L.1999, c.23 (C.48:3-83). The board is hereby authorized to revoke the license of any electric power supplier, gas supplier, broker, energy agent, marketer, or private aggregator that violates this subsection.

2. This act shall take effect on the 150th day after the date of enactment and shall apply to contracts formed or renewed on or after the effective date of this act.

Approved December 2, 2015.

CHAPTER 165

AN ACT establishing a Task Force on Campus Sexual Assault.

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

1. a. There is established a Task Force on Campus Sexual Assault. The purpose of the task force is to study and make recommendations concerning sexual assault occurring on the campuses of institutions of higher education in the State.

b. The task force shall consist of the following 12 members:

(1) the Secretary of Higher Education, the Attorney General, and the Director of the Division on Women in the Department of Children and Families, or their designees;

(2) five members appointed by the Governor, including a representative of the State colleges and universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, a representative of the public research universities, a representative of the county colleges, a representative of the independent colleges and universities, and a representative of the New Jersey Coalition Against Sexual Assault; and

(3) four members of the public with demonstrated expertise or interest in issues related to the work of the task force, including at least one individual who is a campus sexual assault survivor. The President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly shall each appoint one of the public members.

c. Appointments to the task force shall be made within 30 days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

2. The task force shall organize as soon as practicable following the appointment of its members, but no later than 60 days after the effective date of this act. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

3. The Office of the Secretary of Higher Education shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work. The task force also 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 for its purposes.

4. It shall be the duty of the task force to study and evaluate current policies and practices concerning campus sexual assault, to identify problems and areas for improvement, and to make recommendations concerning campus sexual assault prevention, response, and awareness. The task force shall:

a. gather information from the public institutions of higher education and from a sample of independent institutions of higher education in the State regarding their policies and procedures for addressing campus sexual assault, and review and evaluate those policies and procedures;

b. review current New Jersey and federal laws regarding campus sexual assault;

c. review and evaluate existing research and literature, including any national best practices, professional standards, or guidelines, regarding the prevention of, and response to, incidents of campus sexual assault;

d. consult with, and evaluate testimony from, campus sexual assault survivors and advocates who provide support services to campus sexual assault survivors; and

e. develop and issue recommendations and guidelines concerning campus sexual assault in New Jersey, including recommendations regarding sexual assault prevention and awareness, and recommendations regarding protocols for responding to reports of campus sexual assault and providing victim support services.

5. The task force shall issue a final report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than one year after the task force organizes. The report shall contain the task force's findings and recommendations concerning campus sexual assault.

6. This act shall take effect immediately, and the task force shall expire 30 days after the issuance of its final report.

Approved December 2, 2015.

CHAPTER 166

AN ACT concerning certain settlements pursuant to the "Spill Compensation and Control Act," and amending P.L.2005, c.348.

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

1. Section 2 of P.L.2005, c.348 (C.58:10-23.11e2) is amended to read as follows:

C.58:10-23.11e2 Publication of information relative to contribution suit settlement.

2. At least 60 days prior to its agreement to any administrative or judicially approved settlement entered into pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), the Department of Environmental Protection shall publish in the New Jersey Register and on the New Jersey Department of Environmental Protection's website the name of the case, the names of the parties to the settlement, the location of the property on which the discharge occurred, and a summary of the terms of the settlement, including the amount of any monetary payments made or to be made. The Department of Environmental Protection shall provide written notice of the settlement, which shall include the information listed above, to all other parties in the case and to any other potentially responsible parties of whom the department has notice at the time of the publication.

2. This act shall take effect immediately.

Approved December 2, 2015.

CHAPTER 167

AN ACT concerning certain economic development subsidies and supplementing Title 52 of the Revised Statutes.

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

C.52:18-51 Definitions relative to certain economic development subsidies.

1. As used in P.L.2015, c.167 (C.52:18-51 et seq.):

"Economic development subsidy" means the provision of an amount of funds to a recipient business by or from a State public body with a value of greater than $25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure. "Economic development subsidy" shall not mean any contract under which a State public body purchases or otherwise procures goods, services, or construction on an unsubsidized basis, including any contract solely for the construction or renovation of a facility owned by a State public body.

"Recipient business" means any non-governmental person, association, for-profit or non-profit corporation, joint venture, limited liability company, partnership, sole proprietorship, or other form of business organization or entity either within or outside this State that receives an economic development subsidy. A "recipient business" shall not mean a public or private institution of higher education.

"State public body" means the State of New Jersey or any agency, authority, board, commission, or instrumentality of the State. "State public body" shall not mean a political subdivision of the State or an agency, authority, board, commission, or instrumentality of a political subdivision of the State.

"Tax expenditure" means the amount of foregone tax collections due to any abatement, reduction, exemption, credit, or transfer certificate against any State tax, including, but not limited to: taxes on raw materials, inventories, or other assets; taxes on gross receipts, income, or sales; and any use, excise, or utility tax. "Tax expenditure" shall not mean: any credit against any tax liability of an employee; any personal exemption, homestead rebate, credit, or deduction for the expenses of a household or individual; or other reduction of the tax liability of an individual or household.

C.52:18-52 Conditions for award of subsidy.

2. A State public body shall not award an economic development subsidy to a recipient business that previously received an economic development subsidy that was a loan or loan guarantee if the recipient business is in default on that previously awarded loan or loan guarantee.

3. This act shall take effect immediately but shall remain inoperative for 60 days following the date of enactment.

Approved December 2, 2015.

CHAPTER 168

AN ACT requiring certain health care facilities to be equipped with generators and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-12.79 Definitions relative to certain health care facilities required to be equipped with generators.

1. a. As used in this section:

"Commissioner" means the Commissioner of Community Affairs;

"Department" means the Department of Community Affairs;

"Distributed Energy Resource" or "DER" means an energy efficient technology, approved by the Energy Resilience Bank, capable of supporting emergency operations in a facility during a prolonged electrical outage;

"Energy Resilience Bank" or "ERB" means the financing initiative administered through a joint collaboration by the New Jersey Board of Public Utilities and the New Jersey Economic Development Authority to provide grant or loan funding to facilities that meet specified requirements established by the ERB to aid in the cost of the installation;

"Facility" means a nursing home or assisted living facility licensed pursuant to P.L.1971 c.136 (C.26:2H-1 et seq.), a comprehensive personal care home, pediatric community transitional home, federally qualified health center, dialysis center, hospice in-patient care, or residential health care facility connected to another licensed facility;

"Generator" means an emergency power generator that is integrated with the electrical system of the facility;

"Generator ready" means equipped with an appropriate electrical transfer switch and wiring to which a portable generator can be connected in order to provide back-up electrical power; and

"Health Care Plan Review Unit" means the Health Care Plan Review Unit, or its successor, in the Department of Community Affairs.

b. Within one year of the effective date of this act, a facility shall:

(1) be equipped with an electrical transfer switch and wiring that complies with applicable standards administered by the Health Care Plan Review Unit and have a signed contract to have a generator delivered to the facility in the event of a power outage that:

(a) can be connected to the electrical transfer switch;

(b) provides backup electrical power that meets the requirements of subsection c. of this section; and

(c) complies with applicable standards administered by the Health Care Plan Review Unit; or

(2) have a signed contract to have an on-site generator installed at the facility within three years of the effective date of this act that:

(a) provides backup electrical power that meets the requirements of subsection c. of this section in the event of a power outage; and

(b) complies with applicable standards administered by the Health Care Plan Review Unit.

c. The generator or generator connection shall be capable of supporting the following for a minimum of 48 hours:

(1) critical life support equipment;

(2) refrigeration for medications and at least one refrigerator for perishable food;

(3) lighting for means of egress, exit signs, and exit directional signs as required in the NFPA 101, Life Safety Code, 2012 Edition;

(4) emergency lighting in common areas;

(5) equipment necessary for maintaining back-up communications;

(6) elevator service if required for the relocation of patients or residents within the facility or evacuation from the facility;

(7) a fire pump, well pump, or sump pump, if installed;

(8) a sewerage pump, if installed;

(9) fire, smoke and other safety detection alarm systems; and

(10) emergency lighting and power required for the generator at the generator connection point.

d. If the generator or generator connection does not provide sufficient lighting, heating, cooling and duplex receptacles to provide required services in individual sleeping rooms occupied by a patient or resident, it shall support:

(1) sufficient duplex receptacles to provide required services in common areas used to shelter patients or residents in place; and

(2) equipment to provide sufficient heating and cooling in common areas used to shelter patients or residents in place; or

(3) sufficient heating and cooling in common areas adjacent to patient or resident rooms along with sufficient duplex receptacles in patient or resident rooms to shelter in place and provide required services to patients or residents.

e. The facility shall obtain the review and approval of the Health Care Plan Review Unit for the installation of the contracted-for transfer switch and generator.

f. A facility that elects to proceed with an on-site generator shall have the on-site generator:

(1) checked weekly;

(2) tested under load monthly; and

(3) serviced in accordance with manufacturer instructions.

The facility shall maintain a log of the testing and service required by this subsection and shall provide the log to the department upon request.

g. The commissioner or his or her designee may waive the transfer switch or on-site generator requirement if, in his or her opinion, such waiver would not endanger the life, safety, or health of residents, patients or the public and the following conditions are met:

(1) the facility seeking a waiver has applied in writing to the department's Division of Certificate of Need and Licensing with the following information:

(a) a statement from the facility indicating that it has applied for an ERB grant or loan for the installation of a DER energy source and the estimated date that ERB will issue a determination approving or denying the application, or written assurance from the facility of alternative means of financing the DER energy source;

(b) a statement describing the DER energy source, the facility equipment and services the DER energy source can support, and the duration of time that the equipment and services will be supported; and

(c) if the facility is seeking an ERB grant or loan, a copy of the completed application submitted to the ERB.

(2) the facility shall supplement the waiver application by submitting a copy of:

(a) the ERB's determination letter to the department's Division of Certificate of Need and Licensing upon the facility's receipt thereof; or

(b) written confirmation of alternative means of financing.

h. The commissioner or his or her designee may request additional information before processing the request for a waiver.

i. If the commissioner or his or her designee denies a DER waiver application, the facility shall comply with the transfer switch or on-site generator requirement within one year from the date of the denial of the DER waiver.

j. A waiver request submitted for reasons other than installation of a DER energy source shall comply with N.J.A.C. 8:43E-5.6.

2. This act shall take effect on the first day of the sixth month following enactment.

Approved December 9, 2015.

CHAPTER 169

AN ACT renaming the Landscape Irrigation Contractors Examining Board and transferring its functions, supplementing Title 52 of the Revised Statutes, and amending P.L.1991, c.27.

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

C.52:27D-514 Board of Landscape Irrigation Contractors, continued, transferred to DCI.

1. The Landscape Irrigation Contractors Examining Board created by P.L.1991, c.27 (C:45:5AA-1 et seq.) within the Department of Environmental Protection, together with all of its functions, powers, and duties, are hereby continued as the Board of Landscape Irrigation Contractors in the Department of Community Affairs.

Whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Landscape Irrigation Contractors Examining Board, the same shall mean and refer to the Board of Landscape Irrigation Contractors.

Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the Landscape Irrigation Contractors Examining Board, that review, control, or power shall be exercised by the Department of Community Affairs, or the commissioner thereof.

2. Section 5 of P.L.1991, c.27 (C.45:5AA-5) is amended to read as follows:

C.45:5AA-5 Board of Landscape Irrigation Contractors.

5. a. There is established in the Department of Community Affairs the Board of Landscape Irrigation Contractors, which shall consist of seven members, as follows: the Commissioner of Community Affairs, or the commissioner's designated representative, who shall serve ex officio; five public members who shall be landscape irrigation contractors and residents of the State; and one public member who shall be a licensed professional engineer or certified landscape architect. Each of the public members shall be appointed by the Governor with the advice and consent of the Senate, for terms of three years. Each of these members shall hold office for the term of the appointment and until a successor is appointed and qualified. Any vacancy in the membership occurring other than by expiration of a term

shall be filled in the same manner as the original appointment, but for the unexpired term only.

b. The members of the board shall elect from among their number a chairperson, who shall schedule, convene, and chair board meetings, and a vice-chairperson who shall act as chair in the chairperson's absence.

c. The powers of the board are vested in the members thereof in office, and a majority of the total authorized membership of the board is required to exercise its powers at any meeting thereof; provided however, that if a board member has resigned or otherwise vacated his or her membership appointment before the expiration of his or her term, or if a board member does not serve after the expiration of his or her term pending the appointment of a successor, then, until such vacancies are filled, a majority of the currently serving membership of the board is required to exercise its powers at any meeting thereof.

d. The members of the board shall serve without compensation, but the board may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

e. The board shall meet twice annually, and at such other times as may be necessary, at a place provided by the department.

C.52:27D-515 Provisions of C.52:14D-1 et seq. applicable.

3. This act shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). All records, equipment and other personal property, appropriations, and any balances of funds shall be transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act."

4. This act shall take effect on the first day of the sixth month after enactment.

Approved December 9, 2015.

CHAPTER 170

AN ACT providing a partial exemption and a maximum sales and use tax imposition amount for sales and uses of boats and vessels and establishing a grace period for the imposition of use tax on certain boats and vessels used by resident purchasers, supplementing P.L.1966, c.30 (C.54:32B-1 et seq.).

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

C.54:32B-4.2 Partial tax exemption for sale, use of certain boats.

1. Notwithstanding the provisions of P.L.1966, c. 30 (C.54:32B-1 et seq.) to the contrary, receipts from the sale of a boat or other vessel are exempt to the extent of 50 percent of the tax imposed under section 3 of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-3) and the maximum amount of tax imposed and collected on the sale or use of a boat or other vessel shall not exceed $20,000.

C.54:32B-6.1 Exemptions from compensating use tax.

2. a. Notwithstanding the provisions of P.L.1966, c. 30 (C.54:32B-1 et seq.) to the contrary, the use within this State of a boat or other vessel for temporary periods, not totaling more than 30 calendar days in a calendar year, shall not be subject to the compensating use tax imposed by section 6 of P.L.1966, c.30 (C.54:32B-6), provided that:

(1) the boat or other vessel is legally operated by the resident purchaser and meets all current requirements pursuant to applicable federal law or pursuant to a federally-approved numbering system for boats and vessels adopted by another state, and

(2) the resident purchaser is not engaged in or carrying on in this State any employment, trade, business, or profession in which the boat or vessel will be used in this State.

b. If any of the conditions specified by subsection a. of this section have not been met, or after having been met fail to continue to be met, the exemption provided by subsection a. of this section shall not apply.

3. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Director of the Division of Taxation in the Department of the Treasury may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the director determines to be necessary to implement the provisions of P.L.2015, c.170 (C.54:32B-4.2 et al.), which rules and regulations shall be effective for a period not to exceed 360 days following the effective date of P.L.2015, c.170 (C.54:32B-4.2 et al.) and may thereafter be amended, adopted, or readopted by the director in accordance with the requirements of P.L.1968, c.410.

4. This act shall take effect immediately, provided that section 1 shall apply to sales and uses on or after the first day of the second month next following the date of enactment and that section 2 shall apply to uses on or after January 1 next following the date of enactment.

Approved December 9, 2015.

CHAPTER 171

AN ACT concerning certain local tax proceeds and amending P.L.2009, c.90.

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

1. Section 20 of P.L.2009, c.90 (C.40:48H-2) is amended to read as follows:

C.40:48H-2 Municipalities permitted to impose tax on rental of motor vehicles; definitions.

20. a. A municipality having a population in excess of 100,000 and within which is located a commercial airport which provides for a minimum of 10 regularly scheduled commercial airplane flights per day, or a municipality in which any portion of such an airport is located, by ordinance, may impose a tax on the rental of motor vehicles on such rental transactions that occur within a designated industrial zone of the municipality. Such tax shall be imposed on the person, corporation, or other legal entity that is permitted the use of a motor vehicle that it does not own for a period of time that is less than one year, in exchange for the payment of a fee, and shall be collected on behalf of the municipality by the person collecting such rental fee, in accordance with such procedures as shall be established in the ordinance imposing the tax.

The local motor vehicle rental tax rate imposed under an ordinance adopted pursuant to this section shall not exceed five percent of the total amount of the fee charged for the rental of the motor vehicle, excluding any taxes and surcharges. After the adoption of an ordinance, a municipality may subsequently amend the ordinance from time to time to adjust the boundaries of the industrial zone or, subject to the provisions of section 26 of P.L.2009, c.90 (C.40:48H-8), to modify the tax rate; however, the modi-

fied rate shall not exceed five percent of the total amount of the fee charged for the rental of the motor vehicle, excluding any taxes and surcharges.

An ordinance establishing a local motor vehicle rental tax, or modifying the rate of that tax, shall take effect on the first day of the month immediately following the date on which the ordinance becomes legally in force and effect.

b. As used in this section:

"Eligible purposes" means (1) the payment or reimbursement of costs of any "redevelopment project" or other undertaking in furtherance of a "redevelopment plan" in any "area in need of redevelopment" or "area in need of rehabilitation" within the municipality (including, but not limited to, redevelopment projects and undertakings located within the industrial zone), as such terms are defined in the "Local Redevelopment and Housing Law", P.L.1992, c.79 (C.40A:12A-1 et al.), (2) the making of municipal subsidies or contributions as authorized by P.L.1992, c.79, (3) the payment or reimbursement, within or relating to any urban enterprise zone located within the municipality, of such costs as are enumerated in the definition of "project" as contained in subsection c. of section 29 of P.L.1983, c.303 (C.52:27H-88), without reference to the zone assistance fund or the zone development corporation, (4) the payment of bonds issued for any of the foregoing purposes, (5) planning, evaluation, negotiation, and other preliminary expenses relating to any of the foregoing purposes, and (6) costs of administration and enforcement, including costs and expenses of the municipality incurred in collecting the tax.

"Industrial zone" means such portion or portions of the municipality, which may be identified by reference to zoning districts, census tracks, or both, not exceeding in the aggregate 50 percent of the territory of the municipality, as is determined by the municipality to be an area having, or intended to have, predominantly industrial, port, airport, and related uses.

"Motor vehicle" means any automobile, truck, van, bus, or similar conveyance that is intended primarily for passenger (as distinct from cargo) use, and meeting the requirements of the State for operation on public roads.

"Rental of motor vehicle" means any contract or agreement by which a person, corporation, or other legal entity is permitted the use of a motor vehicle that it does not own for a period of time that is less than one year in exchange for the payment of a fee. A rental transaction is deemed to occur at the location at which such person, corporation, or other legal entity takes possession of the motor vehicle.

"Rental tax account" means the dedicated trust account established by a municipality pursuant to subsection c. of this section.

"Tax proceeds" means amounts collected pursuant to any tax imposed pursuant to sections 19 through 27 of P.L.2009, c.90 (C.40:48H-1 et seq.).

c. The Director of the Division of Taxation in the Department of the Treasury may require, by regulation, that all taxes collected pursuant to sections 19 through 27 of P.L.2009, c.90 (C.40:48H-1 et seq.) be collected in the same manner as surcharges are collected under section 28 of P.L.2009, c.90 (C.40:48G-2). Except as provided hereinafter, revenues that are collected and distributed back to the municipality shall be deposited into a trust account established by the municipality and dedicated exclusively to the purpose of funding one or more eligible purposes. Revenues that are collected during tax years 2015 through 2017 for distribution back to a municipality having a population in excess of 270,000, according to the 2010 federal decennial census, may be deposited into the current fund of that municipality and may, to the extent not already allocated for eligible purposes, be used to reduce the appropriation for "cash deficit of preceding year" pursuant to N.J.S.40A:4-42, or to address its operational deficit identified at the beginning of the local budget year or through the annual financial statement. In tax year 2018 and thereafter, up to 50 percent of the revenues annually collected may be deposited into the current fund and used to reduce the appropriation for "cash deficit for preceding year" or to address its operational deficit, and the remainder shall be deposited into the municipality's trust account for eligible purposes. In the case of any assignment pursuant to section 23 of P.L.2009, c.90 (C.40:48H-5), the terms of such assignment shall include the agreement of the municipality to enforce collection of the taxes in such manner as provided therein, and may provide for direct payment of all or a portion of the tax proceeds to a bond trustee. In addition to tax proceeds, there shall be deposited into the rental tax account such other moneys as may, from time to time, be directed by law to be deposited therein.

2. This act shall take effect immediately.

Approved December 9, 2015.

CHAPTER 172

AN ACT concerning certain multiple employer welfare arrangements and amending P.L.2001, c.352.

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

1. Section 3 of P.L.2001, c.352 (C.17B:27C-3) is amended to read as follows:

C.17B:27C-3 Definitions relative to self-funded multiple employer welfare arrangements.

3. For purposes of this act:

"Association" means a group of 100 or more persons organized and maintained in good faith for purposes other than that of obtaining insurance, in active existence for more than one year, having a constitution and bylaws that provide that: the association holds regular meetings not less than annually to further the purposes of the members; except for credit unions, the association collects dues or solicits contributions from members; and the members have voting privileges and representation on the governing board and committees.

"Commissioner" means the Commissioner of Banking and Insurance.

"Employee welfare benefit plan" has the meaning set forth in subsection (1) of 29 U.S.C. s.1002.

"Large employer" means a member employer with more than 50 eligible employees, as defined by section 1 of P.L.1992, c.162 (C.17B:27A-17).

"Multiple employer welfare arrangement" has the meaning set forth in subsection (40) of 29 U.S.C. s.1002.

"Self-funded multiple employer welfare arrangement" means a self-funded or partially self-funded multiple employer welfare arrangement that provides for health benefits plans that has two or more employers who each have two or more employees and that has one or more of the employer members either domiciled in this State or its principal headquarters or principal administrative office located in this State.

"Small employer" means the same as defined in section 1 of P.L.1992, c.162 (C.17B:27A-17).

2. Section 5 of P.L.2001, c.352 (C.17B:27C-5) is amended to read as follows:

C.17B:27C-5 Deposit, maintenance of cash, securities.

5. a. A self-funded multiple employer welfare arrangement shall deposit and continuously maintain with a financial institution licensed in this State, cash or securities as defined in N.J.S. 17B:18-37, having an admitted asset value of not less than $200,000. The deposit shall be held for the

benefit and protection of all covered members of the self-funded multiple employer welfare arrangement. The self-funded multiple employer welfare arrangement shall further maintain a cash reserve for loss in an amount established by a qualified actuary as being adequate to provide for all incurred losses including unpaid claims.

b. A self-funded multiple employer welfare arrangement shall maintain aggregate stop-loss coverage, with a retention level of 125 percent of expected claims per year, including provisions to cover incurred, unpaid claims liability in the event of the termination or liquidation of the self-funded multiple employer welfare arrangement, and specific stop-loss coverage, with a retention level determined annually by a qualified actuary based on sound actuarial principles. Any stop-loss contract maintained pursuant to this subsection shall contain a provision that the stop-loss insurer shall give the self-funded multiple employer welfare arrangement and the commissioner a minimum of 180 days' notice of cancellation or nonrenewal. If the self-funded multiple employer welfare arrangement fails to secure replacement coverage within 90 days after receipt of the notice of cancellation or nonrenewal, the trustees of the self-funded multiple employer welfare arrangement shall provide for the orderly liquidation of the self-funded multiple employer welfare arrangement.

3. Section 6 of P.L.2001, c.352 (C.17B:27C-6) is amended to read as follows:

C.17B:27C-6 Required filings.

6. Each self-funded multiple employer welfare arrangement shall file all of the following with the commissioner:

a. No later than May 15th of each calendar year or four months and 15 days after the end of each fiscal year of the self-funded multiple employer welfare arrangement, financial statements audited by a certified public accountant and on forms prescribed by the commissioner, an actuarial opinion rendered by a qualified actuary, a report of its Risk-Based Capital (RBC) as of the end of the immediately preceding calendar year, in a form and containing such information as is required by the instructions adopted by the National Association of Insurance Commissioners for health insurers, as amended from time to time and proof of the deposit required in accordance with section 5 of this act. The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on any additional standards that the commissioner may prescribe by regulation. For purposes of this section and section 5 of this act, "qualified actuary"

means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in regulations of the commissioner.

b. Within 60 days after the end of each fiscal quarter, unaudited financial statements on forms prescribed by the commissioner, affirmed by an appropriate officer or agent of the self-funded multiple employer welfare arrangement.

c. Within 60 days after the end of each fiscal quarter, a report on forms prescribed by the commissioner certifying that the self-funded multiple employer welfare arrangement maintains cash or liquid assets in a claim reserve account sufficient to meet the requirements of section 5 of this act.

d. The information required to be filed pursuant to subsections a., b., and c. of this section shall be certified by an officer of the self-funded multiple employer welfare arrangement.

e. A majority of the board of trustees of a self-funded multiple employer welfare arrangement shall represent participating employer members, and at least one trustee shall be a non-participating independent trustee chosen by a majority vote of the trustees.

f. The self-funded multiple employer welfare arrangement shall establish and maintain a website upon which all of the filings required pursuant to this section and information concerning its governance and financial performance shall be publicly available for a period of at least five years after the reporting period. This website shall also, at all times, indicate the status of the deposit required to be continuously maintained with a financial institution licensed in this State, pursuant to subsection a. of section 5 of P.L.2001, c.352 (C.17B:27C-5) and the name of that institution.

4. Section 7 of P.L.2001, c.352 (C.17B:27C-7) is amended to read as follows:

C.17B:27C-7 Liability of members.

7. a. The liability of each member for the obligations of the self-funded multiple employer welfare arrangement shall be individual, several and proportionate, but not joint, except as provided in this section.

b. Each member shall have a contingent assessment liability pursuant to subsection c. of this section. Each benefit plan issued by a self-funded multiple employer welfare arrangement shall contain a statement of the contingent liability. Both the application for benefits and the benefit plan shall contain in contrasting color, not less than 10-point type, the following statement: "This is a fully assessable benefit plan. In the event that the self-funded multiple employer welfare arrangement is unable to pay its ob-

ligations, members shall be required to contribute on a pro rata earned premium basis the funds necessary to meet any unfilled obligations."

c. All self-funded multiple employer welfare arrangements shall provide that members are assessed in accordance with the provisions of this section. Each self-funded multiple employer welfare arrangement may assess all members if its prior fiscal year statement of operations reflected a loss. Each self-funded multiple employer welfare arrangement shall assess all members if the arrangement's fund balance or reserve at the end of any accounting period is less than the amount required by law. The minimum assessment shall be the amount necessary to comply with the requirements of sections 5 and 9 of this act. Each member's assessment shall be computed by applying the earned premium for each employer's benefit plan during the prior fiscal year as a percent of the amount of the total of all employers' earned premium for the same year. Each member's assessment shall be that member's percent times the total assessment levied. In the event a member fails to pay an assessment, the other members shall be liable on a proportionate basis for an additional assessment. The self-funded multiple employer welfare arrangement, acting on behalf of all members who paid the additional assessment, shall take appropriate legal action to recover the assessment from any member who fails to pay an assessment.

d. In the event of a rehabilitation, liquidation, conservation or dissolution of a self-funded multiple employer welfare arrangement, the court, pursuant to section 11 of this act, may assess the members in the amounts needed to pay all incurred but unpaid claims and all projected claims, together with the costs and expenses of collecting the assessments, a reasonable loading factor for uncollected assessments and the costs and expenses of the rehabilitation, liquidation, conservation or dissolution.

e. The following notice shall be provided to employers and employees who obtain coverage from a self-funded multiple employer welfare arrangement:

NOTICE

THE SELF-FUNDED MULTIPLE EMPLOYER WELFARE ARRANGEMENT IS NOT AN INSURANCE COMPANY AND DOES NOT PARTICIPATE IN ANY OF THE GUARANTEE FUNDS CREATED BY NEW JERSEY LAW. THESE FUNDS WILL NOT PAY YOUR CLAIMS OR PROTECT YOUR ASSETS IF A SELF-FUNDED MULTIPLE EMPLOYER WELFARE ARRANGEMENT BECOMES INSOLVENT AND IS UNABLE TO MAKE PAYMENTS AS PROMISED.

THE HEALTH CARE BENEFITS THAT YOU HAVE PURCHASED OR ARE APPLYING TO PURCHASE ARE BEING ISSUED BY A SELF-FUNDED MULTIPLE EMPLOYER WELFARE ARRANGEMENT. THE SELF-FUNDED MULTIPLE EMPLOYER WELFARE ARRANGEMENT IS REQUIRED TO MAINTAIN SUFFICIENT RESERVES TO PAY FOR ALL INCURRED LOSSES INCLUDING UNPAID CLAIMS.

IT IS IMPORTANT THAT YOU CHECK WITH YOUR EMPLOYER TO DETERMINE WHICH, IF ANY, STATE MANDATED HEALTH CARE BENEFITS MAY BE COVERED BY YOUR ARRANGEMENT.

FOR ADDITIONAL INFORMATION ABOUT THE MULTIPLE EMPLOYER WELFARE ARRANGEMENT YOU SHOULD ASK QUESTIONS OF YOUR TRUST ADMINISTRATOR AT _____ (this blank should include the "800" consumer service telephone number).

5. Section 8 of P.L.2001, c.352 (C.17B:27C-8) is amended to read as follows:

C.17B:27C-8 Inapplicability of insurance laws in certain circumstances.

8. a. Except as provided by this act, the insurance laws of this State do not apply to the operation of self-funded multiple employer welfare arrangements. A self-funded multiple employer welfare arrangement is not an insurance company or insurer under the laws of this State.

b. Any self-funded multiple employer welfare arrangement shall offer all products that it is actively marketing to any employer, and accept any employer and any employee of that employer who applies for any of those products; provided, however that a self-funded multiple employer welfare arrangement may limit participation to members of the association.

c. Assessments payable by small employer members, except for dental plans, shall be established in accordance with the rating requirements of section 9 of P.L.1992, c.162 (C.17B:27A-25) and regulations promulgated thereunder.

d. If the member is a small employer, the health benefits to be provided by the self-funded multiple employer welfare arrangement shall at all times be equal to or greater than benefits required to be provided in the lowest benefit level standard plan promulgated by the New Jersey Small Employer Health Benefits Program pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.).

e. A large employer participating in a multiple employer welfare arrangement shall not be required to adhere to the plan or design elements, or any required coverage offerings applicable to small employers, including but not limited to deductibles, co-pays, and co-insurance amounts. After the effective date of P.L.2015, c.172, large employer members of a multiple

employer welfare arrangement shall continue to offer all health benefits mandated by State law and in effect on October 1, 2014. Any new or additional health benefits mandated by State law required to be offered after October 1, 2014 shall not be required to be offered by large employers participating in a multiple employer welfare arrangement. Except as provided in P.L.2001, c.352 (C.17B:27C-1 et seq.) as amended by P.L.2015, c.172, multiple employer welfare arrangements with large employers shall be otherwise subject to the requirements of State and federal law.

f. Notwithstanding any other provision to the contrary, if the member is a large employer, the rate manual used to calculate program rates may include appropriate classification factors such as claims experience and utilization, age, gender, tobacco use, and geography, and such specific underwriting adjustments as may be certified in accordance with subsection d. of section 6 of P.L.2001, c.352 (C.17B:27C-6).

g. The self-funded multiple employer welfare arrangement may provide to its members a health and wellness program consistent with the United States Department of Labor's requirements.

h. The self-funded multiple employer welfare arrangement may provide to its members an internet-based system for the administration, billing and claims processing of its benefits.

6. This act shall take effect on January 1, 2016, except that the Department of Banking and Insurance may take such appropriate anticipatory administrative action, including the promulgation of any regulations, necessary to ensure the implementation of this act on its effective date.

Approved December 9, 2015.

CHAPTER 173

AN ACT concerning Down syndrome and supplementing Title 26 of the Revised Statutes.

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

C.26:2-194 Information available relative to Down syndrome.

1. a. The Department of Health shall make available on the department's Internet website, to any person who renders prenatal care, postnatal care, or genetic counseling of parents who receive a prenatal or postnatal

diagnosis of Down syndrome, the following: (1) up-to-date, evidence-based, written information about Down syndrome that has been reviewed by medical experts and national Down syndrome organizations, including, but not limited to, the Centers for Disease Control and the March of Dimes, which information shall include physical, developmental, educational, and psychosocial outcomes; (2) life expectancy, clinical course, and intellectual and functional development and treatment options; and (3) contact information regarding telephone and support services, including information hotlines specific to Down syndrome, resource centers, and other education and support programs. The department may also make such information available to any other person who has received a positive test result from a test for Down syndrome. This information may be revised by the department as new information about Down syndrome becomes available.

b. Information provided under this section shall be in English and Spanish, and in a manner that is easily understandable for women receiving a positive prenatal diagnosis or for the family of a child receiving a postnatal diagnosis of Down syndrome.

C.26:2-195 Provision of information upon positive test result for Down syndrome.

2. Any physician, health care provider, nurse midwife, or genetic counselor who renders prenatal care, postnatal care, or genetic counseling shall, upon receipt of a positive test result from a test for Down syndrome, provide the expectant or new parent with the information that is provided by the Department of Health under section 1 of this act.

3. This act shall take effect on the first day of the fourth month next following the date of enactment.

Approved January 11, 2016.

CHAPTER 174

AN ACT designating State Highway Route No. 173 between Clinton and Phillipsburg as the "173rd Airborne Brigade Highway."

WHEREAS, The 173rd Brigade was first constituted in 1915 as the 173rd Infantry Brigade and deployed to France during World War I; and

WHEREAS, The 173rd Infantry Brigade was then designated as the 87th Reconnaissance Troop in 1942 and entered combat in 1944 during World

War II in the central Europe, Rhineland, and Ardennes-Alsace operations; and

WHEREAS, In the early 1960s, as part of the Reorganization Objective Army Division plan, the 173rd Brigade was reconstituted as a separate brigade and a special airborne task force, the 173rd Airborne Brigade; and

WHEREAS, In 1963, the 173rd Airborne Brigade was activated in Okinawa and it was for the thousands of parachute jumps the brigade made that they were given the moniker "Sky Soldiers"; and

WHEREAS, The 173rd Airborne Brigade was the first Army unit sent into the republic of South Vietnam in May 1965; and

WHEREAS, During their nearly six years of continuous service during the Vietnam War, the Sky Soldiers were the first to go into War Zone D, fought bravely in the battles of the Iron Triangle, conducted the only major combat parachute jump in the Tay Ninh Area, and blocked the North Vietnamese Army's incursions during the bloodiest fighting of the war at Dak To, culminating in the capture of Hill 875 in the fall of 1967; and

WHEREAS, For the brave service of its members during the Vietnam War, as a whole, the brigade earned four unit citations, 13 Medals of Honor, and over 130 distinguished service crosses; and

WHEREAS, In 2003, nearly 1,000 members of the 173rd Airborne Brigade participated in the initial invasion of Iraq during Operation Iraqi Freedom, and between 2005 and 2010 the 173rd Airborne Brigade served three tours in Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, Today's Sky Soldiers are based in Vicenza, Italy where they continue the tradition of heroic service and proudly represent the 173rd Airborne Brigade's fighting spirit, ready to deploy at a moment's notice to protect the United States and her allies; and

WHEREAS, To honor the 173rd Airborne Brigade's many years of heroism and sacrifice in defense of our country's freedom, it is fitting and proper for the Legislature of this State to designate State Highway Route No. 173 between Clinton in Hunterdon County and Phillipsburg in Warren County as the "173rd Airborne Brigade 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 State Highway Route No. 173 between the Town of Clinton in Hunterdon County and the Town of Phillipsburg in Warren County as the "173rd Airborne Brigade Highway" and shall erect appropriate signs bearing this name.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of P.L.2015, c.174. 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 P.L.2015, c.174 and entering into agreements related thereto, with such private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation, until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 175

AN ACT concerning false incrimination and fictitious reports and amending N.J.S.2C:28-4.

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

1. N.J.S.2C:28-4 is amended to read as follows:

False reports to law enforcement authorities.

2C:28-4. a. Falsely incriminating another. A person who knowingly gives or causes to be given false information to any law enforcement officer with purpose to implicate another commits a crime of the third degree, except the offense is a crime of the second degree if the false information which the actor gave or caused to be given would implicate the person in a crime of the first or second degree.

For the purposes of this subsection, knowledge of the grade of the crime about which the defendant gave false information is not an element of the offense and it shall not be a defense that the defendant did not know of the grade of the crime.

b. Fictitious reports. A person commits a crime of the fourth degree if he:

(1) Reports or causes to be reported to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) Pretends to furnish or causes to be furnished such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 176

AN ACT designating the Black Swallowtail butterfly as the New Jersey State Butterfly, and supplementing chapter 9A of Title 52 of the Revised Statutes.

WHEREAS, The Black Swallowtail butterfly is one of the most familiar and most studied butterflies in North America, and is widely admired for its beauty; and

WHEREAS, The Black Swallowtail is indigenous to New Jersey, and can be found in each of the State's 21 counties; and

WHEREAS, The Black Swallowtail is a large, black butterfly with two rows of yellow spots near the margins of its forewings and hindwings, and more subtle red-orange and blue markings on its hindwings; and

WHEREAS, Adult Black Swallowtails have a wingspan of up to four inches, with females typically larger than males with an iridescent blue band between the yellow bands while the male has a more pronounced yellow band on the hindwings with a blue cloud under it; and

WHEREAS, The Black Swallowtail's mature caterpillar is smooth and green, marked with black bands and bright yellow spots, and is familiar to gardeners throughout the State; and

WHEREAS, The Black Swallowtail can be seen in New Jersey between the months of April and October, and is most active between May and July with its chrysalis overwintering in New Jersey; and

WHEREAS, Habitats of the Black Swallowtail are generally open areas like wetlands, fields, flat-woods, pine savannahs, farms, and gardens; and

WHEREAS, The Black Swallowtail is attracted to a variety of cultivated herbs like celery, dill, parsley, and sweet fennel, as well as wild herbs like Golden Alexanders and Queen Anne's lace, all of which grow in New Jersey; and

WHEREAS, The Black Swallowtail is non-destructive to commercial agriculture, and pollinates many cultivated flowers and crops; and

WHEREAS, The ease with which Black Swallowtails can be raised from egg to adult during the school year will provide generations of school children exciting opportunities to learn about butterfly life cycles and expand their awareness of pollinators and the critical role they play in our food supply; and

WHEREAS, Many states across the country have designated an official State butterfly to accompany their other State symbols, but New Jersey, despite its great wealth of indigenous butterflies, has never made such a designation; and

WHEREAS, The Black Swallowtail is a fitting and proper addition to New Jersey's other State symbols; and

WHEREAS, By designating the Black Swallowtail as the State butterfly, the State government recognizes the vital role played by butterflies and other pollinators in the State's agricultural industry and the ecosystem; now, therefore,

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

C.52:9A-10 Black Swallowtail designated State butterfly.

1. The Black Swallowtail butterfly (*Papilio polyxenes*) is designated as the New Jersey State Butterfly.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 177

AN ACT concerning certain bill payment certification to boards of education and local government bodies and amending various parts of the New Jersey Statutes and P.L.1982, c.196.

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

1. N.J.S.18A:19-1 is amended to read as follows:

Expenditures of funds on warrant only; requisites; exceptions.

18A:19-1. Except as provided in subsection b. of N.J.S.18A:19-4, the money or funds of the board of education in the custody of the secretary or treasurer of school moneys shall be expended by the secretary or treasurer of school moneys by, and only by, warrants, each made payable to the order of the person entitled to receive the amount thereof and specifying the object for which the warrant is issued, signed by the president and secretary of the board of education and the chief school administrator or by the treasurer of school moneys, as appropriate to the district,

(a) After audit of the account or demand to be paid, by the secretary, and after approval by the board of education, or

(b) In accordance with payrolls duly certified as provided by this title, or

(c) For debt service, or

(d) When provided by resolution of the board of education, after audit of the account or demand to be paid, and approval by a person designated by the board of education.

2. N.J.S.18A:19-2 is amended to read as follows:

Requirements for payment of claims; audit of; claims in general.

18A:19-2. Except as provided in subsection b. of N.J.S.18A:19-4, a claim or demand against a school district shall not be paid by the secretary or treasurer of school moneys, as appropriate, unless the claim or demand is authorized by law and the rules of the board of education of the district, is fully itemized and verified, has been duly audited as required by law, has been presented to, and approved by, the board of education at a meeting thereof, or presented to, and approved by, a person designated by the board of education for that purpose, and the amount required to pay the claim or demand is available for that purpose.

3. N.J.S.18A:19-3 is amended to read as follows:

Verification of claims, demands.

18A:19-3. Except as provided in subsection b. of N.J.S.18A:19-4, all claims and demands, that equal or exceed 15 percent of the bid threshold amount established pursuant to N.J.S.18A:18A-3, except for payrolls and debt service, shall be verified by affidavit, or by a signed declaration in

writing, contained therein or annexed thereto, to the effect that the claims and demands are correct in all particulars, that the articles have been furnished or the services rendered as stated therein, and that no bonus has been given or received on account thereof.

4. N.J.S.18A:19-4 is amended to read as follows:

Audit of claims; warrants for payments; exemptions.

18A:19-4. a. All claims and demands against the board of education, except those which are to be paid from funds derived from athletic events or other activities of pupil organizations, shall, unless otherwise provided by resolution of the board of education, be examined, audited, and certified in writing by the secretary and presented by the secretary to the board of education for its approval at a regularly called meeting, and if found to be correct, shall be ordered paid by the board of education, whereupon the secretary and the president of the board of education and the chief school administrator shall issue and sign a warrant in payment therefor. In a district which has a treasurer of school moneys, the secretary thereupon shall forward the warrant to the treasurer of school moneys.

b. The provisions of subsection a. of this section shall not apply to payments made by a board of education for the provision of:

(1) telecommunications or basic cable service provided by a telecommunications or cable television company under the jurisdiction of the Board of Public Utilities;

(2) electric, gas, water, or sewer utility service provided by a public utility, as that term is defined pursuant to R.S.48:2-13, that is regulated by the Board of Public Utilities pursuant to Title 48 of the Revised Statutes; or

(3) a service that is provided under a contract between a public utility, as that term is defined pursuant to R.S.48:2-13, and a board of education that is approved by the Board of Public Utilities under which rates for service are controlled by the terms of the contract.

5. Section 4 of P.L.1982, c.196 (C.18A:19-4.1) is amended to read as follows:

C.18A:19-4.1 Account or demand; audit; approval.

4. A board of education may, by resolution, designate a person in addition to the secretary to audit any account and demand to be paid pursuant to subsection a. of N.J.S.18A:19-4, and provide for approval of the account or demand by that person or the secretary prior to presentation to the board

of education. Any account or demand approval shall be presented to the board of education at their next meeting for ratification. The board of education may establish a maximum dollar amount for which payment may be authorized without prior board of education approval.

6. N.J.S.40A:5-16 is amended to read as follows:

Local unit, requirements for paying out moneys.

40A:5-16. The governing body of any local unit shall not pay out any of its moneys:

a. unless the person claiming or receiving payment first presents a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that the bill or demand is correct. The governing body may, by resolution, require an affidavit in lieu of the certification, and the clerk or disbursing officer of the local unit may take the affidavit without cost; and

b. unless the payment carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit.

c. Notwithstanding the provisions of subsection a. of this section, upon adoption by the Local Finance Board of rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that provide for procedures to be followed by local units and under those circumstances deemed appropriate by the Local Finance Board, a local unit shall be permitted to pay out its moneys without requiring a certification of the party claiming payment as otherwise required by subsection a. of this section. Those circumstances may include, but shall not be limited to:

(1) when payment to vendors is required in advance of the delivery of certain materials or services that cannot be obtained from any other source at comparable prices;

(2) when ordering, billing, and payment transactions for goods or services are made through a computerized electronic transaction; or

(3) when the claim or demand is less than a threshold set by the Local Finance Board and the certification is not readily obtainable by the contracting unit; but the exceptions shall not include reimbursement of employee expenses or payment for personal services.

d. The provisions of subsection a. of this section shall not apply to payments made by a governing body of a local unit for the provision of:

(1) telecommunications or basic cable service provided by a telecommunications or cable television company under the jurisdiction of the Board of Public Utilities;

(2) electric, gas, water, or sewer utility service provided by a public utility, as that term is defined pursuant to R.S.48:2-13, that is regulated by the Board of Public Utilities pursuant to Title 48 of the Revised Statutes; or

(3) a service that is provided under a contract between a public utility, as that term is defined pursuant to R.S.48:2-13, and a governing body that is approved by the Board of Public Utilities under which rates for service are controlled by the terms of the contract.

7. This act shall take effect immediately, but shall remain inoperative for 60 days following the date of enactment.

Approved January 11, 2016.

CHAPTER 178

AN ACT concerning hiring preferences for veterans in certain counties and municipalities and supplementing chapter 9 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:9-1.16 Hiring preferences for veterans.

1. In addition to the veteran's preferences provided for in N.J.S.40A:14-122.6 and N.J.S.40A:14-129, a county or municipality wherein Title 11 (Civil Service) of the Revised Statutes is not in operation, may adopt a resolution or ordinance, as applicable, providing hiring preference to veterans, as defined in N.J.S.11A:5-1, provided that in all measurable criteria, the veteran and nonveteran are equally qualified for the position.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 179

AN ACT concerning pharmacy benefits managers and supplementing Title 17B of the New Jersey Statutes.

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

C.17B:27F-1 Definitions relative to pharmacy benefits managers.

1. As used in this act:

"Carrier" means an insurance company, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization authorized to issue health benefits plans in this State.

"Contracted Pharmacy" means a pharmacy that participates in the network of a pharmacy benefits manager through a contract with:

a. the pharmacy benefits manager directly;

b. a pharmacy services administration organization; or

c. a pharmacy group purchasing organization.

"Covered person" means a person on whose behalf a carrier or other entity, who is the sponsor of the health benefits plan, is obligated to pay benefits pursuant to a health benefits plan.

"Drug" means a drug or device as defined in R.S.24:1-1.

"Health benefits plan" means a benefits plan which pays hospital or medical expense benefits for covered services, or prescription drug benefits for covered services, and is delivered or issued for delivery in this State by or through a carrier or any other sponsor, including, but not limited to, a carrier, self-insured employer, or union. For the purposes of this act, health benefits plan shall not include the following plans, policies or contracts: accident only, credit disability, long-term care, Medicare supplement coverage; CHAMPUS supplement coverage, coverage for Medicare services pursuant to a contract with the United States government, coverage arising out of a worker's compensation or similar law, coverage under a policy of private passenger automobile insurance issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.), or hospital confinement indemnity coverage.

"Pharmacy" means any place in the State where drugs are dispensed or pharmaceutical care is provided by a licensed pharmacist, but shall not include a medical office under the control of a licensed physician.

"Pharmacy benefits manager" means a corporation, business, or other entity, or unit within a corporation, business, or other entity, that administers prescription drug benefits on behalf of a purchaser.

"Pharmacy benefits management services" means the provision of any of the following services on behalf of a purchaser: the procurement of prescription drugs at a negotiated rate for dispensation within this State; the processing of prescription drug claims; or the administration of payments related to prescription drug claims.

"Prescription" means a prescription as defined in section 5 of P.L.1977, c.240 (C.24:6E-4).

"Prescription drug benefits" means the benefits provided for prescription drugs and pharmacy services for covered services under a health benefits plan contract.

"Purchaser" means any sponsor of a health benefits plan who enters into an agreement with a pharmacy benefits management company for the provision of pharmacy benefits management services to covered persons.

C.17B:27F-2 Duties of pharmacy benefits manager relative to contracts.

2. Upon execution or renewal of each contract, a pharmacy benefits manager shall, with respect to contracts between a pharmacy benefits manager and a contracted pharmacy:

a. (1) include in the contract the sources utilized to determine multiple source generic drug pricing, including, if applicable, the maximum allowable cost or any successive pricing formula, of the pharmacy benefits manager;

(2) update that pricing information every seven calendar days; and

(3) establish a reasonable process by which contracted pharmacies have a method to access relevant maximum allowable cost pricing lists and any successive pricing formulas in a timely manner; and

b. Maintain a procedure to eliminate drugs from the list of drugs subject to multiple source generic drug pricing or modify maximum allowable cost rates in a timely fashion.

C.17B:27F-3 Requirements for placing prescription drug on multiple source generic list.

3. a. In order to place a particular prescription drug on a multiple source generic list, the pharmacy benefits manager shall, at a minimum, ensure that:

(1) The drug is listed as therapeutically and pharmaceutically equivalent or "A," "B," "NR," or "NA" rated in the Food and Drug Administration's most recent version of the Approved Drug Products with Therapeutic Equivalence Evaluations, commonly known as the "Orange Book;" and

(2) The drug is available for purchase without limitations by all pharmacies in the State from national or regional wholesalers and is not obsolete or temporarily unavailable.

b. A pharmacy benefits manager shall not penalize a pharmacist or pharmacy on audit if the pharmacist or pharmacy performs a generic substitution pursuant to the "Prescription Drug Price and Quality Stabilization Act," P.L.1977, c.240 (C.24:6E-1 et seq.).

C.17B:27F-4 Process for appeals, investigation and dispute resolution.

4. All contracts between a pharmacy benefits manager and a contracted pharmacy shall include a process to appeal, investigate, and resolve disputes regarding multiple source generic drug pricing. The contract provision establishing the process shall include the following:

a. The right to appeal shall be limited to 14 calendar days following the initial claim;

b. The appeal shall be investigated and resolved by the pharmacy benefits manager through an internal process within 14 calendar days of receipt of the appeal by the pharmacy benefits manager;

c. A telephone number at which a pharmacy may contact the pharmacy benefits manager and speak with an individual who is involved in the appeals process; and

d. (1) If the appeal is denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that is available for purchase by contracted pharmacies in this State from wholesalers registered pursuant to P.L.1961, c.52 (C.24:6B-1 et seq.) at a price which is equal to or less than the maximum allowable cost for the appealed drug as determined by the pharmacy benefits manager;

(2) If the appeal is approved, the pharmacy benefits manager shall make the price correction, permit the reporting pharmacy to reverse and rebill the appealed claim, and make the price correction effective for all similarly situated pharmacies from the date of the approved appeal.

C.17B:27F-5 Rules, regulations.

5. The Commissioner of Banking and Insurance shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations, including any penalty provisions the commissioner deems to be necessary, to effectuate the purposes of this act.

6. This act shall take effect on the 90th day next following enactment and shall apply to all contracts or agreements for pharmacy benefits management services that are executed or renewed on or after the effective date.

Approved January 11, 2016.

CHAPTER 180

AN ACT concerning the designation of a beneficiary for group life insurance provided through a State-administered retirement system and supplementing chapter 3C of Title 43 of the Revised Statutes.

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

C.43:3C-25 Notification of change in beneficiary.

1. The Division of Pensions and Benefits in the Department of the Treasury shall provide for the prompt notification in writing of any member or retiree of 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 Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the Police and Firemen's Retirement System, established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), the State Police Retirement System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), the Alternate Benefit Program, established pursuant to P.L.1969, c.242 (C.18A:66-167 et seq.), and the Defined Contribution Retirement Program, established pursuant to P.L.2007, c.92 (C.43:15C-1 et seq.), when the member or retiree submits a change to the designation of beneficiary for contributory and non-contributory group life insurance available to the member or retiree through the system, that there is on file a judgment, court order, decree, or other legal document for that member or retiree specifically designating the beneficiary of such life insurance. The notification requirement shall apply only when there is a valid judgment, court order, decree, or other legal document that has been filed with the division pursuant to the division's determination to accept and honor such a judgment, court order, decree, or document and that has been reviewed, approved, or classified as qualified by the division.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 181

AN ACT concerning polling hours for school elections and amending R.S.19:15-2.

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

1. R.S.19:15-2 is amended to read as follows:

Operation hours of polls; members present.

19:15-2. The district boards shall open the polls for such election at 6:00 A.M. and close them at 8:00 P.M., and shall keep them open during the whole day of election between these hours; except that for a school election held at a time other than at the time of the general election the polls shall be open between the hours of 4:00 P.M. and 8:00 P.M. and during any additional time which the school board may designate between the hours of 6:00 A.M. and 8:00 P.M.

The board may allow one member thereof at a time to be absent from the polling place and room for a period not exceeding one hour between the hours of 1:00 P.M. and 5:00 P.M. or for such shorter time as it shall see fit.

At no time from the opening of the polls to the completion of the canvass shall there be less than a majority of the board present in the polling room or place, except that during a school election held at a time other than at the time of the general election there shall always be at least one member of each district election board present or if more than two district board members are designated to serve at the polling place, at least two members present.

2. This act shall take effect on January 1 next following the date of enactment.

Approved January 11, 2016.

CHAPTER 182

AN ACT permitting municipalities and municipal parking authorities to create Senior Citizen Priority Parking Programs and supplementing chapters 11A and 48 of Title 40 of the Revised Statutes

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

C.40:48-2.12t Senior Citizen Priority Parking Program created by municipality.

1. a. The governing body of a municipality, by resolution, may create a Senior Citizen Priority Parking Program to provide senior citizens age 60 or older who reside in the municipality with reduced parking permit rates and

program-restricted parking spaces within the municipality for a single automobile registered to the senior citizen. Under such a program, a senior citizen shall be permitted to use a program-restricted parking space if the senior citizen is driving his or her own automobile, or if he or she is a passenger in his or her own automobile while the automobile is being driven by another person.

b. A municipality that creates a Senior Citizen Priority Parking Program pursuant to subsection a. of this section shall determine the application process for the program, the cost of a reduced-rate parking permit and decal, and the number and location of program-restricted parking spaces, and shall post that information on the municipality's website, if one exists, and shall make the information available in printed form at the office of the municipal clerk. A municipality that participates in the program shall not charge an application fee to senior citizens applying for a reduced-rate parking permit, but may charge fees for the issuance or renewal of a permit.

c. The Commissioner of Transportation, in consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall design and shall make available to municipalities that create a Senior Citizen Priority Parking Program signs that identify program-restricted parking spaces. A municipality that creates a Senior Citizen Priority Parking Program pursuant to this section shall erect the signs as appropriate within the municipality in areas where program-restricted parking spaces are available. Signs erected pursuant to this section shall be consistent with applicable federal standards including those prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, if applicable.

C.40:11A-6.3 Senior Citizen Priority Parking Program created by municipal parking authority.

2. a. The commissioners of a municipal parking authority created pursuant to the provisions of P.L.1948, c.98 (C.40:11A-1 et seq.) by resolution, may create a Senior Citizen Priority Parking Program to provide senior citizens age 60 or older who reside in the municipality with reduced parking permit rates and program-restricted parking spaces within areas of the municipality under the jurisdiction of the authority for a single automobile registered to the senior citizen. Under such a program, a senior citizen shall receive the parking discount, and be permitted to park in a program-restricted parking space, if the senior citizen is driving his or her own automobile, or if he or she is a passenger in his or her automobile while the automobile is being driven by another person.

b. A municipal parking authority that creates a Senior Citizen Priority Parking Program pursuant to subsection a. of this section shall determine the application process for the program, the cost of a reduced-rate parking permit and decal, and the number, and location of program-restricted parking spaces, and shall post that information on the municipality's website, if one exists, and on the parking authority's website, if one exists, and shall make the information available in printed form at the office of the municipal clerk. A municipal parking authority that participates in the program shall not charge an application fee to senior citizens applying for a reduced-rate parking permit, but may charge fees for the issuance or renewal of a permit.

c. The Commissioner of Transportation, in consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall design and shall make available to municipal parking authorities that create a Senior Citizen Priority Parking Program signs that identify program-restricted parking spaces. A municipal parking authority that creates a Senior Citizen Priority Parking Program pursuant to this section shall erect the signs as appropriate within parking areas owned and operated by the municipal parking authority where program-restricted parking spaces are available. Signs erected pursuant to this section shall be consistent with applicable federal standards including those prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, if applicable.

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 183

AN ACT concerning used mattresses and amending and supplementing chapter 10 of Title 26 of the Revised Statutes.

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

C.26:10-19 Findings, declarations relative to used mattresses, box springs.

1. The Legislature finds and declares that:

a. Bedbugs are small insects with flat bodies, antennae and small eyes; adult bedbugs are oval, wingless and rusty-red in color and are visible to the naked eye, and often hide in cracks and crevices; in homes, bedbugs

are commonly found in areas where people sleep, concentrating in mattresses, box springs, and bed frames; bedbugs feed primarily on the blood of humans, usually at night when people are sleeping;

b. According to a joint statement issued by the United States Centers for Disease Control and Prevention and the United States Environmental Protection Agency, bedbugs have been common throughout United States history; although bedbug populations dropped dramatically during the mid-20th century, the United States is one of many countries now experiencing an alarming resurgence in the population of bedbugs, and public health agencies across the country have been overwhelmed by complaints about bedbugs;

c. According to the New Jersey Department of Health, in most cases, bedbugs are transported from infested areas to non-infested areas when they cling onto a person's clothing, or crawl into luggage, furniture, or bedding that is then brought into the home; if a mattress is contaminated with bedbugs, it is easy for bedbugs to spread to non-contaminated items that are within close proximity;

d. Although bedbugs are not known to transmit disease, they are considered to be an extreme nuisance to the general public and can cause a variety of negative physical and mental health concerns and economic consequences; and

e. To help curtail widespread infestation of bedbugs, it is necessary to take measures to prevent cross-contamination of bedbugs from used mattresses and box springs to other furniture or bedding.

C.26:10-20 Requirements for lease, sale, delivery, consignment of used mattresses, box springs.

2. a. No person shall sell, lease, offer to sell, lease or deliver, or consign in sale or lease, or possess with intent to sell, lease, deliver, or consign in sale or lease, a used mattress or box spring unless that mattress or box spring is encased in plastic, polyethylene film, or similar material designed to prevent the transfer of insects or other contaminants.

b. No person shall sell a used mattress or box spring unless that mattress or box spring has been cleaned and disinfected using a reasonable process approved by the Commissioner of Health.

3. R.S.26:10-3 is amended to read as follows:

Contents, color of label; "secondhand" defined.

26:10-3. The label required by R.S.26:10-2 shall:

a. If the materials used in the manufacture of the article to which it is to be attached are entirely new, contain the following statement:

"The materials used in the manufacture of this bed spring" (or other article as the case may be) "are entirely new".

b. If the materials used are in whole or in part secondhand, the label shall be yellow in color, and shall contain the following statement:

"The materials used in the manufacture of this bed spring" (or other article as the case may be) "are in whole or in part secondhand"; which statement must be followed by a specific enumeration and description of the secondhand materials used.

The term "secondhand" as here used shall include any material which has been used before in any of the articles above enumerated or in any article of household or wearing apparel, however afterwards treated.

4. R.S.26:10-6 is amended to read as follows:

"Mattress," "box spring" defined.

26:10-6. The term "mattress" as used in this article shall be construed to mean any quilted pad, mattress, mattress pad, bunk quilt, or cushion stuffed or filled with wool, hair, or other soft material, except feathers, to be used on a couch or other bed for sleeping or reclining purposes.

The term "box spring" as used in this article shall be construed to mean any bed base, typically consisting of a wooden frame, covered in cloth and containing springs.

5. R.S.26:10-9 is amended to read as follows:

Labeling requirements.

26:10-9. No person shall, directly or indirectly, at wholesale or retail, or otherwise, sell, lease, offer to sell or lease, or consign in sale or lease, or have in possession with intent to sell or lease, or consign in sale or lease, any mattress that shall not have plainly and indelibly written or printed thereon, or upon a plain muslin or linen label securely sewed to the covering thereof, a statement in the English language containing the items required by R.S.26:10-10 to R.S.26:10-12. This label shall not be less than three by four and a half inches in size and shall be yellow in color if the label is for a mattress which was used in whole or in part or contains any material which was used prior to any sale, lease, or consignment.

6. R.S.26:10-12 is amended to read as follows:

Labeling secondhand mattress, box spring.

26:10-12. In addition to the requirements of R.S.26:10-10, every secondhand mattress and box spring shall have printed on the yellow label in the manner prescribed in R.S.26:10-10 the following:

a. Date of sterilization and disinfection for bedbugs and other contaminants.

b. Name of person performing same.

c. Address of person performing same.

7. R.S.26:10-17 is amended to read as follows:

Each mattress, box spring separate offense.

26:10-17. The unit for a separate and distinct offense in violation of this article shall be each and every mattress and box spring made, remade, renovated, sold, offered for sale, delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions of this article.

C.26:10-21 Regulations.

8. The Commissioner of Health may promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

9. This act shall take effect on the 60th day after the date of enactment.

Approved January 11, 2016.

CHAPTER 184

AN ACT concerning missing persons with mental, intellectual, or developmental disabilities and supplementing Title 52 of the Revised Statutes.

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

C.52:17B-194.9 "MVP Emergency Alert System."

1. a. The Attorney General shall establish an "MVP Emergency Alert System" which shall provide practices and protocols for a Statewide system for the rapid dissemination of information regarding a missing person who is believed to be a vulnerable person as defined in subsection f. of this section. 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. The Attorney General shall notify the media serving the State of New Jersey of the establishment of the MVP Emergency Alert System, and invite their voluntary participation.

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 a missing vulnerable person, as defined in subsection f. of this section. The guidelines and procedures shall ensure that specific health information about the missing vulnerable person is not made public through the alert or otherwise. In situations in which a missing vulnerable person is 17 years of age or younger and meets the criteria set forth in subsection c. of section 3 of P.L.2002, c.129 (C.52:17B-194.3), the provisions of P.L.2002, c.129 (C.52:17B-194.1 et seq.) and the guidelines and applicable procedures for Amber Alerts shall be followed. In situations that meet the criteria for activation of a Silver Alert pursuant to P.L.2009, c.167 (C.52:17B-194.4) and also meet the criteria for activation of an MVP Emergency Alert pursuant to P.L.2015, c.184 (C.52:17B-194.9 et seq.), the lead law enforcement agency, in consultation with the Missing Persons and Child Exploitation Unit in the Division of State Police, shall determine, based on the totality of the circumstances, which system would more effectively assist in locating the missing vulnerable person, and the guidelines and applicable procedures for that system shall be followed.

d. The Attorney General, with the assistance of the participating media, shall develop and undertake a public education campaign to inform the public about the MVP Emergency Alert System.

e. The Attorney General may adopt guidelines to effectuate the purposes of this act.

f. For purposes of P.L.2015, c.184 (C.52:17B-194.9 et seq.), a "Missing Vulnerable Person" or "MVP" means a person who is believed to have a mental, intellectual, or developmental disability or defect who goes missing under circumstances that indicate that the person may be in danger of death or serious bodily injury.

C.52:17B-194.10 Requirements for activation of MVP Emergency Alert.

2. An MVP Emergency Alert authorized under this section may be activated in accordance with the following requirements, which shall be incorporated into the guidelines required by subsection c. of section 1 of P.L.2015, c.184 (C.52:17B-194.9):

a. The law enforcement agency receiving the missing person report shall be the lead law enforcement agency.

b. The Missing Persons and Child Exploitation Unit in the Division of State Police, upon request, shall assist the lead law enforcement agency in the investigation of an MVP Emergency Alert.

c. Each of the following criteria shall be met before an MVP Emergency Alert may be issued:

(1) the person believed to be missing is believed to have a mental, intellectual, or developmental disability or defect, regardless of age;

(2) a missing person report has been submitted to the local law enforcement agency where the person went missing;

(3) the person believed to be missing may be in danger of death or serious bodily injury;

(4) there is sufficient information available to indicate that an MVP Emergency Alert would assist in locating the missing vulnerable person, including but not limited to information indicating that at the time the person went missing the person was the operator of, a passenger in, or otherwise conveyed by a motor vehicle; and

(5) sufficient information is available to disseminate to the public that could assist in locating the person, including but not limited to accurate information concerning any motor vehicle the person may have been operating or in which the person may have been a passenger or otherwise conveyed.

C.52:17B-194.11 Transmission of alert by participating media.

3. a. When an MVP Emergency Alert is activated pursuant to section 2 of P.L.2015, c.184 (C.52:17B-194.10), the participating media shall voluntarily agree, upon notice from the State Police, to transmit emergency alerts to inform the public of a missing vulnerable person who resides within their broadcast service regions. The notice shall be provided through the State Police operational dispatch unit.

b. 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.

c. The alerts shall include a description of the missing vulnerable person, including notice that the missing vulnerable person may appear agitated or upset, instructions as to whether the missing vulnerable person should be approached and, if appropriate, instructions on how to approach the missing vulnerable person, and such other information as the State Police

may deem pertinent and appropriate. The alerts also shall provide information concerning how those members of the public who have information relating to the missing vulnerable person may contact the State Police or other appropriate law enforcement agency.

d. When a determination is made by the lead agency, and the State Police concur, that sufficient information indicating that at the time the person went missing the person was the operator of, a passenger in, or otherwise conveyed by a motor vehicle, 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 Highway Authority, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority of the MVP Emergency Alert. Through the use of their variable message signs, the department and the affected authorities shall inform the motoring public that an MVP Emergency Alert is in progress and provide information relating to the missing vulnerable person and how motorists may report any information they have to the State Police or other appropriate law enforcement agency. The State Police operational dispatch unit shall also ensure that employees of the New Jersey Transit Corporation who are on duty at any time when the MVP Emergency Alert is in effect receive notice of the MVP Emergency Alert, along with all pertinent information.

e. The State Police shall in a timely manner update the broadcast media and any other entity receiving notice of the MVP Emergency Alert with new information, when appropriate, concerning the missing vulnerable person.

f. The alerts shall terminate upon notice from the State Police.

4. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Attorney General may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 11, 2016.

CHAPTER 185

AN ACT concerning trust accounts for persons with certain disabilities, amending P.L.1997, c.237, 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 13 of P.L.1997, c.237 (C.54A:6-25) is amended to read as follows:

C.54A:6-25 Certain earnings, distributions excluded from gross income.

13. a. Gross income shall not include earnings on a Coverdell education savings account, a qualified State tuition program account, or a qualified ABLE account until the earnings are distributed from the account, at which time they shall be includible in the gross income of the distributee except as provided in this section.

b. Gross income shall not include qualified distributions as defined in paragraph (3) of subsection c. of this section.

c. For purposes of this section:

(1) "Coverdell education savings account" means a Coverdell education savings account as defined pursuant to paragraph (1) of subsection (b) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.530.

(2) "Qualified State tuition program account" means an account established pursuant to the "New Jersey Better Educational Savings Trust (NJBEST) Program," (N.J.S.18A:71B-35 et seq.) or an account established pursuant to any qualified State tuition program, as defined pursuant to subsection (b) of section 529 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or a tuition credit or certificate purchased pursuant to any such program.

(3) "Qualified distribution" means any of the following:

(a) a distribution from a qualified State tuition program account that is used for qualified higher education expenses as defined pursuant to paragraph (3) of subsection (e) of section 529 or a distribution from a qualified ABLE account that is used for qualified disability expenses as defined pursuant to paragraph (5) of subsection (e) of section 529A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529 or 529A;

(b) a rollover from one account to another account as described in clause (i) of subparagraph (C) of paragraph (3) of subsection (c) of section 529, clause (i) of subparagraph (C) of paragraph (1) of subsection (c) of section 529A, or paragraph (5) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529, 529A, or 530; or

(c) a change in designated beneficiaries of an account as described in clause (ii) of subparagraph (C) of paragraph (3) of subsection (c) of section 529, clause (ii) of subparagraph (C) of paragraph (1) of subsection (c) of

section 529A, or paragraph (6) of subsection (d) of section 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529, 529A, or 530; and

(d) any other transfer involving a qualified ABLE account which is a qualified distribution for the purposes of section 529A of the federal Internal Revenue Code, 26 U.S.C. s.529A.

(4) "Qualified ABLE account" means an account established pursuant to P.L.2015, c.185 (C.52:18A-250 et al.) or an account established pursuant to any qualified State ABLE Program established pursuant to section 529A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529A.

d. The portion of a distribution from a Coverdell education savings account, a qualified ABLE account, or a qualified State tuition program account that is attributable to earnings shall be determined in accordance with the principles of section 72 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.72, as applied for purposes of sections 529, 529A, and 530 of the federal Internal Revenue Code of 1986, 26 U.S.C. ss.529, 529A, and 530.

C.52:18A-250 "New Jersey Achieving a Better Life Experience (ABLE) Program."

2. The Department of the Treasury, in cooperation with the Department of Human Services, shall establish, in accordance with section 529A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.529A, the "New Jersey Achieving a Better Life Experience (ABLE) Program." The departments may contract with a third party provider to administer and operate the program.

C.52:18A-251 Availability of ABLE funds.

3. The Department of the Treasury shall ensure that participants can readily deposit and withdraw funds from ABLE accounts in accordance with 26 U.S.C. s.529A.

C.52:18A-252 DHS responsible for program services.

4. The Department of Human Services shall be responsible for program services. The department may contract with a third party provider to administer any or all program services, which shall include, but not be limited to:

a. Promoting the program to the communities most likely to benefit from access to ABLE accounts;

b. Evaluating, qualifying, and processing applications to the program in accordance with 26 U.S.C. s.529A; and

c. Processing claims from an ABLE account holder to the Department of Human Services or other institution assigned to administer the ABLE account in accordance with 26 U.S.C. s.529A.

C.52:18A-253 Program treated as State ABLE Program.

5. The Department of the Treasury and the Department of Human Services shall take all actions required so that the program is treated as a qualified State ABLE Program under 26 U.S.C. s.529A.

C.52:18A-254 Annual determination of dollar amount of ABLE account.

6. Annually, the Department of the Treasury shall determine a dollar amount of an ABLE account, which shall not be less than $25,000, which shall not be considered in evaluating the financial needs of a designated beneficiary or be deemed a financial resource or a form of financial aid or assistance to a designated beneficiary, for purposes of determining the eligibility of the beneficiary for any scholarship, grant, or monetary assistance awarded by the State for the purposes of financing the education expenses of the beneficiary, including higher education expenses; nor shall the amount of any account as determined by the Department of the Treasury provided for a designated beneficiary under P.L.2015, c.185 (C.52:18A-250 et al.) reduce the amount of any scholarship grant or monetary assistance which the beneficiary is entitled to be awarded by the State for the purposes of financing education expenses.

C.52:18A-255 ABLE account disregarded for eligibility to receive certain benefits.

7. Notwithstanding any other provision of State law or regulation that requires consideration of one or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount, including earnings thereon, in any ABLE account of such individual, and any distribution for qualified disability expenses shall be disregarded for such purpose with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such ABLE account.

C.52:18A-256 Rules, regulations.

8. The Department of Human Services and the Department of the Treasury shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations governing the administration and operation of the program as may be necessary to effectuate the provisions of P.L.2015, c.185 (C.52:18A-250 et al.) in accordance with 26 U.S.C. s.529A.

9. This act shall take effect on the first day of the 10th month next following the date of enactment.

Approved January 11, 2016.

CHAPTER 186

AN ACT concerning endangering another person and supplementing Title 2C of the New Jersey Statutes and repealing N.J.S.2C:12-2 and N.J.S.2C:24-7.

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

C.2C:24-7.1 Endangering another person; offense created; degree of crime.

1. a. (1) A person commits a disorderly persons offense if he recklessly engages in conduct which crezates a substantial risk of bodily injury to another person.

(2) A person commits a crime of the fourth degree if he knowingly engages in conduct which creates a substantial risk of serious bodily injury to another person.

(3) A person commits a crime of the third degree if he knowingly engages in conduct which creates a substantial risk of death to another person.

b. (1) A person commits a crime of the fourth degree if he recklessly engages in conduct which creates a substantial risk of bodily injury to a person with a developmental disability.

(2) A person commits a crime of the third degree if he knowingly engages in conduct which creates a substantial risk of serious bodily injury to a person with a developmental disability.

(3) A person commits a crime of the second degree if he knowingly engages in conduct which creates a substantial risk of death to a person with a developmental disability.

c. As used in this act, "developmental disability" has the meaning ascribed to it in section 3 of P.L.1977, c.82 (C.30:6D-3).

d. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

Repealer.

2. N.J.S.2C:12-2 and N.J.S.2C:24-7 are repealed.

3. This act shall take effect immediately and shall apply to all offenses committed on or after the effective date of this act. Pursuant to R.S.1:1-15 and N.J.S.2C:1-1, any offenses committed prior to the effective date of this act shall be prosecuted under the prior law, which shall be continued in effect for that purpose.

Approved January 11, 2016.

CHAPTER 187

AN ACT concerning death certificates and supplementing Chapter 6 of Title 26 of the Revised Statutes.

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

C.26:6-8.5 Alzheimer's disease, related disorders, listing as secondary cause of death.

1. a. Alzheimer's disease and related disorders may be listed as a secondary cause of death on a certification of death in any case in which:

(1) the deceased person is diagnosed as having Alzheimer's disease or a related disorder; and

(2) it is determined, in accordance with currently accepted medical standards and with a reasonable degree of medical certainty, that Alzheimer's disease or a related disorder was a significant contributing cause of the person's death.

b. Nothing in this section shall be construed to require any person to list Alzheimer's disease or a related disorder as a secondary cause of death, and no person shall be subject to any criminal or civil liability or any professional disciplinary action under Title 45 of the Revised Statutes for listing or failing to list Alzheimer's disease or a related disorder as a secondary cause of death on a certification of death.

c. As used in this section, "Alzheimer's disease and related disorders" means forms of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 188

AN ACT concerning mobile electronic waste destruction units, and supplementing P.L.1987, c.102 (C.13:1E-99.11 et seq.).

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

C.13:1E-99.34a Mobile electronic waste destruction units, operation without DEP permit.

1. a. Notwithstanding the provisions of subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, the owner or operator of a mobile unit that crushes, shreds, or otherwise destroys electronic storage devices for the purpose of destroying the data contained therein shall not be required to obtain prior approval to operate the mobile unit from the Department of Environmental Protection as long as the owner or operator of the mobile unit submits a certification to the department, in writing, that the mobile unit is certified by the National Association for Information Destruction.

b. The material generated from the destruction of electronic storage devices by the mobile unit shall be delivered for processing to a recycling center authorized to operate by the department pursuant to subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34) or to an otherwise authorized recycler that operates in compliance with all applicable federal, state, and local laws, regulations, and ordinances.

c. As used in this section, "electronic storage device" means a hard drive or other electronic data storage device.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 189

AN ACT concerning municipal eligibility for certain redevelopment and rehabilitation loan programs and amending P.L.1998, c.115.

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

1. Section 2 of P.L.1998, c.115 (C.40:56-71.2) is amended to read as follows:

C.40:56-71.2 "Downtown business improvement zone" designation.

2. Any municipality which has adopted or adopts an ordinance authorizing the establishment of a special improvement district pursuant to section 7 of P.L.1972, c.134 (C.40:56-71) may, by ordinance, designate all or any portion of that district which contains primarily businesses providing retail goods and services as a "downtown business improvement zone,"

notwithstanding that the designated zone is located within an urban enterprise zone.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 190

AN ACT concerning legal assistance to victims of crime and amending P.L.1971, c.317.

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

1. Section 8 of P.L.1971, c.317 (C.52:4B-8) is amended to read as follows:

C.52:4B-8 Attorney fees and costs.

8. a. (1) The agency may, as a part of any order entered under P.L.1971, c.317, determine and allow reasonable attorney fees and costs, which shall not exceed 15% of the amount awarded as compensation under section 10 of P.L.1971, c.317, to be paid in addition to the amount of such compensation, to the attorney representing the applicant. Notwithstanding the provisions of this subsection, no award for attorney fees shall be less than $300, unless the agency determines that the attorney has not acted diligently or in good faith representing the claimant.

(2) Where the agency enters an order denying compensation, it may nevertheless allow attorney fees of $300 to the attorney representing the claimant if the agency determines that the attorney has acted diligently or in good faith representing the claimant.

(3) It shall be unlawful for any such attorney to ask for, contract for or receive any larger sum than the amount so allowed under paragraph (1) or (2) of this subsection.

b. The agency may allow payment up to a maximum of $3,000, at an hourly rate to be fixed by the agency, to an attorney who provides legal assistance to a victim in any legal matter, other than a decision of the Victims of Crime Compensation Agency involving victim compensation or any related appeal, arising from or related to having been the victim of an offense specified in section 11 of P.L.1971, c.317 provided that the victim is other-

wise eligible to make a claim for compensation. Payment under this subsection may be made if and only to the extent that the amount of such payment does not, when combined with the amounts paid or payable to the victim under an order for compensation, exceed the $25,000 limitation on compensation set forth in section 18 of P.L.1971, c.317 (C.52:4B-18), and requests for payment under this subsection shall be subject to the five-year time limitation set forth in section 18 of P.L.1971, c.317 (C.52:4B-18).

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 191

AN ACT concerning health clubs and amending P.L.1991, c.135.

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

1. Section 1 of P.L.1991, c.135 (C.26:4A-4) is amended to read as follows:

C.26:4A-4 Definitions relative to lifeguard and first aid personnel requirements at certain swimming areas, health clubs.

1. As used in this act:

"Campground" means a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of 15 days or more in any calendar year, for recreation, education, or vacation purposes.

"Common interest community" means:

a. property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.) or the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.);

b. a housing corporation or association, commonly known as a cooperative, which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association; or

c. real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in the instrument, however denominated, which creates the common interest community. Ownership of a unit does not include holding a leasehold interest of less than 20 years in a unit, including renewal options.

"Health club" means a health club that is registered with the Director of the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1987, c.238 (C.56:8-39 et seq.).

"Hotel" or "motel" means a commercial establishment with a building of four or more dwelling units or rooms used for rental and lodging by guests.

"Mobile home park" means a parcel of land, or two or more contiguous parcels of land, containing at least 10 sites equipped for the installation of mobile or manufactured homes, where these sites are under common ownership and control, other than as a cooperative, for the purpose of leasing each site to the owner of a mobile or manufactured home for the installation thereof, and where

the owner provides services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include, but shall not be limited to:

a. Construction and maintenance of streets;

b. Lighting of streets and other common areas;

c. Garbage removal;

d. Snow removal; and

e. Provision for the drainage of surface water from home sites and common areas.

"Private lake, river or bay or private community lake, river or bay association" means an organization of property owners within a fixed or defined geographical area with deeded or other rights to utilize, with similarly situated owners, various lakefront, riverfront or bayfront properties, which properties are not open to the general public, other than bona fide guests of a member of the private lake, river or bay or private community lake, river or bay association.

"Private marina" means a privately-owned water dependent facility for the docking, servicing or storage of private boats, at which services are provided on an annual, seasonal or per diem basis, and which facility is not open to the general public, other than bona fide guests of boat owners eligible to use the marina and which has a private swimming pool that is not

open to the general public, other than bona fide guests of boat owners eligible to use the marina.

"Retirement community" means a retirement community which is registered with the Division of Housing and Development in the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.).

"Specially exempt facility" means a private lake, river or bay or private community lake, river or bay association, or private nonprofit common interest community which restricts the use of its lake, river, bay or pool, as appropriate, to the owners of units thereof and their invited guests. Specially exempt facility also includes a campground, hotel, motel, mobile home park, or retirement community which restricts the use of its pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors, or a private marina which restricts the use of its swimming pool to owners of boats eligible to use the facilities and their invited guests. Specially exempt facility also includes a privately-owned campground which restricts the use of a swimming area other than its swimming pool to renters of the lodging units or owners of the dwelling units, as appropriate, and their invited guests, or day-use visitors. Specially exempt facility also includes a health club which restricts the use of its pool to the health club's members and their invited guests; does not permit the use of its pool by persons under 16 years of age; and in which the maximum depth of the water in the pool does not exceed five feet, but does not include a health club which shares the use of its pool with another entity.

2. Section 2 of P.L.1991, c.135 (C.26:4A-5) is amended to read as follows:

C.26:4A-5 Exemptions from mandatory compliance.

2. Notwithstanding the provisions of section 7 of P.L.1947, c.177 (C.26:1A-7) or any rules or regulations promulgated pursuant thereto to the contrary, a specially exempt facility shall be exempt from mandatory compliance with the first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et seq., except that:

a. A campground, private marina with a swimming pool, hotel, motel, mobile home park or retirement community which does not voluntarily comply with these requirements shall have a manager or owner on the premises when its swimming area or, in the case of a private marina, when its swimming pool is open for use;

b. A health club which does not voluntarily comply with these requirements shall have an owner or manager on the premises when its swimming pool is open for use. The provisions of this section shall not be construed to exempt a health club from the provisions of P.L.2005, c.346 (C.2A:62A-30 et seq.); and

c. A health club which would ordinarily qualify as a specially exempt facility, but no longer satisfies all of the requirements for exemption because it has elected to provide swimming lessons, classes, or instruction, either directly or through a third-party entity, to persons who are not members of the health club, or to persons who are under 16 years of age, shall continue to be deemed a specially exempt facility for the purposes of P.L.1991, c.135 (C.26:4A-4 et seq.), provided that the health club complies with the first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et seq. while the swimming lessons, classes or instruction are taking place.

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 192

AN ACT concerning individuals with developmental disabilities and supplementing Title 30 of the Revised Statutes.

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

C.30:6D-21.1 Transfers not mandatory.

1. The Division of Developmental Disabilities, except as provided in section 2 of this act, shall not transfer, or otherwise compel the transfer of, an individual with a developmental disability who is currently residing in an out-of-State placement to a residential placement in this State, if the individual or the guardian of the individual objects to such transfer in writing.

C.30:6D-21.2 Inapplicability of C.30:6D-21.1.

2. The provisions of section 1 of this act shall not apply if:

a. The United States Department of Justice, the Centers for Medicare & Medicaid Services, or a federally-designated state protection and advocacy organization has deemed the out-of-State placement facility unsafe for individuals with developmental disabilities residing in the facility.

b. The individual does not continue to be served by the same out-of-State provider after the effective date of this act as the out-of-State provider who served the individual prior to the effective date of this act; provided, however, that this subsection shall not apply if:

(1) the change of provider is due solely to corporate or other organizational restructuring; or

(2) the division is unable to provide the individual with equivalent necessary services and supports in-State as the individual received out-of-State and such services and supports are available at another out-of-State provider;

c. The individual or the guardian of the individual, as applicable, is not in compliance with the provisions of State regulations at N.J.A.C.10:46D-1.1 et seq., concerning contribution to care and maintenance requirements, within 90 days of the effective date of this act, or the individual or guardian fails to continue to comply with these regulations for the duration of the out-of-State care of the individual; provided, however, that:

(1) the division shall provide a payment schedule with reasonable minimum payments to each non-compliant individual or guardian within 60 days of the effective date of this act; and

(2) if the individual or guardian agrees in writing to the payment schedule, compliance within 90 days of the effective date of this act shall be presumed;

d. The individual is not enrolled in, or has not applied for enrollment in, the State Medicaid program, established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), within 90 days of the effective date of this act; or

e. The out-of-State provider fails to transmit to the division written reports of life safety oversight and copies of all relevant incident reports required by the law. The division shall provide notice to providers if the reporting requirements change. In the event a provider fails to transmit any relevant required report, the division shall give notice to the provider of the deficiency and the provider shall have 30 days from the date of the notice to cure the deficiency.

C.30:6D-21.3 Certain obligations unaffected.

3. Nothing in this act shall alleviate the obligations of the department under section 9 of P.L.1977, c.82 (C.30:6D-9) or section 9 of P.L.1983, c.524 (C.30:6D-21).

4. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 193

AN ACT concerning the establishment of a process to integrate certain health data and other data from publicly supported programs for population health research and supplementing Title 30 of the Revised Statutes.

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

C.30:4D-65 Findings, declarations relative to the "iPHD Project."

1. The Legislature finds and declares that:

a. Many New Jersey administrative departments and agencies, including, but not limited to, the Departments of Health, Human Services, Community Affairs, Corrections, and Agriculture, currently create, maintain, receive, and transmit individually identifiable data and aggregated data sets in order to perform necessary and vital administrative functions delegated to the agencies.

b. The creation of a process by which a State or federal administrative department or agency or an authorized researcher can access data and data sets created or maintained by a federal, State, or local administrative department or agency will help facilitate the development and evaluation of this data, reduce duplicative data collection and maintenance efforts, and allow for comparison of data for accuracy and reliability.

c. The linkage of multiple sources of State, federal, and local data and the application of valid statistical techniques can facilitate the identification of population trends and individual and community-level determinants directly related to the health, safety, security, and well-being of New Jersey residents.

d. The establishment of a secure, Statewide, integrated Population Health Data Project ("iPHD Project)" containing certain data collected by New Jersey administrative departments and agencies, that includes data related to health and publicly supported programs that will facilitate approved, project-by-project analysis and research and the development of the most effective means for improving the health, safety, security, and well-being of New Jersey residents and the overall cost-efficiency of government programs.

e. The Medicaid Accountable Care Organization Demonstration Project established pursuant to P.L.2011, c.114 (C.30:4D-8.1 et seq.) requires

the Rutgers Center for State Health Policy to analyze patient data received from the Department of Human Services and from certified Medicaid Accountable Care Organizations in order to evaluate the achievement of the health care quality improvement and cost containment goals of the Demonstration Project, and the Rutgers Center for State Health Policy currently has the technological and operational resources required to receive, maintain, and transmit individually identifiable data and data sets in a secure database.

f. The Rutgers Center for State Health Policy is responsible for evaluating New Jersey's Comprehensive Medicaid Waiver Demonstration Project with funding from the New Jersey Department of Human Services and the Robert Wood Johnson Foundation, whereby it receives comprehensive Medicaid enrollment data, fee-for-service claims data, and managed care encounter data, and conducts analyses of Medicaid claims and encounter data to inform recommendations to improve care and reduce costs for the top one percent of Medicaid beneficiaries who account for a disproportionate share of program spending.

C.30:4D-66 Definitions relative to the "iPHD Project."

2. As used in this act:

"Aggregated data" means information that has been combined into groups showing averages or other summary statistics, and that is not individually identifiable information as defined in this act.

"De-identified data" means information that does not identify an individual and for which there is no reasonable basis to believe that the information can be used to identify an individual, and which meets the requirements for de-identification of protected health information under HIPAA.

"Governing Board" or "Board" means the board charged with responsibility for governing the integrated population health data project established pursuant to section 3 of this act.

"Health data" means information that is created or received by a governmental department or agency that relates to the past, present, or future physical or mental health or condition of an individual or the past, present, or future payment for the provision of health care to an individual.

"HIPAA" means the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, and any regulations promulgated thereunder by the Secretary of the U.S. Department of Health and Human Services.

"Individually identifiable information" means information that identifies an individual, or with respect to which there is a reasonable basis to believe the information can be used to identify an individual.

"IRB" means an institutional review board designated by the Governing Board and established pursuant to federal regulations (45 CFR 46) with a Federalwide Assurance for the Protection of Human Subjects approved by the U.S. Department of Health and Human Services, Office for Human Research Protections, to review and monitor research involving human subjects to ensure that the subjects are protected from harm and that the rights of subjects are adequately protected.

"iPHD Project" means the integrated population health data project established pursuant to section 4 of this act.

"Medicaid Accountable Care Organization" means an organization established pursuant to P.L.2011, c.114 (C.30:4D-8.1 et seq.).

"Protected health information" has the same meaning as defined under HIPAA.

"Publicly supported programs data" means information relating to an individual's receipt of services from or through public support programs administered by a federal, State, or local government or by a private entity, including, but not limited to, an individual's participation in or eligibility for Medicaid benefits, Supplemental Nutrition Assistance Program benefits, Low Income Home Energy Assistance Program benefits, and Social Services for the Homeless program benefits.

"Research" means a systematic investigation, including research development, testing, and evaluation, which is designed to develop or contribute to generalizable knowledge as defined pursuant to 45 C.F.R. 46.102(d).

"Researcher" means a private entity or public entity that conducts research under the review and monitoring of an IRB and has received approval from the data steward for the purpose of requested data elements.

C.30:4D-67 iPHD project governing board.

3. a. The iPHD Project Governing Board is hereby established in, but not of, the Department of Health. The Governing Board shall consist of 10 members: one of whom shall be the Director of the Rutgers Center for State Health Policy, who shall serve as a non-voting, ex-officio member; one of whom shall be a public member appointed by the President of the Senate, representing an organization capable of advocating on behalf of persons whose data may be received, maintained, or transmitted by the iPHD Project in accordance with this act; one of whom shall be a public member appointed by the Speaker of the General Assembly, with experience in human subjects research who is affiliated with a research university in New Jersey; and two of whom shall be public members appointed by the Governor, as follows:

(1) An individual with legal expertise and interest in protecting the privacy and security of individually identifiable information; and

(2) An individual with technical expertise and interest in the creation and maintenance of large data systems and data security.

The five remaining members shall be voting, ex-officio members representing the Commissioner of Health, who shall also serve as chair of the Board; the Commissioner of Human Services; the State Treasurer; the Attorney General; and the Chief Information Officer for Rutgers, The State University of New Jersey. Ex-officio members may be represented by designees.

Of the public members first appointed to the Governing Board, two shall be appointed to terms of three years, one shall be appointed to a term of two years, and one shall be appointed to a term of one year. Following the expiration of the initial terms, public members of the Board shall be appointed for terms of three years. The voting ex-officio members of the Board shall serve during their respective terms of office. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment, but for the unexpired term only. The Board shall meet at least quarterly, and at such other times as it determines, in its judgment, to be necessary. The appointed members of the Board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties. In addition, the Board shall be entitled to and avail itself of the assistance and services of the staff of the Department of Health, and of the employees of any other State department, board, bureau, commission, or agency, as it may require and as may be available for its purposes.

b. A member of the Governing Board shall not, by reason of the member's performance of any duty, function, or activity required of, or authorized to be undertaken by, the Board, be liable in an action for damages to any person for any action taken or recommendation made by the member within the scope of the member's duty, function, or activity as a member of the Board, if the action or recommendation was taken or made without malice. The members of the Board shall be indemnified and their defense of any action provided for in the same manner and to the same extent as employees of the State under the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., on the basis of acts or omissions in the scope of their service.

c. A member of the Governing Board shall not participate in deliberations or vote on any matter before the Board concerning an individual or entity with which the member has, or within the last 12 months has had, any substantial ownership, employment, medical staff, fiduciary, contractual, creditor, or consultative relationship. A member who has or who has had such a relationship with an individual or entity involved in any matter

before the Board shall make a written disclosure before any action is taken by the Board with respect to the matter, and shall make the relationship public in any meeting in which action on the matter is to be taken.

d. The iPHD Project Governing Board shall be a public body for the purposes of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and shall conduct its business in accordance with the provisions of that act. All proceedings of the Governing Board shall be subject to P.L.2001, c.404 (C.47:1A-5 et al.).

C.30:4D-68 Establishment of operational iPHD project.

4. a. No later than 12 months after the effective date of this act, the Rutgers Center for State Health Policy shall establish an operational iPHD Project capable of securely receiving, maintaining, and transmitting data in accordance with this act and the HIPAA privacy and security standards applicable to this act. The Rutgers Center for State Health Policy may employ staff to assist with carrying out the functions associated with the establishment and maintenance of the iPHD Project.

b. Notwithstanding any provision of this act to the contrary, the iPHD Project shall seek to receive, maintain, and transmit de-identified data wherever possible, and shall only receive, maintain, and transmit individually identifiable information if permitted by this section and other applicable law and if the information is in a form and format that is secured to prevent disclosure of individually identifiable information.

c. A consortium of researchers from New Jersey academic institutions and from medical schools affiliated with New Jersey universities will be organized by the Rutgers Center for State Health Policy to facilitate actionable population health research to help improve health outcomes for New Jersey residents, as well as promote New Jersey's research institutions as leaders in social science research.

C.30:4D-69 Oversight of the iPHD project.

5. Oversight of the operations of the iPHD Project, established pursuant to section 4 of this act, shall be vested in the Governing Board. The iPHD Project shall receive, maintain, and transmit data only as permitted by this act and approved by the Governing Board and agency or department whose data is requested. The Governing Board's responsibilities shall include:

a. Identification of publicly supported programs data that has been created, received, or maintained by agencies that may be appropriate for receipt, maintenance, and transmission by the iPHD Project in furtherance of the purposes of this act;

b. Prior to the receipt of data by the iPHD Project, the review and approval of the appropriateness of such receipt, including consideration of the following factors:

(1) whether the transmitting department or agency has authority to collect the data proposed to be received by the iPHD Project, particularly if the data includes individually identifiable information;

(2) whether collection of the data proposed to be received by the iPHD Project is expected to further the purpose of this act, namely, the improvement of public health, safety, security, and well-being of New Jersey residents and the improvement of the overall cost-efficiency of government assistance programs; and

(3) whether reasonable efforts have been made to ensure that the iPHD Project will receive only the appropriate data needed to accomplish the purposes of this act;

c. Prior to the receipt or transmission of data by the iPHD Project, the review and approval of any necessary data use agreements or business associate agreements with any person or entity from which or to which information is received or transmitted in compliance with all applicable privacy and security standards, including, but not limited to, HIPAA, when such data includes individually identifiable information that is protected health information as defined under HIPAA; and

d. Adopting and publishing policies and procedures for the efficient and transparent operation of the iPHD Project, including, but not limited to, the following:

(1) Privacy and data security policies and procedures that comply with the applicable federal and State privacy and security statutes and regulations, including HIPAA;

(2) Data access policies and procedures that allow access by a public entity or a private entity, including a researcher, only when such access request meets the standards set forth in the data access policies and procedures and has been approved by the Governing Board and the appropriate agency or department. When data access is requested by any public or private entity, including a researcher, for the purpose of conducting research, the Governing Board shall only approve access to data after review and approval by an IRB, and such access shall be limited to data identified in approved IRB research protocols and only for the period of the approval. In no event shall the Governing Board approve access to health data that identifies, or that may be used to identify, rates of payment by a private entity for the provision of health care services to an individual unless the party seeking access

agrees to keep such information confidential and to prevent public disclosure of such data or the rates of payment derived from such data;

(3) Data retention policies identifying that data shall be returned to sponsoring agencies or destroyed when it is no longer in the State's interest to promote analysis of the data and in accordance with applicable HIPAA regulations, data use agreements, and provisions of IRB approvals;

(4) Policies to require researchers to consult with subject matter experts in the datasets being linked on a specific project. The purpose of such consultation shall be to help researchers understand and interpret the data being linked for a specific project; and

(5) Policies that establish processes to engage researchers and academic institutions across New Jersey to help set research priorities and promote the use of the iPHD Project to accelerate population health research in this State.

C.30:4D-70 Annual report.

6. No later than 12 months following the receipt of data by the iPHD Project pursuant to this act, and on an annual basis thereafter, the Rutgers Center for State Health Policy, in consultation with the Governing Board, shall publish a report that is made available and accessible to the public and that contains the following information:

a. A description of the implementation of the iPHD Project, including identification of the sources and types of data received and maintained by the iPHD Project over the prior 12 months;

b. A list of all aggregated data maintained by the iPHD Project;

c. A description of each IRB-approved disclosure of data or data sets by the iPHD Project;

d. A description of disclosures to Medicaid Accountable Care Organizations recognized by the State in accordance with P.L.2011, c.114 (C.30:4D-8.1 et seq.);

e. A list of publications and other reports based on iPHD Project data;

f. A strategic plan for achieving the purposes of this act during the successive 12-month period; and

g. Any other information deemed appropriate by the Governing Board.

C.30:4D-71 Application for, receipt of funding.

7. The iPHD Project Governing Board and the Rutgers Center for State Health Policy may apply for and receive funding in relation to the iPHD Project from the following sources:

a. Grants from research or other private entities;

b. Fees paid by persons or entities requesting access to iPHD Project data or the performance of analyses by the iPHD Project, which fees have been approved by the Governing Board to support the cost of preparing data for access or the performance of analyses;

c. Federal grants; and

d. Grants or other financial assistance from State or local departments, agencies, authorities, and organizations at the discretion of these entities, for specific projects of interest to these entities.

C.30:4D-72 Access to data, agreement.

8. Any department or agency that creates, receives, or maintains publicly supported programs data or health data shall, only after execution of an enforceable data use, data sharing, or other similar agreement that is acceptable to the department or agency, transmit or allow access to such data as is necessary and appropriate to further the goals of this act and shall cooperate with iPHD Project requests for receipt of, or access to, such data. Notwithstanding the foregoing, no department or agency shall be required to transmit data it creates, receives, or maintains to the iPHD Project, or to allow access to such data, if the Attorney General's review or the applicable department's or agency's review determines that such transmission or access would violate State or federal law. The Attorney General's review shall include consideration of an analysis from the department or agency whose data is being requested. This section shall not prohibit the Rutgers Center for State Health Policy or any department or agency from creating, receiving, maintaining, or transmitting data in data systems that are separate and distinct from the iPHD Project.

9. This act shall take effect immediately and within 60 days after the effective date of this act, the Governor shall appoint two public members to the iPHD Project Governing Board in accordance with section 3 of this act.

Approved January 11, 2016.

CHAPTER 194

AN ACT authorizing certain tax credits under the Business Employment Incentive Program and amending and supplementing P.L.1996, c.26.

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

1. Section 2 of P.L.1996, c.26 (C.34:1B-125) is amended to read as follows:

C.34:1B-125 Definitions relative to business employment incentives.

2. As used in sections 1 through 17 of P.L.1996, c.26 (C.34:1B-124 et seq.) and in sections 9 through 11 of P.L.2003, c.166 (C.34:1B-139.1 through C.34:1B-139.3), unless a different meaning clearly appears from the context:

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

"Advanced computing company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of advanced computing for the purpose of developing or providing products or processes for specific commercial or public purposes.

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

"Advanced materials company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of advanced materials for the purpose of developing or providing products or processes for specific commercial or public purposes.

"Application year" means the grant year for which an eligible partnership submits the information required under section 8 of P.L.1996, c.26 (C.34:1B-131).

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

"Base years" means the first two complete calendar years following the effective date of an agreement.

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

"Biotechnology company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes, agricultural purposes, and environmental purposes, or a person, whose headquarters or base of operations is located in New Jersey, engaged in providing services or products necessary for such research, development, production, or provision.

"Bonds" means bonds, notes, or other obligations issued by the authority pursuant to P.L.1996, c.26 (C.34:1B-124 et seq.).

"Business" means a corporation; sole proprietorship; partnership; corporation that has made an election under Subchapter S of Chapter One of Subtitle A of the Internal Revenue Code of 1986, or any other business entity through which income flows as a distributive share to its owners; limited liability company; nonprofit corporation; or any other form of business organization located either within or outside this State. A grant received under P.L.1996, c.26 (C.34:1B-124 et seq.) by a partnership, Subchapter S-Corporation, or other business entity shall be apportioned among the persons to whom the income or profit of the partnership, Subchapter S-Corporation, or other entity is distributed, in the same proportions as those in which the income or profit is distributed.

"Business employment incentive agreement" or "agreement" means the written agreement between the authority and a business proposing a project in this State in accordance with the provisions of P.L.1996, c.26 (C.34:1B-124 et seq.) which establishes the terms and conditions of a grant to be awarded pursuant to P.L.1996, c.26 (C.34:1B-124 et seq.).

"Designated industry" means a business engaged in the field of biotechnology, pharmaceuticals, financial services, transportation and logistics, advanced computing, advanced materials, electronic device technology, environmental technology, or medical device technology.

"Director" means the Director of the Division of Taxation.

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

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

"Electronic device technology company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of electronic device technology for the purpose of developing or providing products or processes for specific commercial or public purposes.

"Eligible partnership" means a partnership or limited liability company that is qualified to receive a grant as established in P.L.1996, c.26 (C.34:1B-124 et seq.).

"Eligible position" is a new full-time position created by a business in New Jersey or transferred from another state by the business under the terms and conditions set forth in P.L.1996, c.26 (C.34:1B-124 et seq.) during the base years or in subsequent years of a grant. In determining if positions are eligible positions, the authority shall give greater consideration to positions that average at least 1.5 times the minimum hourly wage during the term of an agreement authorized pursuant to P.L.1996, c.26 (C.34:1B-124 et seq.). For grants awarded on or after July 1, 2003, eligible position includes only a position for which a business provides employee health benefits under a group health plan as defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined under section 1 of P.L.1992, c.162 (C.17B:27A-17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of Title 17B of the New Jersey Statutes. An "eligible position" shall also include all current and future partners or members of a partnership or limited liability company created by a business in New Jersey or transferred from another state by the business pursuant to the conditions set forth in P.L.1996, c.26 (C.34:1B-124 et seq.) during the base years or in subsequent years of a grant. An "eligible position" shall also include a position occupied by a resident of this State whose position is relocated to this State from another state but who does not qualify as a "new employee" because prior to relocation the resident's wages or the resident's distributive share of income from a gain, from a loss or deduction, or the resident's guaranteed payments or any combination thereof, prior to the relocation, were not subject to income taxes imposed by the state or municipality in which the position was previously located. An "eligible position" shall also include a position occupied by a resident of another State whose position is relocated to this State but whose income is not subject to the New Jersey gross income tax pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. An "eligible position" shall not include any position located within New Jersey, which, within a period either three months prior to the business' application

for a grant under P.L.1996, c.26 (C.34:1B-124 et seq.) or six months after the date of application, ceases to exist or be located within New Jersey.

"Employment incentive" means the amount of a grant, either in cash or in tax credits, determined pursuant to subsection a. of section 6 of P.L.1996, c.26 (C.34:1B-129).

"Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, or the development of alternative energy sources.

"Environmental technology company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of environmental technology for the purpose of developing or providing products or processes for specific commercial or public purposes.

"Estimated tax" means an amount calculated for a partner in an eligible position equal to 6.37 percent of the lesser of: a. the amount of the partner's net income from the eligible partnership that is sourced to New Jersey as reflected in Column B of the partner's Schedule NJK-1 of the application year less the amount of the partner's net income from the eligible partnership that is sourced to New Jersey as reflected in column B of the partner's Schedule NJK-1 in the foundation year; or b. the net of all items of partnership income upon which tax has been paid as reflected on the partner's New Jersey Gross Income Tax return in the application year.

"Foundation year" means the year immediately prior to the creation of the eligible position.

"Full-time employee" means a person who is employed 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, whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and who is determined by the authority to be employed in a permanent position according to criteria it develops, or who is a partner of an eligible partnership, who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business.

"Grant" means a business employment incentive grant as established in P.L.1996, c.26 (C.34:1B-124 et seq.).

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

"Medical device technology company" means a person, whose headquarters or base of operations is located in New Jersey, engaged in the research, development, production, or provision of medical device technology for the purpose of developing or providing products or processes for specific commercial or public purposes.

"Net income from the eligible partnership" means the net combination of a partner's distributive share of the eligible partnership's income, gain, loss, deduction, or guaranteed payments.

"New employee" means a full-time employee first employed in an eligible position on the project which is the subject of an agreement or who is a partner of an eligible partnership, 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.; except that a New Jersey resident whose position is relocated to this State shall not be classified as a "new employee" unless the employee's wages, or the employee's distributive share of income from a gain, from a loss or deduction, or the employee's guaranteed payments or any combination thereof, prior to the relocation, were subject to income taxes imposed by the state or municipality in which the position was previously located. "New employee" may also include an employee rehired or called back from a layoff during or following the base years to a vacant position previously held by that employee or to a new position established during or following the base years. "New employee" shall not include any employee who was previously employed in New Jersey by the business or by a related person as defined in section 2 of P.L.1993, c.170 (C.54:10A-5.5) if the employee is transferred to the business, which is the subject of an agreement, unless the employee's position at the employee's previous employer is filled by a new employee. "New employee" also shall not include a child, grandchild, parent, or spouse of an individual associated with the business who has direct or indirect ownership of at least 15 percent of the profits, capital, or value of the business. New employee shall also include an employee whose position is relocated to this State but whose income is

not subject to the New Jersey gross income tax pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

"Partner" means a person who is entitled to either a distributive share of a partnership's income, gain, loss, or deduction, or guaranteed payments, or any combination thereof, by virtue of holding an interest in the partnership. "Partner" also includes a person who is a member of a limited liability company which is treated as a partnership, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

"Refunding Bonds" means bonds, notes or other obligations issued to refinance bonds, notes or other obligations previously issued by the authority pursuant to the provisions of P.L.1996, c.26 (C.34:1B-124 et seq.).

"Residual withholdings" means for any period of time, the excess of the estimated cumulative withholdings for all executed agreements eligible for payments under P.L.1996, c.26 (C.34:1B-124 et seq.) over the cumulative anticipated grant amounts.

"Schedule NJK-1" means Schedule NJK-1 as the form existed for taxable year 1997.

"Withholdings" means the amount withheld by a business from the wages of new employees or estimated taxes paid by, or on behalf of, partners that are new employees, or any combination thereof, pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and, if the new employee is an employee whose position has moved to New Jersey but whose income is not subject to the New Jersey gross income tax pursuant to N.J.S.54A:1-1 et seq., the amount of withholding that would occur if the employee were to move to New Jersey.

2. 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, 30 percent of the accrued amount; in year two, 30 percent of the accrued amount; in year three, 20 percent of the accrued amount; in year four, 10 percent of the accrued amount; in year five, 10 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 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 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 trans-

ferred 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.

3. Section 15 of P.L.1996, c.26 (C.34:1B-138) is amended to read as follows:

C.34:1B-138 Annual report.

15. The authority shall submit a report on the Business Employment Incentive Program to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on or before October 31 of each year. The report shall include information on the number of agreements entered into during the preceding fiscal year, a description of the project under each agreement, the number of jobs created, new income tax revenue received from withholdings, amounts awarded as grants and an update on the status of projects under agreement before the preceding fiscal year.

C.34:1B-137.1 Rules, regulations.

4. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Executive Director of the New Jersey Economic Development Authority may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the executive director determines to be necessary and appropriate to effectuate the purposes of P.L.2015, c.194 (C.34:1B-137.1 et al.), which rules and regulations shall be effective for a period not to exceed 360 calendar days following the effective date of P.L.2015, c.194 (C.34:1B-137.1 et al.) and may thereafter be amended, adopted, or readopted by the executive director in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

5. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 195

AN ACT concerning certificates of insurance, supplementing Title 17 of the Revised Statutes and amending P.L.1983, c.320.

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

C.17:29A-54 Short title.

1. Sections 1 through 9 of this act shall be known and may be cited as the "Certificates of Insurance Act."

C.17:29A-55 Definitions relative to certificates of insurance.

2. As used in this act:

"Certificate of insurance" means a document or instrument, regardless of how titled or described, that is prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. The term shall not include a policy of insurance, insurance binder, policy endorsement, or automobile insurance identification or information card.

"Commissioner" means the Commissioner of Banking and Insurance.

"Insurance producer" means a person required to be licensed pursuant to the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et seq.).

"Insurer" means any organization that issues property or casualty insurance.

C.17:29A-56 Prohibition.

3. The commissioner shall prohibit the use of a certificate of insurance form if the form:

a. Is unfair, misleading, or deceptive, or violates public policy; or

b. Violates any law, including any regulation promulgated by the commissioner.

C.17:29A-57 Significance of certificate of insurance.

4. A certificate of insurance shall not be considered a policy of insurance and shall not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer to any person new or additional rights beyond what the referenced policy of insurance expressly provides.

C.17:29A-58 Prohibited practices.

5. a. A person shall not:

(1) Prepare, issue, request, or require the issuance of, a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate of insurance makes reference; or

(2) Prepare, issue, request, or require the issuance of, a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate of insurance makes reference.

b. A certificate of insurance shall not warrant that the policy of insurance referenced in the certificate complies with the insurance or indemnification requirements of a contract, and the inclusion of a contract number or description within a certificate of insurance shall not be interpreted as providing such a warranty.

C.17:29A-59 Notice.

6. A person shall be entitled to notice of cancellation, nonrenewal, or any material change, and to any similar notice concerning a policy of insurance only if the person has such notice rights under the terms of the policy of insurance or any endorsement to the policy. The terms and conditions of the notice shall be governed by the policy of insurance or endorsement and shall not be altered by a certificate of insurance.

C.17:29A-60 Applicability.

7. The provisions of this act shall apply to all certificates of insurance issued in connection with property, operations, or risks located in this State, regardless of where the policyholder, insurer, insurance producer, or person requesting or requiring the issuance of a certificate of insurance is located.

C.17:29A-61 Violations, null and void.

8. A certificate of insurance or any other document or correspondence prepared, issued, requested, or required in violation of this act shall be null and void.

C.17:29A-62 Powers of commissioner.

9. a. The commissioner shall have the power to examine and investigate the activities of any person that the commissioner reasonably believes has been or is engaged in an act or practice prohibited by this act.

b. The commissioner shall have the power to enforce the provisions of this act, including the authority to issue orders to cease and desist and to impose a fine of up to $1,000 per violation against any person who violates this

act. This section shall not be construed to limit the commissioner's authority to investigate, enforce and issue penalties pursuant to any other applicable provision of New Jersey law, including, but not limited to, the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et seq.), P.L.1947, c.379 (C.17:29B-1 et seq.), and the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.).

c. The commissioner may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

10. Section 4 of P.L.1983, c.320 (C.17:33A-4) is amended to read as follows:

C.17:33A-4 Violations.

4. a. A person or a practitioner violates this act if he:

(1) Presents or causes to be presented any written or oral statement as part of, or in support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy or the "Unsatisfied Claim and Judgment Fund Law," P.L.1952, c.174 (C.39:6-61 et seq.), knowing that the statement contains any false or misleading information concerning any fact or thing material to the claim; or

(2) Prepares or makes any written or oral statement that is intended to be presented to any insurance company, the Unsatisfied Claim and Judgment Fund or any claimant thereof in connection with, or in support of or opposition to any claim for payment or other benefit pursuant to an insurance policy or the "Unsatisfied Claim and Judgment Fund Law," P.L.1952, c.174 (C.39:6-61 et seq.), knowing that the statement contains any false or misleading information concerning any fact or thing material to the claim; or

(3) Conceals or knowingly fails to disclose the occurrence of an event which affects any person's initial or continued right or entitlement to (a) any insurance benefit or payment or (b) the amount of any benefit or payment to which the person is entitled;

(4) Prepares or makes any written or oral statement, intended to be presented to any insurance company or producer for the purpose of obtaining:

(a) a motor vehicle insurance policy, that the person to be insured maintains a principal residence in this State when, in fact, that person's principal residence is in a state other than this State; or

(b) an insurance policy, knowing that the statement contains any false or misleading information concerning any fact or thing material to an insurance application or contract;

(5) Conceals or knowingly fails to disclose any evidence, written or oral, which may be relevant to a finding that a violation of the provisions of paragraph (4) of this subsection a. has or has not occurred; or

(6) Prepares, presents or causes to be presented to any insurer or other person, or demands or requires the issuance of, a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate makes reference, or assists, abets, solicits or conspires with another to do any of these acts. As used in this paragraph, "certificate of insurance" means a document or instrument, regardless of how titled or described, that is, or purports to be, prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. The term shall not include a policy of insurance, insurance binder, policy endorsement, or automobile insurance identification or information card.

b. A person or practitioner violates this act if he knowingly assists, conspires with, or urges any person or practitioner to violate any of the provisions of this act.

c. A person or practitioner violates this act if, due to the assistance, conspiracy or urging of any person or practitioner, he knowingly benefits, directly or indirectly, from the proceeds derived from a violation of this act.

d. A person or practitioner who is the owner, administrator or employee of any hospital violates this act if he knowingly allows the use of the facilities of the hospital by any person in furtherance of a scheme or conspiracy to violate any of the provisions of this act.

e. A person or practitioner violates this act if, for pecuniary gain, for himself or another, he directly or indirectly solicits any person or practitioner to engage, employ or retain either himself or any other person to manage, adjust or prosecute any claim or cause of action, against any person, for damages for negligence, or, for pecuniary gain, for himself or another, directly or indirectly solicits other persons to bring causes of action to recover damages for personal injuries or death, or for pecuniary gain, for himself or another, directly or indirectly solicits other persons to make a claim for personal injury protection benefits pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.); provided, however, that this subsection shall not apply to any conduct otherwise permitted by law or by rule of the Supreme Court.

f. A person who operates a motor vehicle on the public highways of this State, which motor vehicle is insured by a policy issued under the laws of another state, and who maintains a principal residence in this State or who has his motor vehicle principally garaged in this State violates the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) if he has knowingly prepared or made any written or oral statement, presented to any insurance company or

producer licensed to transact the business of insurance under the laws of that other state, and which resulted in obtaining a motor vehicle insurance policy for his motor vehicle in that other state, that the person to be insured:

(1) Maintains a principal residence in the other state when, in fact, that person's principal residence is in this State; or

(2) Has his vehicle principally garaged in the other state, when, in fact, that person has his motor vehicle principally garaged in this State.

This subsection shall not apply to a person who insures a vehicle in another state, as permitted by and in accordance with the laws of that state, based on a second residence, or attendance at an educational institution, in that other state, if in obtaining the policy the person truthfully discloses to the insurance company or producer the state of the person's principal residence and the state where the vehicle is principally garaged.

11. This act shall take effect on the 90th day next following enactment.

Approved January 11, 2016.

CHAPTER 196

AN ACT concerning escrow agent evaluation services and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-200 Escrow agent evaluation services, charging certain fees prohibited.

1. a. It shall be an unlawful practice for any person or entity to prepare a report for use by a mortgage lender in evaluating the capacity of an escrow agent to perform real estate settlement services, in exchange for a fee charged to that escrow agent.

b. As used in this section, "escrow agent" means an independent person, including an independent bonded escrow company, an independent financial institution whose accounts are insured by a governmental agency or instrumentality, an independent licensed title insurance agent, or an attorney licensed to practice law in this State, who is responsible for the receipt of any written instrument, money, evidence of title to real or personal property, or other thing of value to be held until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered in connection with the transfer of real estate.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 197

AN ACT concerning residents of certain State facilities and supplementing Title 30 of the Revised Statutes and Title 38A of the New Jersey Statutes.

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

C.30:4-177.64 Follow-up studies.

1. a. The Commissioner of Human Services shall conduct, or contract with another entity to conduct, a series of follow-up studies to assess the well-being of:

(1) all former residents of North Jersey Developmental Center and Woodbridge Developmental Center who have made a transition into the community after August 1, 2012, and also an assessment of the well-being of all former residents for each of the five years after the closure of both developmental centers;

(2) all former residents of other State developmental centers who have made a transition into the community after the effective date of this act as a result of the implementation of the plan developed pursuant to P.L.2006, c.61;

(3) all former residents of other State developmental centers who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close another State developmental center, and also an assessment of the well-being of all former residents for each of the five years after the closure of another developmental center; and

(4) all former residents of State psychiatric hospitals who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close a State psychiatric hospital, and also an assessment of the well-being of all former residents for each of the five years after the closure.

The studies shall evaluate former residents based on data collected after residents have been in the community for at least six months. For former residents who were scheduled to make a transition into the community as a result of a closure pursuant to paragraph (1), (3), or (4) of this subsection,

the study shall also evaluate these former residents based on data collected at least six months prior to transition into the community.

b. Data for the studies shall be collected from all former residents, their family members or guardians, as appropriate, and staff providing supports and services to the former residents, as applicable; except that data collected from staff shall be limited to objective and quantitative data.

c. The studies shall:

(1) contrast the data collected on former residents with a comparison group of individuals still residing in a developmental center or State psychiatric hospital, as applicable; and

(2) compare the data collected pursuant to subsection a. of this section for each former resident who was scheduled to make a transition into the community as a result of a closure, prior to and after the resident has been in the community.

d. The studies shall examine, at a minimum, data concerning:

(1) the types of residential settings, day activities, if any, and transportation services available for day activities, as applicable, of former residents;

(2) the number of transfers to other State developmental centers or State psychiatric hospitals, as applicable;

(3) the number of moves to different placements, if any, experienced by former residents;

(4) for former residents who are residing in the community, their preference for residing in a State developmental center or State psychiatric hospital, as applicable, or the community based on a comparison of former residents' experience in a State developmental center or State psychiatric hospital, as applicable, and the community;

(5) the ability of former residents to maintain the same level of services and supports provided prior to a transition into the community;

(6) former residents' involvement with law enforcement personnel, if any;

(7) mortality rates of former residents;

(8) former residents' competency in the areas of cognition, self-care, and mobility;

(9) former residents' contact with family members or guardians, as appropriate, and peers;

(10) behavioral, medical, or excessive weight changes in former residents;

(11) utilization and accessibility of health services by former residents;

(12) the staff to resident ratio of former residents residing in community placements; and

(13) the attitude of former residents and their family members or guardians, as appropriate, about the former residents' current quality of life,

including, but not limited to, economic well-being, productivity, and personal safety and health.

e. In the case of former residents in developmental centers receiving guardianship services, the studies shall indicate whether they are receiving these services from the Bureau of Guardianship Services in the Division of Developmental Disabilities in the Department of Human Services or from family members or other interested persons appointed as guardians.

C.30:4-177.65 Compilation of results of follow-up studies; reports.

2. a. The Commissioner of Human Services shall compile the results of the follow-up studies conducted pursuant to section 1 of this act and shall include this information in a series of reports that the commissioner shall submit to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), as follows:

(1) The report of a follow-up study of the well-being of all former residents of North Jersey Developmental Center and Woodbridge Developmental Center, who have made a transition into the community after August 1, 2012, shall be submitted one year after the effective date of this act, and annually thereafter, until both developmental centers have closed. In addition, for each of the five years after the closure of both developmental centers, a report of a follow-up study of the well-being of all former residents of these centers shall be submitted;

(2) The report of a follow-up study of the well-being of all former residents of other State developmental centers, who have made a transition into the community after the effective date of this act as a result of implementation of the plan developed pursuant to P.L.2006, c.61, shall be submitted annually, commencing one year after the effective date of this act, until the plan has been fully implemented;

(3) The report of a follow-up study of the well-being of all former residents of other State developmental centers, who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close a State developmental center, shall be submitted one year after the beginning of implementation of the plan, and annually thereafter, until the developmental center has closed. In addition, for each of the five years after the closure of a developmental center, a report of a follow-up study of the well-being of all former residents of the center shall be submitted ; and

(4) The report of a follow-up study of the well-being of all former residents of State psychiatric hospitals, who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close a State psychiatric hospital, shall be submitted one year

after the beginning of implementation of the plan, and annually thereafter, until the psychiatric hospital has closed. In addition, for each of the five years after the closure of a hospital, a report of a follow-up study of the well-being of all former residents of the hospital shall be submitted.

b. Reports submitted pursuant to this section shall be made available on the website of the Department of Human Services.

C.38A:3-6.4c Follow-up studies relative to former residents of veterans' memorial homes.

3. The Adjutant General shall conduct, or contract with another entity to conduct, a series of follow-up studies to assess the well-being of all former residents of State veterans' memorial homes who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close a State veterans' memorial home, and also an assessment of the well-being of all former residents for each of the five years after the closure.

C.38A:3-6.4d Compilation of results of follow-up studies; reports.

4. a. The Adjutant General shall compile the results of the follow-up studies conducted pursuant to section 3 of this act and shall include this information in a series of reports that the Adjutant General shall submit to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

b. The report of a follow-up study of the well-being of all former residents of State veterans' memorial homes, who have made a transition into the community after the effective date of this act as a result of implementation of a plan to close a State veterans' memorial home, shall be submitted one year after the beginning of implementation of the plan, and annually thereafter, until the veterans' memorial home has closed. In addition, for each of the five years after the closure of a home, a report of a follow-up study of the well-being of all former residents of the home shall be submitted.

c. Reports submitted pursuant to this section shall be made available on the website of the Department of Military and Veterans' Affairs.

5. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Commissioner of Human Services and the Adjutant General of the Department of Military and Veterans' Affairs, as appropriate, may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 11, 2016.

CHAPTER 198

AN ACT concerning crib safety and supplementing Title 26 of the Revised Statutes.

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

C.26:2-196 Availability of information relative to crib safety.

1. a. The Department of Health shall prepare and make available on the department's Internet website informational literature on crib safety, including, but not limited to, information about the ban on traditional drop-side cribs from the United States Consumer Product Safety Commission and the dangers of using traditional drop-side cribs that may still be in existence.

b. The SIDS Center of New Jersey and the New Jersey branch of Keeping Babies Safe shall also post the informational literature made available by the department pursuant to subsection a. of this section on their Internet websites.

C.26:2-197 Rules, regulations.

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

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 199

AN ACT providing for the licensure of art therapists and supplementing Title 45 of the Revised Statutes.

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

C.45:8B-51 Short title.

1. This act shall be known and may be cited as the "Art Therapist Licensing Act."

C.45:8B-52 Regulation, control of profession of art therapy.

2. The profession of art therapy in the State of New Jersey is determined to affect the public safety and welfare, and to be subject to regulation and control in the public interest in order to protect the public by setting standards of qualification, education, training, and experience for professional art therapists and associate art therapists.

C.45:8B-53 Definitions relative to art therapy.

3. As used in this act:

"Art therapist" means any person licensed to practice art therapy pursuant to the provisions of this act.

"Art therapy" means the integrated use of psychotherapeutic principles with art media and the creative process to assist individuals, families or groups in:

(1) increasing awareness of self and others;

(2) coping with symptoms, stress, and traumatic experiences;

(3) enhancing cognitive abilities; and

(4) identifying and assessing clients' needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.

"Board" means the State Board of Marriage and Family Therapy Examiners.

"Committee" means the Art Therapists Advisory Committee established pursuant to section 4 of this act.

"Licensed associate art therapist" means an individual who holds a current, valid license issued pursuant to section 11 of this act.

"Licensed professional art therapist" means an individual who holds a current, valid license issued pursuant to section 10 of this act.

"Supervision" means: (1) ensuring that the extent, kind, and quality of art therapy performed is consistent with the education, training, and experience of the person being supervised; (2) reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the art therapist trainee; (3) monitoring and evaluating the ability of the licensed associate art therapist to provide services to the particular clientele at the site or sites where he or she will be practicing; (4) ensuring compliance with laws and regulations governing the practice of licensed professional art therapy; (5) completing that amount of direct observation, or review of audio or videotapes of art therapy, as deemed appropriate by the supervisor; and (6) completing the services conducted by an Art Therapy

Certified Supervisor (ATCS) credentialed by the Art Therapy Credentials Board or approved by the committee.

C.45:8B-54 Art Therapists Advisory Committee.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the State Board of Marriage and Family Therapy Examiners, an Art Therapists Advisory Committee. The committee shall consist of five members who are residents of the State. Except for the members first appointed, the members shall be licensed art therapists under the provisions of this act and shall have been actively engaged in the practice of art therapy in the State for at least five years immediately preceding their appointment.

The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that of the members first appointed, two shall serve for a term of three years, two shall serve a term of two years and one shall serve for a term of one year. Each member shall hold office until his successor has been qualified and appointed. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for in the original appointment. No member of the committee may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

C.45:8B-55 Committee members reimbursed, provided with facilities, personnel.

5. Members of the committee shall be reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

C.45:8B-56 Organization, officers, meetings.

6. The committee shall organize within 30 days after the appointment of its members and shall annually elect from its members a chairperson and a vice-chairperson, and may appoint a secretary, who need not be a member of the committee. The committee shall meet at least twice a year and may hold additional meeting as necessary to discharge its duties. A majority of the committee membership shall constitute a quorum.

C.45:8B-57 Powers, duties of committee.

7. The committee shall have the following powers and duties:

a. Issue and renew licenses to art therapists pursuant to the provisions of this act;

b. Suspend, revoke or fail to renew the license of an art therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

c. Maintain a record of every art therapist licensed in this State, their place of business, place of residence, and the date and number of their license;

d. Prescribe or change the charges for examinations, licensures, renewal and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1);

e. Establish standards for the continuing education of art therapists; and

f. Promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of this act, in conformance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.45:8B-58 Licensure required.

8. a. No person shall engage in the practice of art therapy unless licensed as a professional art therapist or associate art therapist pursuant to the provisions of this act.

b. No person shall use the title "licensed professional art therapist" or "licensed associate art therapist" or the abbreviation "LPAT" or "LAAT" or any other title, designation, words, letters, abbreviations or insignia indicating the practice of art therapy unless licensed pursuant to the provisions of this act.

C.45:8B-59 Construction of act.

9. Nothing in this act shall be construed to apply to:

a. The activities and services of qualified members of other professions, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, occupational therapists, professional or rehabilitation counselors or any other professional licensed by the State, when acting within the scope of their profession and doing work of a nature consistent with their training, provided they do not hold themselves out to the public as possessing a license issued pursuant to this act or represent themselves by any professional title regulated by this act.

b. The activities of an art therapy nature on the part of persons employed by an accredited or State-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as "art therapy intern" or other title clearly indicating the training status appropriate to the level of training.

C.45:8B-60 Eligibility for licensure as professional art therapist.

10. To be eligible to be licensed as a professional art therapist, an applicant shall fulfill the following requirements:

a. Is at least 18 years of age;

b. Is of good moral character;

c. Holds a master's degree in art therapy, or a clearly related field with specialization in art therapy, as determined by the committee, from an accredited educational institution that is approved by the committee; or a master's degree or doctoral degree in a field closely related to art therapy without specialization in art therapy and demonstrates to the committee that he has completed course work content and training substantially equivalent to that required for a master's degree in art therapy from an accredited educational institution that is approved by the committee.

(1) In the case of an applicant holding a master's degree in art therapy or a clearly related field with specialization in art therapy, the applicant shall have completed:

(a) A minimum of 60 graduate credit hours from any accredited educational institution that is approved by the committee; and

(b) Not less than 4,500 hours of supervised experience approved by the committee, a minimum of 3,500 hours of which shall have been completed after the award of the master's degree.

(2) In the case of an applicant holding a doctoral degree in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed:

(a) A minimum of 90 graduate credit hours in that closely related field;

(b) A minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and

(c) Not less than 3,000 hours of supervised experience in art therapy approved by the committee. The committee shall establish criteria for determining the specifications as to what constitutes supervised art therapy experience. An applicant may eliminate 1,000 hours of the required supervised art therapy experience by substituting 30 graduate credit hours beyond the master's degree if those graduate credit hours are clearly related to art therapy, as determined by the committee. In no case, however, may the applicant have less than 1,000 hours of supervised professional art therapy experience after the granting of the master's degree.

(3) In the case of an applicant holding a master's degree in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed:

(a) A minimum of 60 graduate credit hours in that closely related field;

(b) A minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and

(c) Not less than 4,500 hours of supervised experience in art therapy approved by the committee, a minimum of 3,500 hours of which shall have been completed after the award of the master's degree. The committee shall establish criteria for determining the specifications as to what constitutes supervised art therapy experience;

The completed graduate course work in art therapy from an accredited college or university program that is approved by the committee shall include training in:

(1) The art therapy profession;

(2) Theory and practice of art therapy;

(3) Human growth and developmental dynamics in art;

(4) Application of art therapy with people in different treatment settings;

(5) Art therapy appraisal, diagnosis and assessment;

(6) Ethical and legal issues of art therapy practice;

(7) Matters of cultural and social diversity bearing on the practice of art therapy;

(8) Standards of good art therapy practice; and

(9) Group art therapy; and

d. Has passed the Art Therapy Credentials Board Examination.

C.45:8B-61 Eligibility for licensure as associate art therapist.

11. To be eligible to be licensed as an associate art therapist, an applicant shall fulfill the following requirements:

a. Is at least 18 years of age;

b. Is of good moral character;

c. Holds a master's degree in art therapy, or a clearly related field with specialization in art therapy, as determined by the committee, from any accredited educational institution that is approved by the committee; or a master's degree or doctoral degree in a closely related field to art therapy without specialization in art therapy and demonstrates to the committee that he has completed course work content and training substantially equivalent to that required for a master's degree in art therapy from an accredited educational institution that is approved by the committee.

(1) In the case of an applicant holding a master's degree in art therapy or a clearly related field with specialization in art therapy, the applicant shall have completed not less than 60 graduate credit hours in an art therapy program that is approved by the committee.

(2) In the case of an applicant holding a doctoral degree in a planned educational program of 90 graduate credit hours in a field closely related to art therapy without specialization in art therapy, the applicant shall have

completed not less than 30 graduate credit hours in an art therapy program approved by the committee.

(3) In the case of an applicant holding a master's degree in a planned educational program of 60 graduate credit hours in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed not less than 30 graduate credit hours in an art therapy program approved by the committee;

The graduate course work in art therapy from an accredited college or university program that is approved by the committee shall include training in:

(1) The art therapy profession;

(2) Theory and practice of art therapy;

(3) Human growth and developmental dynamics in art;

(4) Application of art therapy with people in different treatment settings;

(5) Art therapy appraisal, diagnosis and assessment;

(6) Ethical and legal issues of art therapy practice;

(7) Matters of cultural and social diversity bearing on the practice of art therapy;

(8) Standards of good art therapy practice; and

(9) Group art therapy; and

d. Has passed the Art Therapy Credentials Board Examination.

C.45:8B-62 Issuance of license; fee.

12. a. The committee shall issue a license to any applicant who, in the opinion of the committee, has satisfactorily met all the requirements of this act.

b. All licenses shall be issued for a two-year period upon the payment of the prescribed licensure fee, and shall be renewed upon filing of a renewal application, the payment of a licensure fee, and presentation of satisfactory evidence to the committee that in the period since the license was issued or last renewed any continuing education requirements have been completed as specified by the committee.

C.45:8B-63 Issuance of license to out-of-State applicant.

13. Upon payment to the board of a fee and the submission of a written application provided by the board, the committee shall issue an art therapy license to any person who holds a valid license issued by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this State, as determined by the committee.

C.45:8B-64 Qualification of existing art therapist.

14. For 360 days after the date procedures are established by the committee for applying for licensure under section 10 of P.L.2015, c.199 (C.45:8B-

60), any person may qualify as a licensed professional art therapist, upon application for licensure and payment of the appropriate fee, provided the applicant furnishes satisfactory evidence to the committee that he has either:

a. completed a minimum of 45 graduate credit hours, which includes a master's degree or doctorate from a regionally accredited institution of higher education, in subject matter that is primarily art therapy in content; and has completed not less than five years of experience in the practice of art therapy; or

b. completed a minimum of 45 graduate semester hours, which includes a master's degree from a regionally accredited institution of higher education; and has passed the Art Therapy Credentials Board Examination.

C.45:8B-65 Continuing education.

15. a. The committee shall require each licensed professional art therapist or licensed associate art therapist, as a condition of biennial license renewal to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

(1) Promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued under its jurisdiction;

(2) Establish standards for continuing education, including the subject matter and content of courses of study, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the American Art Therapy Association and other organizations as providers of continuing education, and accredit educational programs, including, but not limited to, meetings of constituents and components of art therapy associations recognized by the board, examinations, papers, publications, presentations, teaching and research appointments, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit; and

(4) Approve only those continuing education programs as are available to all art therapists in this State on a reasonable nondiscriminatory basis.

C.45:8B-66 Confidentiality.

16. Any communication between a licensed professional art therapist or licensed associate art therapist and the person receiving the art therapy, while performing art therapy, shall be confidential and its secrecy pre-

served. This privilege shall not be subject to waiver, except when disclosure is required by State law or when the licensed professional art therapist or licensed associate art therapist is a party defendant to a civil, criminal or disciplinary action arising from that art therapy, in which case the waiver of the privilege accorded by this section shall be limited to that action.

C.45:8B-67 Supervision of art therapy students.

17. Supervision of art therapy students shall be provided by an Art Therapy Certified Supervisor (ATCS) credentialed by the Art Therapy Credentials Board or approved by the committee. No licensed associate art therapist shall practice art therapy without supervision by a licensed professional art therapist or a supervisor acceptable to the committee. The plan for supervision of the licensed associate art therapist shall be approved by the committee prior to any actual performance of art therapy by the licensed associate art therapist.

18. This act shall take effect on the 180th day following enactment.

Approved January 11, 2016.

CHAPTER 200

AN ACT concerning the practice of professional engineering and architecture, and amending P.L.1938, c.342 , P.L.1989, c.275, and P.L.1989, c.277.

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

1. Section 2 of P.L.1938, c.342 (C.45:8-28) is amended to read as follows:

C.45:8-28 Definitions.

2. (a) The term "professional engineer" within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.

(b) The terms "practice of engineering" or "professional engineering" within the meaning and intent of this chapter shall mean any service or cre-

ative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

Nothing herein shall prohibit licensed architects from providing or offering services consistent with the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(c) The term "engineer-in-training" as used in this chapter shall mean a person who is a potential candidate for license as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

(d) The term "land surveyor" as used in this chapter shall mean a person who is a professional specialist in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law, all requisite to the practice of land surveying as attested by his license as a land surveyor.

(e) The term "practice of land surveying" within the meaning and intent of this chapter shall mean any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form that represent these surveys. The practice of land surveying shall include the establishment and maintenance of the base mapping and related control for land information systems that are developed from the above referenced definition of the practice of land surveying.

For purposes of this subsection, "land information systems" means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

A person who engages in the practice of land surveying; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or professional surveyor; or who represents himself as able to perform any land surveying service or work or any service which is recognized as within the practice of land surveying shall be deemed to practice or offer to practice land surveying.

Nothing in this chapter shall preclude a person licensed by the board as a professional engineer from performing those measurements necessary for the design, construction stake-out, construction and post-construction records of an engineering project, provided that these measurements are not related to property lines, lot lines, easement lines, or right-of-way lines, the establishment of which are required to be made by a land surveyor.

(f) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.

(g) The term "responsible charge" as used in this chapter for professional engineers shall mean the provision of regular and effective supervision by a competent professional engineer who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) (Deleted by amendment, P.L.2015, c.200);

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(h) The term "certificate of authorization" shall mean a certificate issued by the board pursuant to this amendatory and supplementary act.

(i) The term "joint committee" shall mean the Joint Committee of Architects and Engineers established pursuant to the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(j) The term "closely allied professional" as used in this chapter shall mean and is limited to licensed architects, professional engineers, land surveyors, licensed landscape architects, and professional planners.

(k) The term "telecommunications" as used in this chapter, shall mean, as it is applied to the practice of engineering, subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image and data transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits, propagation of electromagnetic energy through guided media such as a transmission line, fibers, wave guides, and unguided media such as free space as in broadcast and mobile communication systems, communication theory, including modulation, noise interference, and the interface with computers.

(l) The term "surveyor-in-training" as used in this chapter shall mean a person who is a potential candidate for licensure as a land surveyor, who is a graduate in an approved surveying curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and

who, in addition, has successfully passed an examination in the fundamental surveying subjects, approved by the board pursuant to section 9 of P.L.1938, c.342 (C.45:8-35).

(m) The term "responsible charge" as used in this chapter for land surveyors shall mean the rendering of regular and effective supervision by a competent land surveyor to those individuals performing services which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

2. Section 1 of P.L.1989, c.275 (C.45:3-1.1) is amended to read as follows:

C.45:3-1.1 Definitions.

1. For the purposes of this act:

a. "Aesthetic principles" means the concepts of order, balance, proportion, scale, rhythm, color, texture, mass and form as used in the design process.

b. "Architect" means an individual who through education, training, and experience is skilled in the art and science of building design and has been licensed by the New Jersey State Board of Architects to practice architecture in the State of New Jersey.

c. "Architecture" means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principles to the science and technology of building methods, materials and engineering systems, required to comprise a total building project with a coherent and comprehensive unity of structure and site.

d. "Board" means the New Jersey State Board of Architects.

e. "Certificate of authorization" means a certificate issued by the board pursuant to this amendatory and supplementary act.

f. "Closely allied professional" means and is limited to licensed architects, professional engineers, land surveyors, professional planners, and licensed landscape architects, and persons that provide space planning services, interior design services, or the substantial equivalent thereof.

g. "Engineering systems" means those systems necessary for the proper function of a building and the surrounding site, the proper design of which requires engineering knowledge acquired through engineering or architectural education, training, or experience. These systems include but are not limited to structural, electrical, heating, lighting, acoustical, ventilation, air conditioning, grading, plumbing, and drainage. Drainage facilities for sites of ten acres or more or involving stormwater detention facilities or traversed by a water course shall only be designed by a professional engineer.

h. "Joint committee" means the Joint Committee of Architects and Engineers established pursuant to the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

i. "Human use or habitation" means the activities of living, including, but not limited to fulfilling domestic, religious, educational, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial and governmental needs.

j. "Human values" means the social, cultural, historical, economic and environmental influences that have an impact on the quality of life.

k. "Practice of architecture" or "architectural services" means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

l. "Responsible charge" means the rendering of regular and effective supervision by a competent licensed architect who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affect the quality and competence of architectural services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) (Deleted by amendment, P.L.2015, c.200);

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

m. "Interior design services" means rendering or offering to render services, for a fee or other valuable consideration, in the preparation and administration of interior design documents, including, but not limited to, drawings, schedules and specifications which pertain to the design intent and planning of interior spaces, including furnishings, layouts, non-load bearing partitions, fixtures, cabinetry, lighting location and type, outlet location and type, switch location and type, finishes, materials and interior construction not materially related to or materially affecting the building systems, in accordance with applicable laws, codes, regulations and standards.

3. Section 3 of P.L.1989, c.277 (C.45:4B-3) is amended to read as follows:

C.45:4B-3 Definitions.

3. For the purposes of this act:

a. "Architectural project" means any building or structure the plans for which may be prepared, designed, signed, and sealed by a licensed architect pursuant to section 7 of this act.

b. "Boards" means the New Jersey State Board of Architects and the State Board of Professional Engineers and Land Surveyors.

c. "Closely allied professional" means and is limited to licensed architects, professional engineers, land surveyors, professional planners, and licensed landscape architects.

d. "Engineering project" means a building or structure the plans for which may be prepared, designed, signed, and sealed by a professional engineer pursuant to section 7 of this act.

e. "Engineering systems" means those systems necessary for the proper function of a building and surrounding site, the proper design of which requires engineering knowledge acquired through engineering or architectural training and experience. These systems include but are not limited to structural, electrical, heating, lighting, acoustical, ventilation, air conditioning, grading, plumbing and drainage. Drainage facilities for sites

of 10 acres or more or involving storm water detention facilities or traversed by a water course shall only be designed by a professional engineer.

f. "Joint committee" means the Joint Committee of Architects and Engineers created pursuant to section 4 of this act.

g. "Owner" means any person, agent, firm, partnership or corporation having a legal or equitable interest in the property or any agent acting on behalf of such individuals or entities.

h. "Practice of architecture" or "architectural services" means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

i. "Practice of engineering" or "engineering services" means any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of this act. The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

j. "Responsible charge" means the rendering of regular and effective supervision by a competent licensed architect or professional engineer as appropriate who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affect the quality and competence of professional work rendered by the

licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) (Deleted by amendment, P.L.2015, c.200);

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee; and

(4) The failure to personally be available on a reasonable basis or with adequate advanced notice for consultation and inspection where circumstances require availability.

4. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 201

AN ACT concerning certain local public contracts and amending P.L.1971, c.198.

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

1. Section 13 of P.L.1971, c.198 (C.40A:11-13) is amended to read as follows:

C.40A:11-13 Specifications.

13. Specifications. Any specifications for the provision or performance of goods or services under this act shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this act may:

(a) Require any standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the contract is awarded; or

(b) Require that any bidder be a resident of, or that the bidder's place of business be located in, the county or municipality in which the contract will be awarded or performed, unless the physical proximity of the bidder is requisite to the efficient and economical performance of the contract; except that no specification for a contract for the collection and disposal of

municipal solid waste shall require any bidder to be a resident of, or that the bidder's place of business be located in, the county or municipality in which the contract will be performed; or

(c) Discriminate on the basis of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality; or

(d) Require, with regard to any contract, the furnishing of any "brand name," but may in all cases require "brand name or equivalent," except that if the goods or services to be provided or performed are proprietary, such goods or services may be purchased by stipulating the proprietary goods or services in the bid specification in any case in which the resolution authorizing the contract so indicates, and the special need for such proprietary goods or services is directly related to the performance, completion or undertaking of the purpose for which the contract is awarded; or

(e) Fail to include any option for renewal, extension, or release which the contracting unit may intend to exercise or require; or any terms and conditions necessary for the performance of any extra work; or fail to disclose any matter necessary to the substantial performance of the contract; or

(f) Require that any bidder submit a financial statement if either a guarantee, by certified check, cashier's check or bid bond, or a surety company certificate is also required to be furnished by the bidder, unless any law or regulation of the United States imposes a condition upon the awarding of a monetary grant to be used for the purchase, contract or agreement, which condition requires that a financial statement be submitted.

(g) As used in this subsection:

"asphalt price index" means the asphalt price index as determined and published by the New Jersey Department of Transportation;

"basic asphalt price index" means the asphalt price index for the month preceding the month in which the bids are opened;

"department" means the New Jersey Department of Transportation;

"fuel price index" means the fuel price index as determined and published by the New Jersey Department of Transportation; and

"pay item" means a specifically described item of work for which the bidder provides a per unit or lump sum price in a bid specification determined and published by the New Jersey Department of Transportation.

In addition to the requirements of paragraphs (a) through (f) of this section, any bid specification for the provision or performance of goods or services under P.L.1971, c.198 (C.40A:11-1 et seq.) that includes the purchase or use of 1,000 or more tons of hot mix asphalt shall include a pay item for

an asphalt price adjustment reflecting changes in the cost of asphalt cement. The pay item for asphalt price adjustment shall apply to each ton of hot mix asphalt purchased or used by the contracting unit. Any bid specification prepared pursuant to P.L.1971, c.198 (C.40A:11-1 et seq.) that includes the purchase or use of less than 1,000 tons of hot mix asphalt shall include a pay item for an asphalt price adjustment applicable to any quantity of hot mix asphalt exceeding 1,000 tons that may be purchased or used in the work in the event that performance of the work, including change orders, requires more than 1,000 tons of hot mix asphalt. As set forth in section 7 of P.L.1971, c.198 (C.40A:11-7), no contract shall be divided to disaggregate the quantity of hot mix asphalt or equivalent asphalt cement-based paving product to be purchased or used for the purpose of avoiding compliance with this paragraph.

The asphalt price adjustment shall be calculated in accordance with the formula and relevant instructions published in the most recent edition of the "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction." All invoices for payment shall be accompanied by the calculation of any asphalt price adjustment and a showing of the current month's asphalt price index and the basic asphalt price index.

Every bid specification prepared pursuant to P.L.1971, c.198 (C.40A:11-1 et seq.) shall be eligible for a fuel price adjustment. Fuel that is eligible for a fuel price adjustment shall be the sum of the quantities of the eligible pay items in the contract multiplied by the fuel usage factors as determined by the department. The types of fuel furnished shall be at the discretion of the contractor.

The fuel requirement for items not determined by the department to be eligible, and for pay items in the bid specifications calling for less than 500 gallons of fuel, shall not be eligible for a fuel price adjustment. If more than one pay item has the same nomenclature but with different thicknesses, depths, or types, each individual pay item must require 500 gallons or more of fuel to be eligible for a fuel price adjustment. If more than one pay item has the same nomenclature, similar pay items shall be combined and the combination must require 500 gallons or more of fuel to be eligible for the fuel price adjustment.

Fuel price index adjustments shall not be made in those months for which the monthly fuel price index has changed by less than five percent from the basic fuel price index.

Any specification which knowingly excludes prospective bidders by reason of the impossibility of performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no

effect and shall be readvertised for receipt of new bids, and the original contract shall be set aside by the governing body.

Any specification for a contract for the collection and disposal of municipal solid waste shall conform to the uniform bid specifications for municipal solid waste collection contracts established pursuant to section 22 of P.L.1991, c.381 (C.48:13A-7.22).

Any specification may include an item for the cost, which shall be paid by the contractor, of creating a file to maintain the notices of the delivery of labor or materials required by N.J.S.2A:44-128.

Any prospective bidder who wishes to challenge a bid specification shall file such challenges in writing with the contracting agent no less than three business days prior to the opening of the bids. Challenges filed after that time shall be considered void and having no impact on the contracting unit or the award of a contract.

2. Section 16 of P.L.1971, c.198 (C.40A:11-16) is amended to read as follows:

C.40A:11-16 Separate plans, specifications; contracts.

16. a. (1) In the preparation of plans and specifications for the construction, alteration or repair of any public building by any contracting unit, when the entire cost of the work will exceed the bid threshold, the architect, engineer or other person preparing the plans and specifications may prepare separate plans and specifications for branches of work in the following categories:

(1) The plumbing and gas fitting and all kindred work;

(2) Steam power plants, steam and hot water heating and ventilating and refrigeration apparatus and all kindred work;

(3) Electrical work, including any electrical power plants, tele-data, fire alarm, or security system;

(4) Structural steel and ornamental iron work; and

(5) General construction, which shall include all other work required for the completion of the project.

(2) With regard to the branch work categories in paragraph (1) of this subsection, the contracting agent shall advertise for and receive, in the manner provided by law, either (a) separate bids for each of said categories, or (b) single bids by general contractors for all the work, goods and services required to complete the public building to be included in a single overall contract, or (c) both. In the case of separate bids under (a) or (c) of this paragraph, contractors for categories (1) through (4) shall not be required to name subcontractors in their bid. In the case of a single bid under (b) or (c), there shall be set forth in

the bid the name or names of all subcontractors to whom the general contractor will subcontract for categories (1) through (4). Subcontractors who furnish general construction work pursuant to category (5), or subcontractors who furnish work to named subcontractors pursuant to categories (1) through (4) shall not be named in the bid. Notwithstanding the foregoing provisions of this paragraph, a contracting unit may choose to require in its bid specification that a subcontractor shall be named in a bid when, in the case of (a) of this paragraph, separate bids for each category, the work of that subcontractor exceeds 35 percent of the contracting unit's estimated amount of value of the work, which shall be set forth in the bid specification.

(3) The contracting unit shall require evidence of performance security to be submitted simultaneously with the bid. Evidence of performance security may be supplied by the bidder on behalf of himself and any or all subcontractors, or by each respective subcontractor, or by any combination thereof which results in evidence of performance security equaling, but in no event exceeding, the total amount bid.

b. Whenever a bid sets forth more than one subcontractor for any of the categories (1) through (4) in paragraph (1) of subsection a. of this section, the bidder shall submit to the contracting unit a certificate signed by the bidder listing each subcontractor named in the bid for that category. The certificate shall set forth the scope of work, goods and services for which the subcontractor has submitted a price quote and which the bidder has agreed to award to each subcontractor should the bidder be awarded the contract. The certificate shall be submitted to the contracting unit simultaneously with the list of the subcontractors. The certificate may take the form of a single certificate listing all subcontractors or, alternatively, a separate certificate may be submitted for each subcontractor. If a bidder does not submit a certificate or certificates to the contracting unit, the contracting unit shall award the contract to the next lowest responsible bidder.

c. Contracts shall be awarded to the lowest responsible bidder. In the event that a contract is advertised for both separate bids for each branch of work and for bids for all work, goods, and services, said contract shall be awarded in the following manner: If the sum total of the amounts bid by the lowest responsible bidder for each branch is less than the amount bid by the lowest responsible bidder for all the work, goods and services, the contracting unit shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amounts bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work, goods and services, the contracting unit shall award a single overall contract to the lowest re-

sponsible bidder for all of such work, goods and services. In every case in which a contract is awarded for a single overall contract, all payments required to be made under such contract for work, goods and services supplied by a subcontractor shall, upon the certification of the contractor of the amount due to the subcontractor, be paid directly to the subcontractor.

d. (Deleted by amendment, P.L.2015, c.201).

e. (Deleted by amendment, P.L.2015, c.201).

f. (Deleted by amendment, P.L.2015, c. 201).

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 202

AN ACT designating certain interchandes on the Garden State Parkway in memory of Melvin M. Loftus and Christopher Meyer.

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

WHEREAS, Previously, the signalized intersections at Shell Bay Avenue, located at Exit 9, Stone Harbor Boulevard, located at Exit 10, and Crest Haven Road, located at Exit 11, on the Garden State Parkway were the scene of a disproportionate number of motor vehicle accidents; and

WHEREAS, On August 7, 2003, Melvin M. Loftus was tragically killed while he was stopped at the Crest Haven Road intersection when a driver of a box truck failed to heed the traffic signal, hitting his car, and pushing him into oncoming traffic; and

WHEREAS, Melvin M. Loftus, a 66 year old husband, father, grandfather, and former member of the National Guard, moved to New Jersey in 2002 to be closer to his children and grandchildren after retiring from his dry cleaning business that he operated for 24 years; and

WHEREAS, In November 2004, Christopher Meyer was tragically killed in a car accident at the Stone Harbor Boulevard intersection at exit 10 on the Garden State Parkway; and

WHEREAS, Christopher Meyer, who was 17 years old at the time of the accident, had aspirations of joining the United States Navy; and

WHEREAS, Since his son's death, Erik Meyer, Christopher Meyer's father, has been a tireless advocate for removing the traffic signals at the intersections on the Garden State Parkway; and

WHEREAS, Since 2003, several people, including Melvin M. Loftus and Christopher Meyer, have died as a result of accidents at these signalized intersections and, every year, there are countless accidents that occur at these dangerous intersections; and

WHEREAS, Recently, the New Jersey Turnpike Authority and the State of New Jersey have moved into the last phase of replacing the traffic signals at the intersections with ramps to provide full access interchanges and improve vehicle safety; and

WHEREAS, As the traffic signals are removed from the Shell Bay Avenue, Stone Harbor Boulevard, and Crest Haven Road intersections of the Garden State Parkway, it is altogether fitting and proper that the State of New Jersey honor the lives of Melvin M. Loftus and Christopher Meyer and the tireless work of Christopher Meyer's father, Erik Meyer, who sought the safety improvements at these intersections, by naming the Stone Harbor Boulevard Interchange as the "Christopher Meyer Memorial Interchange" and the Crest Haven Road Interchange as the "Melvin M. Loftus Memorial Interchange"; now, therefore,

1. The Executive Director of the New Jersey Turnpike Authority shall designate the Stone Harbor Boulevard Interchange of the Garden State Parkway as the "Christopher Meyer Memorial Interchange" and erect appropriate signs bearing this designation and dedication.

2. The Executive Director of the New Jersey Turnpike Authority shall designate the Crest Haven Road Interchange of the Garden State Parkway as the "Melvin M. Loftus Memorial Interchange" and erect appropriate signs bearing this designation and dedication.

3. No State, New Jersey Turnpike Authority, 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 Executive Director of the New Jersey Turnpike Authority is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the New Jersey Turnpike Authority for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not lim-

ited to non-governmental non-profit, educational, or charitable entities or institutions. No work shall proceed and no funding shall be accepted until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

4. No State, New Jersey Turnpike Authority, or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 2 of this act. The Executive Director of the New Jersey Turnpike Authority is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the New Jersey Turnpike Authority for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 2 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. No work shall proceed and no funding shall be accepted until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

5. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 203

AN ACT concerning property taxes due and owing on real property in certain circumstances and amending R.S.54:4-67 and R.S.54:5-19.

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

1. R.S.54:4-67 is amended to read as follows:

Discount for prepayment; interest for delinquency; exceptions.

54:4-67. a. (1) The governing body of each municipality may by resolution fix the rate of discount to be allowed for the payment of taxes or assessments previous to the date on which they would become delinquent. The rate so fixed shall not exceed 6% per annum, shall be allowed only in case of payment on or before the thirtieth day previous to the date on which

the taxes or assessments would become delinquent. No such discount shall apply to the purchaser of a total property tax levy pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5). The governing body may also fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, unless otherwise provided by law, on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable. The rate so fixed shall not exceed 8% per annum on the first $1,500.00 of the delinquency and 18% per annum on any amount in excess of $1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made.

(2) Notwithstanding the provisions of paragraph (1) of this subsection regarding delinquent payments, in the case of a municipality that has experienced a flood, hurricane, superstorm, tornado, or other natural disaster, interest shall not be charged by the municipality to a delinquent taxpayer if:

(a) a state of emergency has been declared as a result thereof by the Governor less than 30 days prior to the date upon which a property tax installment payment is payable pursuant to R.S.54:4-66 or section 2 of P.L.1994, c.72 (C.54:4-66.1), as appropriate, and

(b) the governing body of the municipality adopts a resolution providing that interest shall not be charged to a delinquent taxpayer if payment of the property tax installment is made on or before the first day of the next calendar month from the date upon which it became payable.

(3) The municipal clerk shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of its adoption of the resolution not later than the third business day next following the municipal governing body's adoption of the resolution. If the municipality is under State supervision pursuant to the provisions of Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.), is subject to the provisions of the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or is otherwise subject to a memorandum of understanding or similar agreement with the division as a condition of receiving supplemental State aid, the resolution shall not be effective unless it is approved by the director.

b. In any year when the governing body changes the rate of interest to be charged for delinquent taxes, assessments or other municipal charges, or to be charged for the end of the year penalty, the governing body, after adoption of a resolution changing the rate of interest, shall provide a notice to all taxpayers, prior to the date taxes are next due or with the tax bill, stat-

ing the new rate or rates to be charged and the date that the new rate or rates take effect. The notice may be separate from the tax bill. No change in the rate of interest or the end of year penalty shall take effect until the required notice has been provided in accordance with this subsection.

c. In municipalities that have sold their property tax levy pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5), the rate of interest to be charged for the nonpayment of taxes, assessments or other municipal liens or charges shall be the same interest or delinquency rate or rates otherwise charged by the municipality, to be calculated from the date the tax was payable until the date of actual payment to the tax collector. The purchaser of the total property tax levy shall be paid only those amounts attributable to properties included in the total property tax levy purchase and actually collected by the tax collector and which amounts shall not include any delinquent interest collected by the municipal tax collector prior to the time that the total property tax levy purchaser makes the levy payment to the municipality.

d. Whenever the time period for a property tax installment payment has been extended pursuant to the provisions of subsection a. of this section, the Director of the Division of Local Government Services in the Department of Community Affairs may, by temporary order, extend the dates for payment of taxes by a municipality due to a county pursuant to R.S.54:4-74, any school district pursuant to R.S.54:4-75, and any other taxing district as provided by law.

"Delinquency" means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years. The property shall remain delinquent, as defined herein, until such time as all unpaid taxes, including subsequent taxes and liens, together with interest thereon shall have been fully paid and satisfied. The delinquency shall remain notwithstanding the issuance of a certificate of sale pursuant to R.S.54:5-32 and R.S.54:5-46, the payment of delinquent tax by the purchaser of the total property tax levy pursuant to section 16 of P.L.1997, c.99 (C.54:5-113.5) and for the purposes of satisfying the requirements for filing any tax appeal with the county board of taxation or the State tax court. The governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of $10,000 who fails to pay that delinquency as billed, prior to the end of the fiscal year. If any fiscal year delinquency in excess of $10,000 is paid by the holder of an outstanding tax sale certificate or a total property tax levy purchaser, the holder or purchaser, as appropriate, shall be entitled to receive the amount of the penalty as part of the amount required to redeem such certificate of sale providing the payment is made by the tax lien holder or tax levy purchaser prior to the end of the fiscal year. If the holder of the outstanding

tax sale certificate or the levy purchaser, as appropriate, does not make the payment in full prior to the end of the fiscal year, then the holder or purchaser shall be entitled to a pro rata share of the delinquency penalty upon redemption, and the balance of the penalty shall inure to the benefit of the municipality. The penalty so fixed shall not exceed 6% of the amount of the delinquency with respect to each most recent fiscal year only.

2. R.S.54:5-19 is amended to read as follows:

Power of sale, "collector" and "officer" defined.

54:5-19. The term "collector" as hereinafter used includes any such officer, and the term "officer" includes the collector.

A municipality shall have the authority to conduct both standard and accelerated tax sales.

When unpaid taxes or any municipal lien, or part thereof, on real property remain in arrears at the close of the fiscal year, the collector or other officer charged by law in the municipality with that duty, shall enforce the lien by selling the property in the manner set forth in this article by holding a standard tax sale in the following fiscal year.

When unpaid taxes or any municipal lien, or part thereof, on real property remains in arrears on the 11th day of the eleventh month in the fiscal year when the taxes or lien became in arrears, the collector or other officer charged by law in the municipality with that duty, shall enforce the lien by selling the property in the manner set forth in this article by conducting an accelerated tax sale by selling the property in the manner set forth in this article, provided that the sale is conducted and completed no earlier than in the last month of the fiscal year. Whenever the due date for the fourth quarter property tax installment payment has been extended for real property pursuant to the provisions of subsection a. of R.S.54:4-67, a municipality shall not conduct an accelerated tax sale with respect to that installment pursuant to this section.

In either a standard or an accelerated tax sale, the municipality may by resolution direct that when unpaid taxes or other municipal liens or charges, or part thereof, are in arrears as of the 11th day of the eleventh month of the fiscal year, such sale shall include only such unpaid taxes or other municipal liens or charges as were in arrears in the fiscal year designated in such resolution, and may by resolution, either general or special, direct that there shall be omitted from such sale any or all such unpaid taxes, and other municipal liens, or parts thereof, on real property, upon which regular, equal monthly installment payments are being made, in pursuance to such agreement as may be authorized by said resolution between the collector and the

owner or person interested in the property upon which such delinquent taxes may be due; provided, that said agreement shall require payment of such installment payments in amounts large enough to pay in full all delinquent taxes, assessments and other municipal liens held by the municipality, in not more than five years from the date of such agreement; provided, that the extension of time for payment of such arrearages herein authorized shall not apply to any parcel of property which prior thereto has been included in any plan theretofore adopted by any municipality of this State under and pursuant to the provisions of any public statute of this State whereunder prior extensions for the payment of delinquent taxes were authorized; provided further, that the right of any person interested in such property to pay such arrears in such installments shall be conditioned on the prompt payment of the installments of taxes for the current year in which such agreement is made, and all subsequent taxes, assessments and other municipal liens imposed or becoming a lien thereafter, including all installments thereafter payable on assessments theretofore levied, and also the prompt payment of all installments of arrears as hereinbefore authorized; and provided further, that in case any such installment of arrears or any new taxes, assessments or other liens are not promptly paid, that is to say, within thirty days after the date when the same is due and payable, then such agreement shall be void, and in any such case the collector, or other officer charged by law with that duty, shall proceed to enforce such lien by selling in the manner in this article provided.

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 204

AN ACT concerning the Standardbred Development Program and amending P.L.2013, c.133.

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

1. Section 1 of P.L.2013, c.133 (C.5:5-91.1) is amended to read as follows:

C.5:5-91.1 Standardbred Development Program.

1. There is hereby established a Standardbred Development Program to be administered by the Sire Stakes Program board of trustees. Horses eligible to race under the Standardbred Development Program shall be any foal otherwise eligible to race under the Sire Stakes Program, as provided in section 1 of P.L.1971, c.85 (C.5:5-91), and any foal produced by a standardbred stallion and a standardbred mare that are registered with the United States Trotting Association, provided that the mare resides at a New Jersey breeding farm for at least 150 consecutive calendar days and the foal is born in New Jersey during that timeframe.

The Standardbred Development Program shall be allocated funds from those monies that accrue to the Sire Stakes Program. Notwithstanding the provisions of any other law to the contrary, any monies that are statutorily dedicated to the Sire Stakes Program for purse supplements may be disbursed and used to increase purses for owners of horses that are eligible to participate in the Standardbred Development Program. The board of trustees is authorized to do all that is necessary for the proper administration of the Standardbred Development Program and shall prepare, issue, and promulgate rules and regulations providing for:

a. classes and divisions of races, eligibility of horses and owners therefor and prizes and awards to be awarded;

b. nominating, sustaining, and entry fees on horses and races;

c. such temporary programs including eligibility of horses, breeding, and other matters as may be necessary to make the Standardbred Development Program operable commencing with foals born in 2014 and thereafter;

d. registration and certification of New Jersey Standardbred Development Program stallions, mares bred to such stallions, and foals produced thereby; and

e. such other matters as the board determines to be necessary and appropriate for the proper administration and implementation of the Standardbred Development Program.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall, immediately upon filing with the Office of Administrative Law, adopt such temporary rules and regulations as necessary to establish the Standardbred Development Program, which shall be effective for a period not to exceed 12 months following the date of filing. The temporary rules and regulations thereafter shall be amended, adopted, or readopted by the board as the board determines is necessary in accordance with the requirements of the "Administrative Procedure Act."

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 205

AN ACT concerning access to beaches by military personnel and veterans and amending P.L.1955, c.49.

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

1. Section 1 of P.L.1955, c.49 (C.40:61-22.20) is amended to read as follows:

C.40:61-22.20 Municipal control over beaches, etc.; fees.

1. a. The governing body of any municipality bordering on the Atlantic Ocean, tidal water bays or rivers which owns or shall acquire, by any deed of dedication or otherwise, lands bordering on the ocean, tidal water bays or rivers, or easement rights therein, for a place of resort for public health and recreation and for other public purposes shall have the exclusive control, government and care thereof and of any boardwalk, bathing and recreational facilities, safeguards and equipment, now or hereafter constructed or provided thereon, and may, by ordinance, make and enforce rules and regulations for the government and policing of such lands, boardwalk, bathing facilities, safeguards and equipment; provided, that such power of control, government, care and policing shall not be construed in any manner to exclude or interfere with the operation of any State law or authority with respect to such lands, property and facilities. Any such municipality may, in order to provide funds to improve, maintain and police the same and to protect the same from erosion, encroachment and damage by sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, by ordinance, make and enforce rules and regulations for the government, use, maintenance and policing thereof and provide for the charging and collecting of reasonable fees for the registration of persons using said lands and bathing facilities, for access to the beach and bathing and recreational grounds so provided and for the use of the bathing and recreational facilities, but no such fees shall be charged or collected from children under the age of 12 years.

b. A municipality may by ordinance provide that no fees, or reduced fees, shall be charged to:

(1) persons 65 or more years of age;

(2) persons who meet the disability criteria for disability benefits under Title II of the federal Social Security Act (42 U.S.C. s.401 et seq.);

(3) persons in active military service in any of the Armed Forces of the United States and to their spouse or dependent children over the age of 12 years;

(4) persons who are active members of the New Jersey National Guard who have completed Initial Active Duty Training and to their spouse or dependent children over the age of 12 years. As used in this paragraph, "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard; and

(5) persons who have served in any of the Armed Forces of the United States and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least 90 days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability. The Adjutant General of the New Jersey Department of Military and Veterans' Affairs shall promulgate rules and regulations pertaining to veteran eligibility under this paragraph.

c. A municipality providing for no fees or reduced fees pursuant to paragraph (3), (4), or (5) of subsection b. of this section shall track, in a manner deemed appropriate by the governing body of the municipality, the number of persons who qualify under the provisions of those paragraphs.

d. A person who qualifies for free access to beaches and bathing and recreational grounds and free use of bathing and recreational facilities pursuant to paragraph (3), (4), or (5) of subsection b. of this section may, in lieu of obtaining and presenting a municipal beach tag or similar admission pass to gain such access and use, present a valid military identification card, form DD-214 or similar document, or State driver's license or identification card indicating that the holder is a veteran of the Armed Forces of the United States.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 206

AN ACT concerning health benefits coverage for synchronization of prescribed medications and supplementing various parts of the statutory law.

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

C.17:48-6mm Hospital service corporation contract, coverage for synchronization of prescribed medications.

1. a. Every group or individual hospital service corporation contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17:48A-7jj Medical service corporation contract, coverage for synchronization of prescribed medications.

2. a. Every group or individual medical service corporation contract delivered, issued, executed or renewed in this State, or approved for issu-

ance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17:48E-35.37 Health service corporation contract, coverage for synchronization of prescribed medications.

3. a. Every group or individual health service corporation contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person,

the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all contracts in which the health service corporation has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17B:26-2.1gg Individual health insurance policy, contract, coverage for synchronization of prescribed medications.

4. a. Every individual health insurance policy or contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all policies in which the insurer has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17B:27-46.1mm Group health insurance policy, contract, coverage for synchronization of prescribed medications.

5. a. Every group health insurance policy or contract delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all policies in which the insurer has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.26:2J-4.38 Health maintenance organization, coverage for synchronization of prescribed medications.

6. a. Every certificate of authority to establish and operate a health maintenance organization in this State issued, continued or renewed in this State, or approved for issuance, continuation or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all enrollee agreements in which the health maintenance organization has reserved the right to change the schedule of charges.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17B:27A-7.20 Individual health benefits plan, coverage for synchronization of prescribed medications.

7. a. Every individual health benefits plan delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class pre-

scribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.17B:27A-19.24 Small employer health benefits plan, coverage for synchronization of prescribed medications.

8. a. Every small employer health benefits plan delivered, issued, executed or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this State on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

b. This section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium.

c. This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.52:14-17.29t State Health Benefits Program, coverage for synchronization of prescribed medications.

9. The State Health Benefits Commission shall ensure that every contract under the State Health Benefits Program purchased on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in immediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

C.52:14-17.46.6e School Employees' Health Benefits Commission, coverage for synchronization of prescribed medications.

10. The School Employees' Health Benefits Commission shall ensure that every contract under the School Employees' Health Benefits Program purchased on or after the effective date of this act, which provides benefits for pharmacy services, prescription drugs, or for participation in a prescription drug plan, shall, on at least one occasion per year for each covered person:

(1) apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for less than a 30 days' supply if the prescriber or pharmacist indicates the fill or refill is in the best interest of the covered person or is for the purpose of synchronizing the covered person's chronic medications;

(2) provide coverage for a drug prescribed for the treatment of a chronic illness dispensed in accordance with a plan among the covered person, the prescriber and the pharmacist to synchronize the refilling of multiple prescriptions for the covered person; and

(3) determine dispensing fees based exclusively on the total number of prescriptions dispensed; dispensing fees shall not be prorated or based on the number of the days' supply of medication prescribed or dispensed.

This section shall not apply to prescriptions for opioid analgesics. "Opioid analgesic" means a drug in the opioid analgesic drug class prescribed to treat moderate to severe pain or other conditions, whether in im-

mediate release or extended release form, and whether or not combined with other drug substances to form a single drug product or dosage form.

11. This act shall take effect on the 180th day next following enactment.

Approved January 11, 2016.

CHAPTER 207

AN ACT concerning the method of transmittal of certain land use documents to certain municipalities and amending P.L.1975, c.291.

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

1. Section 7.4 of P.L.1975, c.291 (C.40:55D-15) is amended to read as follows:

C.40:55D-15 Notice of certain hearings.

7.4. a. Notice by personal service, certified mail, or e-mail with confirmation that the e-mail was delivered, shall be made to the clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.

b. Notice by personal service, certified mail, or e-mail with confirmation that the e-mail was delivered, shall be made to the county planning board of (1) all hearings on the adoption, revision or amendment of any development regulation at least 10 days prior to the date of the hearing, and (2) the adoption, revision or amendment of the municipal capital improvement program or municipal official map not more than 30 days after the date of such adoption, revision or amendment. Any notice provided hereunder shall include a copy of the proposed development regulation, the municipal official map or the municipal capital program, or any proposed revision or amendment thereto, as the case may be.

Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail or e-mail pursuant to this section shall be deemed complete upon mailing or when e-mailing, upon confirmation that the e-mail was delivered, as appropriate.

For the purposes of this section, proof that an e-mail was sent to the correct e-mail address within the required time frame shall constitute a rebuttable presumption of confirmation that the e-mail was delivered.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 208

AN ACT concerning certificates of ownership and salvage certificates of title and amending P.L.1983, c.323.

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

1. Section 2 of P.L.1983, c.323 (C.39:10-32) is amended to read as follows:

C.39:10-32 Vehicle reported stolen or damaged; surrender of certificate of ownership; issuance of salvage certificate of title.

2. a. If a motor vehicle has either been reported as being stolen or suffered sufficient damage to render it economically impractical to repair, the person in possession of the certificate of ownership for the vehicle shall surrender the certificate of ownership to the chief administrator along with a statement setting forth how the person acquired the certificate of ownership.

b. The chief administrator, after determining ownership, shall issue a salvage certificate of title to a person who surrenders a certificate of ownership pursuant to subsection a. of this section.

c. (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle, and the owner of the motor vehicle fails to assign and deliver the motor vehicle's certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle in the name of the insurer without providing a certificate of ownership; provided that the chief administrator determines that the issuance of a certificate of ownership is appropriate, in accordance with the provisions of P.L.1983, c.323 (C.39:10-31 et seq.).

The provisions of this subsection shall only apply when the most recent certificate of ownership for the motor vehicle was issued by this State.

(2) The insurer shall provide notice to the owner and any lienholder of the motor vehicle identified in the records of the commission at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to this subsection. The notice shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner and any lienholders at the last known address identified in the records of the commission. Failure to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(3) The application for a certificate of ownership or a salvage certificate of title shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, proof that the insurer requested the certificate of ownership, and proof that notice was provided, as required by paragraph (2) of this subsection, to the owner and any lienholders of the motor vehicle. Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(4) If, based upon the records of the commission, there was an outstanding lien or liens against the motor vehicle immediately prior to the payment of the claim and the claim was paid to a lienholder or lienholders, or to a lienholder or lienholders and the owner jointly, the proof of payment required pursuant to paragraph (3) of this subsection shall also include proof that the claim was paid to, or a letter stating that the lienholder has no interest in the motor vehicle was received from, each lienholder identified in the records of the commission. Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(5) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer. In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer.

d. (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle, and the owner of the motor vehicle fails to assign and deliver the motor vehicle's certificate of ownership to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title for the motor vehicle in the name of the in-

surer without providing a certificate of ownership; provided that the chief administrator determines that the issuance of a certificate of ownership is appropriate, in accordance with the provisions of P.L.1983, c.323 (C.39:10-31 et seq.).

The provisions of this subsection shall only apply when the most recent certificate of ownership for a motor vehicle was issued by another state; the motor vehicle records of the jurisdiction that issued the certificate of ownership indicate that there are no liens recorded against the motor vehicle; and the motor vehicle was damaged, stolen, or recovered in this State, was owned by a resident of this State immediately prior to a total loss settlement by an insurer, or as otherwise permitted by the chief administrator.

(2) The insurer shall provide notice by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to this subsection. Failure to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(3) The application shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, proof that the insurer requested the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle pursuant to paragraph (2) of this subsection. Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(4) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer for the motor vehicle. In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer.

e. (1) Notwithstanding any provision of law to the contrary, when an insurer licensed to do business in New Jersey settles a total loss claim with the owner of a motor vehicle and the insurer obtains the certificate of ownership for the vehicle, but it is not properly assigned to the insurer within 30 days of the payment of the claim, the insurer or an agent of the insurer may apply to the chief administrator for a certificate of ownership or a salvage certificate of title , as appropriate, in the name of the insurer.

(2) The insurer shall provide notice to the owner and any lienholder, based upon the records of the commission, at least 30 days prior to applying for a certificate of ownership or a salvage certificate of title pursuant to

this subsection. The notice shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the owner and any lienholder at the last known address based upon the records of the commission. Failure to provide the notice required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(3) The application for a certificate of ownership or a salvage certificate of title shall be made on a form prescribed by the chief administrator and shall include proof of payment of the claim, the certificate of ownership, proof that the insurer attempted to obtain the proper assignment of the certificate of ownership, and proof that notice was provided to the owner of the motor vehicle and any lienholder, in accordance with paragraph (2) of this subsection. Failure to provide the proof required by this paragraph shall be cause for the chief administrator to deny issuance of a certificate of ownership or a salvage certificate of title.

(4) Upon proper application, the chief administrator shall issue a certificate of ownership or a salvage certificate of title, as appropriate, in the name of the insurer. In the event the insurer sells the motor vehicle, the insurer shall assign the certificate of ownership or salvage certificate of title to the buyer.

f. (1) If an insurer requests that a salvage processor, whose primary business is the sale of total loss motor vehicles on behalf of insurers, take possession of a motor vehicle that is the subject of an insurance claim and subsequently, the insurer does not take ownership of the vehicle, the insurer may authorize the salvage processor to release the vehicle to the owner or lienholder. The insurer shall provide to the salvage processor a release statement authorizing the release of the vehicle to the owner or lienholder.

Upon receiving a release statement from an insurer, the salvage processor shall, within five business days, provide notice to the owner and any lienholder identified in the records of the commission, informing the owner and any lienholder that the vehicle may be released, upon payment of any outstanding charges, and that failure to claim the vehicle will result in the vehicle being deemed abandoned. The notice shall include an invoice for any outstanding charges owed to the salvage processor and shall inform the owner or lienholder that the vehicle is required to be claimed within 60 days from the date of the notice. The notice shall also inform the owner or lienholder of the location of the vehicle. The notice required under this subsection shall be sent by certified mail or commercial courier whose regular business is delivery service and that provides proof of delivery to the last known address based upon the records of the commission.

(2) Notwithstanding any provision of law to the contrary, in the event the owner or lienholder of the vehicle does not claim the vehicle within 60 days after the date of the notice, the vehicle shall be deemed abandoned and the salvage processor may apply to the chief administrator for the issuance of a salvage certificate of title or a junk title certificate for the motor vehicle in the name of the salvage processor without providing a certificate of ownership. The application shall include proof that notice was provided to the owner of the motor vehicle and any lienholder.

(3) Upon proper application, the chief administrator shall issue a salvage certificate of title or a junk title certificate, as appropriate, in the name of the salvage processor, which shall extinguish any existing liens against the motor vehicle. If the salvage processor sells the motor vehicle, the salvage certificate of title or junk title certificate shall be assigned to the buyer and the vehicle shall be transferred without any liens against it.

g. The chief administrator shall be immune from liability for any errors or misrepresentations made by an insurer pursuant to subsections c., d., and e. of this section or by a salvage processor pursuant to subsection f. of this section.

2. This act shall take effect on the first day of the seventh month after enactment.

Approved January 11, 2016.

CHAPTER 209

AN ACT requiring the New Jersey Department of Military and Veterans' Affairs to encourage returning service members to register with the United States Department of Veterans Affairs and to facilitate the registration and amending N.J.S.38A:3-6.

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

1. N.J.S.38A:3-6 is amended to read as follows:

Powers, duties.

38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Military and Veterans' Affairs and in connection therewith make and issue such regulations governing the work of the Department of Military and Veterans' Affairs and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Military and Veterans' Affairs within the meaning of such term as defined in section 1 of P.L.1944, c.112 (C.52:27B-1).

(c) (Deleted by amendment, P.L.1988, c.138.)

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Military and Veterans' Affairs.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) Exercise all of the functions, powers and duties heretofore vested in the Director of the Division on Veterans' Programs and Special Services.

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S.38A:3-8 and Title 11A of the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration and oversight of equal opportunity programs.

(m) 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.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

(o) Adopt, issue and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be authorized by law.

(p) Institute, or cause to be instituted, legal proceedings or processes as necessary to properly enforce and give effect to any of the Adjutant General's powers or duties.

(q) Make an annual report to the Governor and to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law.

(r) Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions.

(s) Integrate within the department, so far as practicable, all staff services of the department and of several divisions and other agencies therein.

(t) Request access to all relevant files and records of other State agencies, which may be made available to the Adjutant General by the head of a State agency, and request, subject to the permission of the head of the State agency, any officer or employee therein to provide information as necessary to assist in the performance of the functions of the department.

(u) Supervise and operate the New Jersey Veterans' Memorial Home-Menlo Park, the New Jersey Veterans' Memorial Home-Vineland, the New Jersey Veterans' Memorial Home-Paramus and the New Jersey Veterans' Memorial Cemetery-Arneytown.

(v) Supervise and operate the liaison office and the field offices which serve the federal Veterans' Affairs Medical Centers.

(w) Make application for federal grants and programs, other than education grants or funds.

(x) Administer the federally-funded training and rehabilitation programs, except for the administration of federally-funded education and training programs set forth in 38 U.S.C. s.36 et seq.

(y) Provide current information to the general public on State and federal veterans' programs and benefits.

(z) Develop and administer the New Jersey Homeless Veterans Grant Program established pursuant to section 3 of P.L.2013, c.239 (C.38A:3-6.2b).

(aa) Encourage and facilitate the registration of each service member residing in New Jersey with the United States Department of Veterans Affairs, or its successor agency. Registration shall take place, as appropriate, when the service member returns from deployment on federal active duty or is discharged or as soon as possible thereafter. The term "service member" shall mean members of the New Jersey National Guard and members of the United States Armed Forces, or a Reserve component thereof, when the information on each member is made available to the department.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 210

AN ACT concerning stream cleaning and amending P.L.1993, c.376.

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

1. Section 1 of P.L.1993, c.376 (C.58:16A-67) is amended to read as follows:

C.58:16A-67 Written notice of intent to undertake a project to clean, clear, desnag stream; definitions.

1. a. The provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary notwithstanding, a county or municipality, or designated agency thereof, before undertaking any project to clean, clear, or desnag a stream within its jurisdiction, shall submit to the Department of Environmental Protection or to any State agency requiring a stream cleaning permit or an application for the proposed stream cleaning, clearing, or desnagging project, a written notice of intent to undertake a project to clean, clear, or desnag a stream and a certification attested to by the county or municipal engineer or the local soil conservation district, provided that the certification is made by a licensed professional engineer. The engineer shall certify that:

(1) the project is being undertaken solely for the purpose of stream cleaning, clearing, or desnagging;

(2) the removal of any material will not extend below the natural stream bed;

(3) the activities will not alter the natural stream banks;

(4) the activities will consist of the removal only of accumulated sediments, debris, and garbage from a stream with a natural stream bed or the removal of any accumulated material from a stream previously channelized with concrete or similar artificial material;

(5) every effort will be made to perform work from only one stream bank and that vegetation and canopy on the more southerly or westerly banks will be preserved for stream shading; and

(6) the activities are necessary and in the public interest.

The notice shall also include a description of the nature of the project, a description, including a photograph, of the reach of the stream in which the activity is to take place, and an identification of the regulatory water quality classification of the stream in which the activity is to take place. The reach of the stream may be provided by the submission of a photostatic copy of the United States Geological Survey topographic quadrangle.

b. For any project that includes sediment removal, in addition to the conditions enumerated in subsection a. of this section, the following conditions must be met:

(1) (Deleted by amendment, P.L.2015, c.210)

(2) the stream to be cleaned, cleared, or desnagged is not classified as pinelands waters or category one waters;

(3) the stream bed is 30 feet or less in average width;

(4) the stream corridor to be cleaned, cleared, or desnagged is:

(a) in the case of a project undertaken by a municipality, or a designated agency thereof, located wholly within the jurisdictional boundaries of that municipality; or

(b) in the case of a project undertaken by a county, or a designated agency thereof, (i) located wholly within the jurisdictional boundaries of one municipality, or (ii) less than 500 feet in length if located within more than one municipality;

(5) the stream is not in a municipality, as defined by the department, that is known to have federally or State listed threatened or endangered species associated with its wetlands. Regulated activities in these municipalities shall be coordinated with federal agencies;

(6) the applicant shall provide a certification by the engineer that the material to be removed is not beyond the natural stream bed;

(7) the applicant shall submit surface color photographs of the areas of the stream to be cleaned, cleared, or desnagged and of the access points; and

(8) the applicant shall incorporate appropriate timing restrictions as required by the department.

c. Upon receipt of a notice and certification submitted pursuant to this section, the department, or any other State agency requiring a stream cleaning permit or an application for the proposed stream cleaning, clearing, or desnagging project, as the case may be, shall, except as provided otherwise in this subsection, have 15 days to notify the applicant if particular circumstances mandate that the stream cleaning, clearing, or desnagging not be done in this particular case. For a project involving the removal of sediment, the department shall have 60 days prior to the commencement of activities to notify the applicant if particular circumstances mandate that the stream cleaning, clearing, or desnagging not be done in that particular case. If the department, or any other State agency requiring a stream cleaning permit or an application for the proposed stream cleaning, clearing, or desnagging project, as the case may be, makes such a determination, it shall provide the applicant with the technical reasons therefor. For the purposes of this subsection, if the department's technical reasons therefor are based upon the inability to determine the natural stream bed, the department shall, at the request of the applicant, assist in identifying the natural stream bed. The department may not prohibit the removal of any garbage no matter how long it has been in the stream, nor shall the department require extensive mapping or other engineering services which involve significant expense to the municipality.

d. Upon completion of the project to clean, clear, or desnag a stream involving the removal of sediment within its jurisdiction, the applicant shall submit to the department a written notice that the project has been completed in accordance with the conditions outlined in subsection b. of this section. The notice shall contain a certification attested to by the county or municipal engineer or the local soil conservation district, provided that the certification is made by a licensed professional engineer. The engineer shall certify that all the conditions in subsection b. of this section have been adhered to.

e. As used in this section:

"Applicant" means a county or municipality, or designated agency thereof;

"Category one waters" means, for the purposes of sediment removal, those waters designated by the Department of Environmental Protection, for purposes of implementing the antidegradation policies of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources. These waters may include, but are not limited to:

(1) Waters originating wholly within federal, interstate, State, county, or municipal parks, forests, fish and wildlife lands, and other special holdings that have not been designated by the department as FW1;

(2) Waters classified by the department as FW2 trout production waters and their tributaries;

(3) Surface waters classified by the department as FW2 trout maintenance waters or FW2 nontrout waters that are not more than 750 feet upstream of waters classified by the department as FW2 trout production waters;

(4) Shellfish waters of exceptional resource value; or

(5) Other waters and their tributaries that flow through, or border, federal, State, county or municipal parks, forest, fish and wildlife lands, and other special holdings;

"Department" means the Department of Environmental Protection;

"FW" means the general surface water classification applied to fresh waters;

"FW1" means those fresh waters that originate in and are wholly within federal or State parks, forests, fish and wildlife lands, and other special holdings, that are to be maintained in their natural state of quality and not subjected to any man-made wastewater discharges;

"FW2" means the general surface water classification applied to those fresh waters that are not designated as FW1 or pinelands waters;

"Trout maintenance waters" means waters designated by the department for the support of trout throughout the year; and

"Trout production waters" means waters designated by the department for use by trout for spawning or nursery purposes during their first summer.

f. Any person or governmental entity violating the provisions of this section shall be subject to penalties imposed for violations of the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.).

g. Nothing in this section shall be construed to prohibit the department from requiring a county or municipality, or designated agency thereof, to obtain a permit pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.) for a proposed stream cleaning, clearing, or desnagging project involving any activity that does not adhere to the conditions and requirements set forth in subsections a. and b. of this section.

2. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 211

AN ACT establishing a program to provide travel assistance to certain veterans, and supplementing chapter 3 of Title 38A of the New Jersey Statutes and chapter 25 of Title 27 of the Revised Statutes.

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

C.38A:3-49 Assistance for travel for certain veterans.

1. The Department of Military and Veterans' Affairs shall establish a program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to attend medical counseling appointments for service-connected conditions approved and authorized by the United States Department of Veterans Affairs within this State.

The department shall:

a. develop, in cooperation with the New Jersey Transit Corporation and the United States Department of Veterans Affairs, a program to provide reimbursement, subject to available State or federal funding, to qualified veterans who spend their own funds to travel on public transportation to and from medical counseling appointments for service-connected conditions within the State using any motor bus or rail passenger service conducted by the corporation when the veteran is not otherwise eligible for payment for travel or reimbursement by means of any existing State or federal program;

b. develop, in cooperation with the United States Department of Veterans Affairs, a program to provide reimbursement to qualified veterans who spend their own funds to travel using private transportation to and from medical counseling appointments for service-connected conditions within the State by reimbursing on a per mile basis their operation of a privately-owned conveyance when that veteran is not otherwise eligible for payment for travel or reimbursement by means of any existing State or federal program, provided that the qualified veteran shall not use a for-hire private entity that charges for transportation unless such transportation is necessary for the qualified veteran due to a service-connected injury or disability for which the veteran has a certified rating provided by the United States Department of Veterans Affairs which prevents or hinders his or her ability to operate a privately-owned conveyance;

c. develop, in coordination with the United States Department of Veterans Affairs, a system for monitoring veterans who have applied for reimbursement;

d. notify the general public and eligible veterans that the program established by this section is available to qualified veterans; and

e. adopt such rules and regulations as may be necessary to effectuate the purposes of this act.

C.27:25-5.19 Provision of proof of travel for certain veterans.

2. The New Jersey Transit Corporation shall cooperate with the Department of Military and Veterans' Affairs to provide receipts or other proof of travel to veterans in in-patient and out-patient treatment programs who have been qualified to use any motorbus or rail passenger service pursuant to section 1 of P.L.2015, c.211 (C.38A:3-49), so that they may be reimbursed for travel to attend medical counseling appointments for service-connected conditions within this State when they are not otherwise eligible for payment for travel or reimbursement through any other State or federal program.

3. This act shall take effect on the 180th day following the date of enactment.

Approved January 11, 2016.

CHAPTER 212

AN ACT concerning customer information on electric power and gas pricing, and amending P.L.1999, c.23.

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

1. Section 8 of P.L.1999, c.23 (C.48:3-56) is amended to read as follows:

C.48:3-56 Board shall not regulate, fix, prescribe certain aspects of competitive services.

8. a. Except as otherwise provided in P.L.1999, c.23 (C.48:3-49 et al.), and notwithstanding any provisions of R.S.48:2-18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2), R.S.48:3-1 or any other law to the contrary, the board shall not regulate, fix, or prescribe the rates, tolls, charges, rate structures, rate base, or cost of service of competitive services.

b. For the purposes of P.L.1999, c.23 (C.48:3-49 et al.), electric generation service is deemed to be a competitive service.

c. The board is authorized to determine, after notice and hearing, whether any other service offered by an electric public utility is a competitive service. In making that determination, the board shall develop standards of competitive service which, at a minimum, shall include: evidence of ease of market entry; presence of other competitors; and the availability of like or substitute services in the relevant market segment and geographic area. Notwithstanding the presence of these factors, the board may determine that any service shall remain regulated for purposes of the public safety and welfare.

d. The board is authorized to determine, after notice and hearing, and after appropriate review by the Legislature pursuant to subsection k. of this section, whether to reclassify as regulated any electric service or segment thereof that it has previously found to be competitive, including electric generation service, if it determines that sufficient competition is no longer present, upon application of the criteria set forth in subsection c. of this section. Upon reclassification, subsection a. of this section shall no longer apply and the board shall determine the rates for that electric service which it finds to be just and reasonable. The board, however, shall continue to monitor the electric service or segment thereof and, whenever the board shall find that the electric service has again become sufficiently competitive pursuant to subsection c. of this section, the board shall again apply the provisions of subsection a. of this section.

e. Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall limit the authority of the board, pursuant to Title 48 of the Revised Statutes, to ensure that electric public utilities do not make or impose unjust preferences, discriminations, or classifications for any services provided to customers.

f. (1) The board shall adopt, by rule, regulation, or order, fair competition standards, affiliate relation standards, accounting standards, and reports as are necessary to ensure that electric public utilities or their related competitive business segments do not enjoy an unfair competitive advantage over other non-affiliated purveyors of competitive services and in order to monitor the allocation of costs between competitive and non-competitive services offered by an electric public utility, and within 60 days after the starting date for implementation of retail choice pursuant to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), shall commence the process of conducting audits, at the expense of the electric public utilities, to ensure compliance with this section and section 7 of P.L.1999, c.23 (C.48:3-55) and with the board's rules, regulations and orders adopted pursuant to this

section and section 7 of P.L.1999, c.23 (C.48:3-55). The board shall hire an independent contractor to perform these audits.

(2) Subsequent audits shall take place no less than every two years after the date of the decision rendered pursuant to subsection k. of section 7 of P.L.1999, c.23 (C.48:3-55).

(3) The public utility or an intervenor shall have the right to contest the methodology and rebut the findings of an audit performed pursuant to this subsection, in a filing with the board. The board shall take no action to functionally separate, structurally separate, or require the divestiture of any portion of a public utility's operations pursuant to this subsection until the public utility, and any intervenors, have been afforded timely opportunity to make a filing and until the board has issued a decision thereon.

(4) If the board finds, as a result of any audit, that substantial violations of P.L.1999, c.23 (C.48:3-49 et al.) or of the board's rules, regulations or orders adopted pursuant to this section and section 7 of P.L.1999, c.23 (C.48:3-55) have occurred which result in unfair competitive advantages for an electric public utility, it shall: order the electric public utility to establish and provide these services through a business unit which is functionally separated from the electric public utility business unit as a related competitive business segment of the utility, so that, other than shared administration and overheads, employees of the competitive services business unit shall not also be involved in the provision of non-competitive utility and safety services, and the competitive services are provided utilizing separate assets than those utilized to provide noncompetitive utility and safety services; order the electric public utility to establish and provide these services through a structurally separate business unit or units including, but not limited to, a related competitive business segment of the public utility holding company; or order the electric public utility to divest itself of any business units that provide such services.

(5) If the board determines, as a result of the audit performed pursuant to this subsection that an electric public utility has unfairly allocated costs between its competitive and non-competitive services, the board is authorized to require the utility to return to the ratepayers an amount, equivalent to the amount of the costs determined to be unfairly allocated, with interest, during the time that the unfair allocation of costs occurred. In addition, the board is authorized to order the utility to pay a fine of up to $10,000 as a result of the violation or violations determined to have occurred pursuant to this subsection.

(6) Notwithstanding any requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board

shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, fair competition and accounting standards as are necessary on an interim basis to implement retail electric choice. These standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

g. The board shall determine, by rule or order, what reports are necessary to monitor the competitiveness of any service offered to a customer of an electric public utility.

h. The board shall have the authority to take appropriate increasingly stringent action, including the issuance of an order that an electric public utility or its related competitive business segment cease the offering of a competitive service, functionally separate or structurally separate its competitive service offering from non-competitive business functions, or divest itself of these services, in the event that the board determines, after hearing, that recurring and significant violations of its rules or orders adopted pursuant to subsection f. of this section have occurred.

i. Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall exempt an electric public utility from obtaining all applicable local, State, and federal licenses or permits associated with the offering of competitive services and complying with all applicable laws and regulations regarding the provision of these services.

j. If the board finds, as a result of any audit conducted pursuant to this section, that violations of the board's rules, regulations or orders adopted pursuant to this section and section 7 of P.L.1999, c.23 (C.48:3-55) have occurred, which are not substantial violations, the board is authorized to impose a fine of up to $10,000 against the electric public utility.

k. Prior to reclassifying as regulated any service it previously found to be competitive, the board shall make recommendations to the Legislature concerning the proposed reclassification. The recommendations shall be deemed to be approved unless the Legislature adopts a concurrent resolution stating that the Legislature is not in agreement with all or any part of the recommendations within 90 days following the date of transmittal of the recommendations to the Legislature. The concurrent resolution shall advise the board of the Legislature's specific objections to the recommendations and shall direct the board to submit revised recommendations which respond to those objections within 45 days of the date of transmittal of the concurrent resolution to the board.

l. (1) The board shall require each electric public utility, electric power supplier, gas public utility, and gas supplier, engaged in the provision of electricity or gas to end use customers, to provide the board with a direct link to price comparison information on its Internet website, including projected price comparison information, that will enable customers to make informed choices regarding the purchase of electric energy or gas offered by that provider to customers. Each website shall contain current and accurate pricing information, and shall be maintained and updated by the provider. The board, in consultation with each electric public utility, electric power supplier, gas public utility, and gas supplier engaged in the provision of electricity or gas to end use customers, shall compile the direct links to price comparison information on the website of each provider into a single, understandable database and post the database on its Internet website in a manner that enables customers to make informed decisions regarding prices and services. The board may contract with a public or private entity for the purpose of developing, administering, and maintaining the database. The contract shall specify the duties and responsibilities of the entity with respect to the development, administration, and maintenance of the database. The board shall monitor the work of the entity to ensure that the database is developed, administered, and maintained pursuant to the requirements of this section.

(2) As used in this subsection, "customer" means a residential customer or a commercial electric customer with a cumulative peak load of 50 kilowatts or less, or a commercial gas customer with a cumulative peak load of 5,000 therms or less.

2. This act shall take effect on the 120th day after the date of enactment.

Approved January 11, 2016.

CHAPTER 213

AN ACT concerning correctional facility security, supplementing Title 30 of the Revised Statutes, and amending P.L.1985, c.70.

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

C.30:4-91.3e Definitions relative to correctional facility security; regulations.

1. a. As used in this act, "body imaging scanning equipment" means equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the inmate capable of identifying external and internal contraband.

b. A State or county correctional facility may utilize body imaging scanning equipment for the purpose of searching arrestees, detainees, and inmates. The use of body imaging scanning equipment pursuant to this section shall be limited to searches conducted:

(1) when an inmate enters or leaves the correctional facility;

(2) any time before or after an inmate is placed in close custody, prehearing detention, disciplinary detention, protective custody, psychological observation, or suicide watch;

(3) any time before or after an inmate has a contact visit in which the inmate and a visitor are permitted physical contact with each other;

(4) after an inmate has been in any area where the inmate has had access to dangerous or valuable items;

(5) during a mass search of an inmate housing unit or inmate work area;

(6) when a custody staff member with a rank of sergeant or above determines that there exists a reasonable suspicion that an inmate is carrying or concealing contraband on the inmate's person, or in the inmate's anal or vaginal cavity; or

(7) when a custody staff member with a rank of sergeant or above determines that the search is reasonably necessary for safety and security.

c. Notwithstanding the provisions of any other law to the contrary, the body imaging scanning equipment may be operated by an employee of the State or county correctional facility or other law enforcement officer. Prior to operating body imaging scanning equipment, an employee or officer shall successfully complete a training course approved by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) and meet any other qualifications, including education and training, as determined by the Commissioner of Corrections.

d. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations, as appropriate, to effectuate the purposes of this act.

2. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to read as follows:

C.2A:161A-3 Definitions.

3. a. For purposes of this act, a "strip search" means the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include the use of body imaging scanning equipment pursuant to section 1 of P.L.2015, c.213 (C.30:4-91.3e) or any removal or rearrangement of clothing reasonably required to render medical treatment or assistance or the removal of articles of outer-clothing such as coats, ties, belts or shoelaces.

b. For purposes of this act, a "body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

3. This act shall take effect immediately.

Approved January 11, 2016.

CHAPTER 214

AN ACT concerning the website of the Department of Agriculture, and supplementing Title 4 of the Revised Statutes.

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

C.4:1-20.3 Internet page for "New Jersey Gleaning Week" and "Farmers Against Hunger Day."

1. The Department of Agriculture shall publish on its Internet website, and update as appropriate, a page for "New Jersey Gleaning Week," established by J.R.11 of 2015, and "Farmers Against Hunger Day," established by J.R.12 of 2015, for the purposes of educating the public on food insecurity and food waste, recognizing the need of many New Jersey households for fresh, healthy foods, and informing the public of any events offered during "New Jersey Gleaning Week" and "Farmers Against Hunger Day." The department shall post on the page a hyperlink to the website of the New Jersey Agricultural Society, so that farmers, community organizations, businesses, and volunteers may learn more about gleaning efforts in the State.

2. This act shall take effect upon the enactment of both J.R.11 of 2015 and J.R.12 of 2015.

Approved January 11, 2016.

CHAPTER 215

AN ACT concerning access to epinephrine auto-injectors and supplementing Title 24 of the Revised Statutes.

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

C.24:6L-1 Short title.

1. This act shall be known and may be cited as the "Epinephrine Access and Emergency Treatment Act."

C.24:6L-2 Findings, declarations relative to epinephrine auto-injectors.

2. The Legislature finds and declares that:

a. Insect and food allergies are the leading cause of anaphylaxis, a life-threatening condition that is easily treatable with epinephrine, a medication only available via prescription;

b. Individuals who are known to be at risk of anaphylaxis may carry emergency doses of epinephrine with them at all times. However, many individuals may not be aware of their allergy and therefore do not carry epinephrine medication;

c. New Jersey offers a broad array of outdoor, cultural, and culinary experiences which may expose its citizens to different kinds of insects and foods for the first time;

d. Exposure to insects or food resulting in an allergic reaction may occur in settings, such as youth camps, where medical professionals or first responders are not available to provide emergency care for anaphylaxis;

e. The State of New Jersey, at P.L.1997, c.368 (C.18A:40-12.5 et seq.) and P.L.2013, c.211 (C.18A:61D-11 et seq.), has already recognized the value of training non-medical professionals to administer this life-saving drug in K-12 educational settings and institutions of higher education when a medical professional is not physically present at the scene; and

f. It is prudent to similarly provide members of the public who have completed an approved training course with the tools necessary to respond to emergency anaphylaxis situations when assistance from medical professionals and first responders is not readily available.

C.24:6L-3 Definitions relative to epinephrine auto-injectors.

3. As used in this act:

"Commissioner" means the Commissioner of Health.

"Health care professional" means a licensed physician, physician assistant, advanced practice nurse, pharmacist, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes and whose authorized scope of practice includes prescribing, dispensing, or administering medication, whether independently or through a joint protocol or standing order from a physician.

C.24:6L-4 Authorization to administer.

4. a. Any person who has successfully completed an educational program approved by the commissioner pursuant to section 5 of this act to administer an epinephrine auto-injector device shall be issued a certificate of completion, which shall authorize the person to administer, maintain, and dispose of an epinephrine auto-injector device.

b. A licensed health care professional may prescribe or dispense an epinephrine auto-injector device, either directly or through a standing order, to a person authorized to administer, maintain, and dispose of the device pursuant to subsection a. of this section.

c. An entity employing a person authorized to administer, maintain, and dispose of an epinephrine auto-injector device pursuant to subsection a. of this section may obtain, maintain, and make available to the authorized person epinephrine auto-injector devices consistent with such standards and protocols as the commissioner may establish by regulation.

C.24:6L-5 Written standards, application procedures.

5. The commissioner shall establish written standards and application procedures for approval of educational programs for the safe administration of epinephrine using an auto-injector device. An educational program shall include training in the administration of epinephrine auto-injector devices, recognition of the symptoms of anaphylaxis, safe maintenance and storage of epinephrine auto-injector devices, and such other information as the commissioner deems necessary.

C.24:6L-6 Immunity from civil liability, disciplinary action.

6. a. A health care professional shall not, as a result of the professional's acts or omissions, be subject to any civil liability or any professional disciplinary action under Title 45 of the Revised Statutes for any act or omission which is undertaken in good faith in accordance with this act.

b. A person authorized to administer, maintain, or dispose of an epinephrine auto-injector device under subsection a. of section 4 of this act

who, in good faith and without fee, administers an epinephrine auto-injector device to a person who appears to be suffering from anaphylaxis or any other serious condition treatable with epinephrine shall not, as a result of the person's acts or omissions, be subject to any civil liability for administering the device consistent with this act.

c. An entity authorized to obtain, maintain, and make available epinephrine auto injector devices to a person employed by the entity pursuant to subsection c. of section 4 of this act shall not, as a result of the entity's acts or omissions, be subject to any civil liability for any act or omission which is undertaken in good faith in accordance with this act.

d. A person or entity conducting an educational program approved by the commissioner as provided in section 5 of this act shall not be subject to any civil liability for any act or omission which is undertaken in accordance with this act.

e. For the purposes of this section, good faith does not include willful misconduct, gross negligence, or recklessness.

C.24:6L-7 Construction of act.

7. Nothing in this act shall be construed to:

a. permit a person who has completed a training program pursuant to this act to perform the duties or fill the position of a licensed medical professional;

b. prohibit the administration of an epinephrine auto-injector device by a person acting pursuant to a lawful prescription;

c. prevent a licensed and qualified member of a health care profession from administering an epinephrine auto-injector device if the duties are consistent with the accepted standards of practice applicable to the member's profession; or

d. violate the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer administers epinephrine as authorized pursuant to this act.

8. This act shall take effect on the 120th day after enactment, but the Commissioner of Health may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 11, 2016.

CHAPTER 217

AN ACT concerning incentives for certain economic development projects and amending P.L.2011, c.149, P.L.2014, c.63, 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 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 and all 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 such 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 such 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 such 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 or not 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 such business are created or retained, or

(2) at which more than 1,000 full-time employees of such 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 such business are created or retained, or

(2) at which more than 1,000 full-time employees of such 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 a 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 a 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 such business are created or retained, or

(2) at which more than 1,000 full-time employees of such 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, 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 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 such 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 sci-

ence-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 tourism 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 10 of P.L.2014, c.63 (C.34:1B-251) is amended to read as follows:

C.34:1B-251 Definitions relative to certain economic development projects.

10. a. For the purposes of this section:

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

"Government entity" means the State government, a local unit of government, or a State or local government agency or authority.

"Providing public infrastructure" means undertaking and paying for the construction of public infrastructure; contributing money or paying debt

service for the construction of public infrastructure; or deeding land to a government entity for use as public infrastructure.

"Public infrastructure" means: (1) buildings and structures, such as schools; fire houses; police stations; recreation centers; public works garages; and water and sewer treatment and pumping facilities; (2) open space with improvements such as athletic fields; playgrounds; planned parks; (3) open space without improvements; and (4) public transportation facilities such as train stations and public parking facilities. To qualify as public infrastructure under this section, the facilities, land, or both, shall have a minimum fair market value of $5 million; provided, however, that multiple lands and facilities, valued individually at less than $5 million, that are part of the same redevelopment project may be aggregated to achieve the minimum $5 million requirement. In the case of open space without improvements, the land shall have a minimum fair market value of at least $1 million prior to its dedication as open space. Sidewalks, streets, roads, ramps, and jug handles shall not be deemed public infrastructure for the purposes of this section.

"Tax credit" means a credit equal to 100 percent of the applicant's cost of providing public infrastructure for use to offset a tax liability.

"Tax liability" means a liability for the taxes imposed pursuant to the "Corporation Business Tax (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), and liability for basic, general, additional, and supplemental realty transfer fees imposed pursuant to P.L.1968, c.49 (C.46:15-5 et seq.), as amended and supplemented.

"Urban transit hub municipality" means an urban transit hub municipality, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243).

b. Commencing with October 24, 2014, the effective date of P.L.2014, c.63 (C.34:1B-251 et al.), and ending on December 31 of the fifth complete year next following, an applicant that has agreed to, or has provided, public infrastructure may apply to the New Jersey Economic Development Authority for a tax credit under the following conditions:

(1) The applicant or another entity by contract or development agreement either makes a new capital investment in an amount equal to or greater than $10,000,000 at any time during the term set forth in this subsection, or causes another entity by contract or development agreement to construct a building, complex of buildings or other similar structures or facilities, which relies on the completed public infrastructure and completes construction during the term set forth in this subsection.

(2) The applicant has not received a tax credit under the "Grow New Jersey Assistance Program" established by section 3 of P.L.2011, c.149 (C.34:1B-244).

(3) The applicant has not received a grant under a 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).

(4) The applicant is not a "Garden State Growth Zone Development Entity," as defined in section 23 of P.L.2013, c.161 (C.52:27D-489r).

(5) The applicant is not partnered with the New Jersey Sports and Exposition Authority for the capital investment pursuant to this section.

c. The New Jersey Economic Development Authority shall grant an application for a tax credit if the government entity receiving the public infrastructure adopts a resolution and files it with the authority, consenting to the award of the tax credit and the ownership of the public infrastructure is transferred to that government entity, and either: (1) the construction commences after January 1, 2013; (2) the construction is completed, as evidenced by a certificate of occupancy or other certificate of completion, after January 1, 2013; (3) the first monetary or debt service payment occurs after January 1, 2013; or (4) the land is deeded to the government entity after January 1, 2013.

d. (1) (a) Except as provided in subparagraph (b) of this paragraph, the total amount of tax credits that may be awarded to an eligible applicant for a single project shall not exceed $5,000,000.

(b) In the case of an applicant engaged in a brownfields redevelopment project comprising park and infrastructure development within an urban transit hub municipality, the total amount of tax credits the authority may award to the applicant shall not exceed $2,000,000 cumulative of all applications submitted under this section by the applicant. As used in this subparagraph, "applicant" means an entity applying for a tax credit pursuant to subsection b. of this section and shall include its subsidiaries, its parent, affiliated entities, and common principal owners.

(c) The total value of all tax credits approved by the authority pursuant to this section shall not exceed $22,000,000.

(2) A tax credit granted pursuant to this section may be transferred in the same manner as tax credits are transferred under section 33 of P.L.2009, c.90 (C.34:1B-209.1).

(3) Except for the limitations set forth in paragraph (1) of this subsection, nothing in this section shall prohibit an applicant from applying for and being awarded multiple tax credit awards based on separate public infrastructure projects.

e. The chief executive of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, may adopt rules and regulations pursuant to the "Administrative Procedure Act,"

P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section.

3. 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 assigns, 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.

"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 ap-

propriate 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 such 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 such structures, improvements or projects or any costs of remediation associated with such 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 Development 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 preceding 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, a 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 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 such 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 "redevelopment 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 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-489l) to account for revenues collected and incentive grants paid pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

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

"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.

"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.

"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 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.

4. 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 such 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 on or 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 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, 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 such incremental revenue, 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 the 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 such incremental revenue, 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 paragraph (2) or this paragraph shall not exceed $603,000,000, 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 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, (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties, and $75,000,000 of 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) $250,000,000 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, and (v) qualified residential projects in SDA municipalities located in Hudson County that were awarded 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, and $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;

(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; and

(d) $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.

(e) 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 such project no later than July 28, 2018. 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 such 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 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 and all information necessary to facilitate grants under this program and remit that information, as may be required from time to time, in order to assist in the calculation of incremental revenue.

5. This act shall take effect immediately, section 1 shall apply to program applications submitted on or after the first July 1 occurring on or after the date of enactment, and section 2 shall be retroactive to October 24, 2014.

Approved January 11, 2016.

CHAPTER 218

AN ACT providing an exemption from payment of municipal parking meter fees to disabled veterans and recipients of the Purple Heart under certain circumstances, and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-207.10 Exemption from payment of parking meter fees for disabled veterans, Purple Heart recipients, certain circumstances.

1. a. A person who is a disabled veteran or a recipient of the Purple Heart is exempt from the payment of municipal parking meter fees when a motor vehicle owned by the disabled veteran or the Purple Heart recipient displays disabled veteran's or Purple Heart license plates or a placard issued by the New Jersey Motor Vehicle Commission pursuant to the provisions of Title 39 of the Revised Statutes, unless the vehicle has been parked in one location for more than 24 hours. The exemption provided under this subsection shall apply only when the disabled veteran or recipient of the Purple Heart to whom the special license plates or placards have been issued is either the driver, or a passenger, of the vehicle.

b. The Chief Administrator of the Motor Vehicle Commission shall promulgate such rules and regulations as may be necessary to effectuate the provisions of subsection a. of this section, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) , and shall include provisions for the issuance of disabled veteran's or Purple Heart recipient's placards.

2. This act shall take effect on the first day of the second month next following enactment.

Approved January 19, 2016.

CHAPTER 219

AN ACT establishing the Office of the Special Education Ombudsman and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:46-2.4 Office of the Special Education Ombudsman.

1. a. There is established in the Department of Education the Office of the Special Education Ombudsman. The purpose of the ombudsman is to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services.

b. The Commissioner of Education shall appoint a Special Education Ombudsman, who shall be qualified by training and experience to perform the duties of the office. The ombudsman shall be a person of recognized judgment, integrity, and objectivity, and shall be skilled in communication, conflict resolution, and professionalism.

c. The ombudsman shall organize and direct the work of the office, including the work of such professional and clerical staff as may be necessary to carry out the ombudsman's duties.

C.18A:46-2.5 Duties.

2. a. The duties of the Special Education Ombudsman shall include, but need not be limited to, the following:

(1) to serve as a source of information for parents, students, educators, and interested members of the public to help them better understand State and federal laws and regulations governing special education;

(2) to provide information and support to parents of students with disabilities in navigating and understanding the process for obtaining special education evaluations and services;

(3) to provide information and communication strategies to parents and school districts for resolving a disagreement regarding the identification, evaluation, classification, placement, provision of a free, appropriate public education, or disciplinary action, of a student with a disability; and to educate parents on the available options for resolving such disputes, including due process hearings, mediation, and other alternative dispute resolution processes;

(4) to work neutrally and objectively with all parties to help ensure that a fair process is followed and that the special education system functions equitably and as intended;

(5) to identify any patterns of complaints that emerge regarding special education rights and services, and to recommend strategies for improvement to the Department of Education;

(6) to assist the Department of Education in creating public information programs designed to acquaint and educate parents and the public about the ombudsman's duties; and

(7) to serve as a resource for disability-related information and referrals to other available programs and services for individuals with disabilities, including early intervention and transition to adult life.

b. The ombudsman shall treat communications received in the course of his duties, including personally identifiable information regarding students, parents, and others from whom information is acquired, as confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not disclose or disseminate the information except as provided by applicable State or federal law.

C.18A:46-2.6 Annual report.

3. The Special Education Ombudsman shall make an annual report to the State Board of Education and the Commissioner of Education, which includes a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the State's implementation of special education procedures and services.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 220

AN ACT concerning safety at public 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-71 Report of criminal and fire events at public institutions of higher education.

1. The president of each public institution of higher education, or his designee, shall report to the governing board of the institution, at each of its regular meetings, all crimes, fires, and other emergencies which occurred on campus during the previous reporting period. The report shall include: a count and classification of all criminal incidents which occurred on campus and which were recorded by campus security and campus or local police departments; a list of campus alerts, threats, or emergencies which occurred on campus; and a count and classification of all fire incidents which occurred on campus and which were recorded by campus security and local fire departments. The report may also include: the status of all investigations of such acts or events, the type and nature of any discipline imposed on any student or employee identified as causing or contributing to an act or event; and any other measures imposed, training conducted, or programs implemented, to reduce the incidence of such acts and events.

For all matters in the report not subject to public inspection, examination, or copying under the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.); any other statute; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; or any federal law, federal regulation, or federal order, such matters shall be reported by the president to the board in an executive session and such reporting shall not render the information a government record available for inspection under the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.); any other statute; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; or any federal law, federal regulation, or federal order.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 221

AN ACT concerning college credit for certain high school students and supplementing chapter 61C 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:61C-14 Findings, declarations relative to college credits for certain high school students.

1. The Legislature finds and declares that:

a. An important way to assure the survival of our republic is to imbue American youth with the ideals and objectives of our government, educate them on the privileges and responsibilities of citizenship, and instill in them a sense of the sacrifices made by the nation's veterans to preserve our nation and way of life;

b. The American Legion Jersey Boys State program, founded in 1935 and active in New Jersey since 1946, and the American Legion Auxiliary Jersey Girls State program, founded in 1947, each strive to develop good citizenship by encouraging the youth of New Jersey to take a more active interest in the operation of State and national government and in the privileges and responsibilities of citizenship;

c. The Jersey Boys State program and the Jersey Girls State program provide a college-level curriculum to a select group of high school juniors, or delegates, who complete an intensive, weeklong governmental leadership program in which delegates create, elect, and administer their own government; and

d. Participation in the Jersey Boys State and Jersey Girls State programs should be encouraged so as to promote a greater understanding of the American system of government and a continued civic participation and commitment to governmental leadership and activism by young people in our State.

C.18A:61C-15 Eligibility to receive college credits.

2. A high school student who participates in the Jersey Boys State or Jersey Girls State program may be eligible to receive, pursuant to section 3 of this act, up to three college credits upon enrollment at a public or independent institution of higher education located in the State for successful completion of the Boys State or Girls State program.

C.18A:61C-16 Awarding of credits.

3. a. A public or independent institution of higher education may award, pursuant to regulations established by the Secretary of Higher Education, up to three credits to a regularly admitted student who successfully completed the Jersey Boys State or Jersey Girls State program.

b. The Secretary of Higher Education shall encourage public and independent institutions of higher education to award credit in accordance with the provisions of subsection a. of this section.

C.18A:61C-17 Construction of act.

4. Nothing in this act shall be construed to require any public or independent institution of higher education to admit a student or to waive its admission standards and application procedures.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 222

AN ACT concerning voter registration and amending R.S.19:31-5.

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

1. R.S.19:31-5 is amended to read as follows:

Persons entitled to register; failure to vote no grounds for removal.

19:31-5. Each person, who is at least 17 years of age at the time he or she applies for registration, who resides in the district in which he or she expects to vote, who will be of the age of 18 years or more on or before the first election in which he or she expects to vote, who is a citizen of the United States, and who, if he or she continues to reside in the district until that election, will at the time have fulfilled all the requirements as to length of residence to qualify him or her as a legal voter, shall, unless otherwise disqualified, be entitled to be registered in such district. Each 17-year-old registrant shall be designated in the Statewide voter registration system as temporarily ineligible to vote until the registrant's 18th birthday.

Whenever an individual registers by mail after January 1, 2003 to vote for the first time in his or her current county of residence, that individual shall provide either the individual's New Jersey driver's license number or the last four digits of the individual's Social Security Number, or shall submit with the voter registration form a copy of: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the individual's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the individual does not provide his or her New Jersey driver's license number or Social Security Number information or submit a copy of

any one of these documents, either at the time of registration or at any time thereafter prior to attempting to vote, the individual shall be asked for identification when voting for the first time starting at the first election held after January 1, 2004 at which candidates are seeking federal office or thereafter. This requirement shall not apply to any individual entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any individual who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This requirement shall also not apply to any individual who registers to vote by appearing in person at any voter registration agency or to any individual whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

Once registered, the registrant shall not be required to register again in such district as long as he or she resides therein, except when required to do so by the commissioner, because of the loss of or some defect in his or her registration record.

The registrant, when registered as provided in this Title, shall be eligible to vote at any election to be held subsequent to such registration, if he or she shall be a citizen of the United States of the age of 18 years and shall have been a resident of the State for at least 30 days and of the county at least 30 days, when the same is held, subject to any change in his qualifications which may later disqualify him. No registrant shall lose the right to vote, and no registrant's name shall be removed from the registry list of the county in which the person is registered, solely on grounds of the person's failure to vote in one or more elections.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 223

AN ACT concerning child support and supplementing chapter 17 of Title 2A of the New Jersey Statutes.

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

C.2A:17-56.67 Termination of obligation to pay child support.

1. a. Unless otherwise provided in a court order or judgment, the obligation to pay child support shall terminate by operation of law without order by the court on the date that a child marries, dies, or enters the military service. In addition, a child support obligation shall terminate by operation of law without order by the court when a child reaches 19 years of age unless:

(1) another age for the termination of the obligation to pay child support, which shall not extend beyond the date the child reaches 23 years of age, is specified in a court order;

(2) a written request seeking the continuation of child support is submitted to the court by a custodial parent prior to the child reaching the age of 19 in accordance with subsection b. of this section; or

(3) the child receiving support is in an out-of-home placement through the Division of Child Protection and Permanency in the Department of Children and Families.

b. (1) In response to a notice of proposed termination of child support issued in accordance with subsection d. of this section, a custodial parent may submit a written request, on a form and within timeframes promulgated by the Administrative Office of the Courts, with supporting documentation to the court, including a projected future date when support will terminate, seeking the continuation of child support beyond the date the child reaches 19 years of age in the following circumstances:

(a) the child is still enrolled in high school or other secondary educational program;

(b) the child is a student in a post-secondary education program and is enrolled for the number of hours or courses the school considers to be full-time attendance during some part of each of any five calendar months of the year; or

(c) the child has a physical or mental disability, as determined by a federal or State government agency, that existed prior to the child reaching the age of 19 and requires continued child support.

(2) A custodial parent may file a motion with the court seeking to extend the obligation to pay child support beyond the date the child reaches 19 years of age due to exceptional circumstances as may be approved by the court.

c. If the court finds that the request form and supporting documentation submitted by the custodial parent establish sufficient proof to continue the child support beyond the date a child reaches 19 years of age pursuant

to paragraph (1) of subsection b. of this section, the child support obligation shall not be terminated by operation of law when the child reaches the age of 19, and the court shall issue an order establishing the prospective date of child support termination. A copy of the court order shall be provided to both parents of the child. A parent responsible for paying child support who disagrees with the court's decision to continue child support beyond the date the child reaches 19 years of age or who otherwise desires to modify or terminate the child support obligation may, at any time, file a motion with the court seeking relief from that obligation.

d. For child support orders that are administered by the Probation Division of the Superior Court, the Probation Division and the State IV-D agency shall cooperatively provide both parents with at least two written notices of a proposed termination of child support, which shall include information and the request form to facilitate the continuation of child support beyond the date the child reaches 19 years of age. The first notice shall be sent at least 180 days prior to the proposed termination date, and the second notice shall be sent at least 90 days prior to the proposed termination date. The second notice shall not be required whenever a custodial parent's request for continuation is pending or a new date of child support termination has been established. To the extent feasible, the Probation Division and the State IV-D agency shall cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means. In addition, all orders and judgments that include a child support obligation entered after the effective date of P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall contain information regarding the termination of child support obligations as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

e. Notwithstanding the provisions of this section, the obligation to pay child support shall terminate by operation of law when a child reaches 23 years of age. The Probation Division and the State IV-D agency shall cooperatively provide both parents with a written notice of termination at least 90 days prior to the termination date and, to the extent feasible, the Probation Division and the State IV-D agency shall cooperatively provide additional notice to the parents by text message, telephone message, or other electronic means. Nothing in this section shall be construed to:

(1) prevent a child who is beyond 23 years of age from seeking a court order requiring the payment of other forms of financial maintenance or reimbursement from a parent as authorized by law to the extent that such financial maintenance or reimbursement is not payable or enforceable as child support as defined in section 3 of P.L.1998, c.1 (C.2A:17-56.52); or

(2) prevent the court, upon application of a parent or child, from converting, due to exceptional circumstances including, but not limited to, a mental or physical disability, a child support obligation to another form of financial maintenance for a child who has reached the age of 23.

C.2A:17-56.68 Child support order to remain in effect for other children; adjustment.

2. a. Whenever there is an unallocated child support order for two or more children and the obligation to pay child support for one of the children is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), the amount of the child support obligation in effect immediately prior to the date of the termination shall remain in effect for the other children. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children. For the purposes of this section, "unallocated" means a child support amount for the benefit of multiple children that does not specify the amount of child support for each child.

b. Whenever there is an allocated child support order for two or more children and the obligation to pay child support for one of the children is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), the amount of the child support obligation shall be adjusted to reflect only the amount allotted for the remaining child or children. Either party may file an application with the court to adjust the remaining child support amount to reflect the reduction in the number of dependent children. For the purposes of this section, "allocated" means a child support amount for the benefit of multiple children that specifies the amount of support for each child as ordered by the court.

C.2A:17-56.69 Arrearages due and enforceable.

3. If a child support obligation is terminated by operation of law pursuant to section 1 of P.L.2015, c.223 (C.2A:17-56.67), any arrearages that have accrued prior to the date of the termination shall remain due and enforceable. If the person responsible for paying child support for a child owes child support arrearages at the time a child support obligation is terminated and there are no other children being supported under the same order, the amount to be paid to satisfy the arrearage shall be the sum of the recurring child support obligation in effect immediately prior to the effective date of the termination plus any arrears repayment obligation in effect immediately prior to the effective date of the termination, unless otherwise ordered by the court.

For child support orders that are being administered by the Probation Division of the Superior Court, the Probation Division shall continue to enforce and collect the arrearages until they are paid in full or the court, in accordance with State and federal law and regulations and the Rules of Court, as applicable, terminates the Probation Division's supervision of the support order.

C.2A:17-56.70 Inapplicability of act relative to provisions of foreign jurisdictions.

4. The provisions of P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall not apply to child support provisions contained in orders or judgments entered by a foreign jurisdiction and registered in New Jersey for modification or enforcement pursuant to the "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 et seq.) or any succeeding law that is substantially similar, or a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1952, c.197 (C.2A:4-30.1 et seq.) but subsequently repealed, or the "Revised Uniform Reciprocal Enforcement of Support Act," originally adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.) but also subsequently repealed.

C.2A:17-56.71 Inapplicability of act.

5. Nothing in P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall:

a. require or relieve a parent from paying support or other costs while a child is enrolled full-time in a post-secondary education program;

b. prohibit the State IV-D agency or the Probation Division of the Superior Court from seeking to close a Title IV-D case or terminate its supervision of a child support order in accordance with procedures as provided under State or federal law and regulations or the Rules of Court;

c. prohibit any party from filing an application with the court seeking the termination of an order to pay child support for any cause other than those provided under P.L.2015, c.223 (C.2A:17-56.67 et seq.); or

d. prohibit the parties from consenting to a specific termination date for child support that does not exceed the date a child reaches 23 years of age, or to any other financial arrangements for a child that are not designated as child support, subject to the approval of the court.

C.2A:17-56.72 Construction of act.

6. Nothing in P.L.2015, c.223 (C.2A:17-56.67 et seq.) shall be construed to prevent a parent who is responsible for paying child support from petitioning the court for the termination of child support for good cause prior to the child reaching 19 years of age, or from petitioning the court to contest the extension of child support for a child beyond the date the child reaches 19 years of age, as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

C.2A:17-56.73 Preparation, availability of information.

7. The Administrative Office of the Courts and the State IV-D agency shall cooperatively prepare and make available to the public information regarding the termination of child support obligations pursuant to P.L.2015, c.223 (C.2A:17-56.67 et seq.), including but not limited to: how parents may establish an alternative termination age or event; how support may be extended beyond the age of 19 under certain circumstances; and how parents may contest the continuation or termination of support as provided in P.L.2015, c.223 (C.2A:17-56.67 et seq.).

C.2A:17-56.74 Rules of Court.

8. The Supreme Court may adopt Rules of Court appropriate or necessary to effectuate the purposes of this act.

C.2A:17-56.75 Rules, regulations.

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

10. This act shall take effect on the first day of the 13th month after enactment and shall be applicable to all child support orders issued prior to, on, or after the effective date. The Department of Human Services and the Administrative Office of the Courts shall cooperate to take any appropriate anticipatory administrative action, including action concerning the notice requirements of subsection d. of section 1 of P.L.2015, c.223 (C.2A:17-56.67), in advance of the effective date as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 224

AN ACT concerning the licensure and scope of practice of physician assistants, amending and supplementing P.L.1991, c.378, amending P.L.1983, c.308 and P.L.1988, c.125, 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 2 of P.L.1991, c.378 (C.45:9-27.11) is amended to read as follows:

C.45:9-27.11 Definitions.

2. As used in this act:

"Accredited program" means an education program for physician assistants which is accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agency.

"Board" means the State Board of Medical Examiners created pursuant to R.S.45:9-1.

"Committee" means the Physician Assistant Advisory Committee established pursuant to section 11 of P.L.1991, c.378 (C.45:9-27.20).

"Director" means the Director of the Division of Consumer Affairs.

"Health care facility" means a health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

"Institution" means any of the charitable, hospital, relief and training institutions, noninstitutional agencies, and correctional institutions enumerated in R.S.30:1-7.

"Physician assistant" means a health professional who meets the qualifications under P.L.1991, c.378 (C.45:9-27.10 et seq.) and holds a current, valid license issued pursuant to section 4 of P.L.1991, c.378 (C.45:9-27.13).

"Physician" means a person licensed to practice medicine and surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.

"Veterans' home" means the New Jersey Veterans' Memorial Home – Menlo Park, the New Jersey Veterans' Memorial Home – Vineland, and the New Jersey Veterans' Memorial Home – Paramus.

2. Section 4 of P.L.1991, c.378 (C.45:9-27.13) is amended to read as follows:

C.45:9-27.13 License requirements.

4. a. The board shall issue a license as a physician assistant to an applicant who has fulfilled the following requirements:

(1) Is at least 18 years of age;

(2) Is of good moral character;

(3) Has successfully completed an accredited program; and

(4) Has passed the national certifying examination administered by the National Commission on Certification of Physician Assistants, or its successor.

b. In addition to the requirements of subsection a. of this section, an applicant for renewal of a license as a physician assistant shall:

(1) Execute and submit a sworn statement made on a form provided by the board that neither the license for which renewal is sought nor any similar license or other authority issued by another jurisdiction has been revoked or suspended; and

(2) Present satisfactory evidence that any continuing education requirements have been completed as required by P.L.1991, c.378 (C.45:9-27.10 et seq.).

c. The board, in consultation with the committee, may accept, in lieu of the requirements of subsection a. of this section, proof that an applicant for licensure holds a current license in a state which has standards substantially equivalent to those of this State.

d. (Deleted by amendment, P.L.2015, c.224)

e. A physician assistant who notifies the board in writing on forms prescribed by the board may elect to place the physician assistant's license on inactive status. A physician assistant with an inactive license shall not be subject to the payment of renewal fees and shall not practice as a physician assistant. A licensee who engages in practice while the physician assistant's license is lapsed or on inactive status shall be deemed to have engaged in professional misconduct in violation of subsection e. of section 8 of P.L.1978, c.73 (C.45:1-21) and shall be subject to disciplinary action by the committee pursuant to P.L.1978, c.73 (C.45:1-14 et seq.). A physician assistant requesting restoration from an inactive status shall be required to pay the current renewal fee and shall be required to meet the criteria for renewal as specified by the board.

3. Section 6 of P.L.1991, c.378 (C.45:9-27.15) is amended to read as follows:

C.45:9-27.15 Practice of physician assistant.

6. a. A physician assistant may practice in all medical care settings, including, but not limited to, a physician's office, a health care facility, an institution, a veterans' home, or a private home, provided that:

(1) the physician assistant performs medical services within the physician assistant's education, training, and experience under the supervision of a physician pursuant to section 9 of P.L.1991, c.378 (C.45:9-27.18);

(2) the practice of the physician assistant is limited to those procedures enumerated under section 7 of P.L.1991, c.378 (C.45:9-27.16), and any other procedures that are delegated to the physician assistant by the supervising physician, as authorized under subsection d. of section 7 of P.L.1991, c.378 (C.45:9-27.16);

(3) (Deleted by amendment, P.L.2015, c.224)

(4) the supervising physician or physician assistant advises the patient at the time that services are rendered that they are to be performed by the physician assistant;

(5) the physician assistant conspicuously wears an identification tag using the term "physician assistant" or the designation, "PA-C" or "PA" whenever acting in that capacity; and

(6) any entry by a physician assistant in a clinical record is appropriately signed and followed by the designation, "PA-C" or "PA."

b. Any physician assistant who practices in violation of any of the conditions specified in subsection a. of this section shall be deemed to have engaged in professional misconduct in violation of subsection e. of section 8 of P.L.1978, c.73 (C.45:1-21).

4. Section 7 of P.L.1991, c.378 (C.45:9-27.16) is amended to read as follows:

C.45:9-27.16 Allowable procedures.

7. a. A physician assistant may perform the following procedures:

(1) Approaching a patient to elicit a detailed and accurate history, perform an appropriate physical examination, identify problems, record information, and interpret and present information to the supervising physician;

(2) Suturing and caring for wounds including removing sutures and clips and changing dressings, except for facial wounds, traumatic wounds requiring suturing in layers, and infected wounds;

(3) Providing patient counseling services and patient education consistent with directions of the supervising physician;

(4) Assisting a physician in an inpatient setting by conducting patient rounds, recording patient progress notes, determining and implementing therapeutic plans jointly with the supervising physician, and compiling and recording pertinent narrative case summaries;

(5) Assisting a physician in the delivery of services to patients requiring continuing care in a private home, nursing home, extended care facility, or other setting, including the review and monitoring of treatment and therapy plans; and

(6) Referring patients to, and promoting their awareness of, health care facilities and other appropriate agencies and resources in the community.

(7) (Deleted by amendment, P.L.2015, c.224)

b. A physician assistant may perform the following procedures only when directed, ordered, or prescribed by the supervising physician, or when

performance of the procedure is delegated to the physician assistant by the supervising physician as authorized under subsection d. of this section:

(1) Performing non-invasive laboratory procedures and related studies or assisting duly licensed personnel in the performance of invasive laboratory procedures and related studies;

(2) Giving injections, administering medications, and requesting diagnostic studies;

(3) Suturing and caring for facial wounds, traumatic wounds requiring suturing in layers, and infected wounds;

(4) Writing prescriptions or ordering medications in an inpatient or outpatient setting in accordance with section 10 of P.L.1991, c.378 (C.45:9-27.19); and

(5) Prescribing the use of patient restraints.

c. A physician assistant may assist a supervising surgeon in the operating room when a qualified assistant physician is not required by the board and a second assistant is deemed necessary by the supervising surgeon.

d. A physician assistant may perform medical services beyond those explicitly authorized in this section, when such services are delegated by a supervising physician with whom the physician assistant has signed a delegation agreement pursuant to section 8 of P.L.1991, c.378 (C.45:9-27.17). The procedures delegated to a physician assistant shall be limited to those customary to the supervising physician's specialty and within the supervising physician's and the physician assistant's competence and training.

e. Notwithstanding subsection d. of this section, a physician assistant shall not be authorized to measure the powers or range of human vision, determine the accommodation and refractive states of the human eye, or fit, prescribe, or adapt lenses, prisms, or frames for the aid thereof. Nothing in this subsection shall be construed to prohibit a physician assistant from performing a routine visual screening.

5. Section 8 of P.L.1991, c.378 (C.45:9-27.17) is amended to read as follows:

C.45:9-27.17 Physician's responsibility for assistant.

8. a. (Deleted by amendment, P.L.2015, c.224)

b. Any physician who permits a physician assistant under the physician's supervision to practice contrary to the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.) shall be deemed to have engaged in professional misconduct in violation of subsection e. of section 8 of P.L.1978, c.73

(C.45:1-21) and shall be subject to disciplinary action by the board pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);

c. In the performance of all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services, a physician assistant shall be conclusively presumed to be the agent of the physician under whose supervision the physician assistant is practicing.

d. A physician who supervises a physician assistant may maintain a written delegation agreement with the physician assistant. A physician assistant shall sign a separate written agreement with each physician who delegates medical services in accordance with the provisions of subsection d. of section 7 of P.L.1991, c.378 (C.45:9-27.16). However, a written delegation agreement may be executed by a single-specialty physician practice, provided it is signed by all of the delegating physicians supervising the physician assistant. In the case of a multi-specialty physician practice, a written delegation agreement may be executed for each physician specialty within the practice, provided it is signed by all of the delegating physicians supervising the physician assistant in that specialty area. Nothing in this section shall authorize the execution of a global written delegation agreement between a physician assistant and a multi-specialty physician practice. The agreement shall:

(1) state that the physician will exercise supervision over the physician assistant in accordance with the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.) and any rules adopted by the board;

(2) be signed and dated annually by the physician and the physician assistant, and updated as necessary to reflect any changes in the practice or the physician assistant's role in the practice; and

(3) be kept on file at the practice site, be provided to the Physician Assistant Advisory Committee, and be kept on file by the committee.

e. The delegation agreement shall include, but need not be limited to, the following provisions:

(1) The physician assistant's role in the practice, including any specific aspects of care that require prior consultation with the supervising physician;

(2) A determination of whether the supervising physician requires personal review of all charts and records of patients and countersignature by the supervising physician of all medical services performed under the delegation agreement, including prescribing and administering medication as authorized under section 10 of P.L.1991, c.378 (C.45:9-27.19). This provision shall state the specified time period in which a review and countersig-

nature shall be completed by the supervising physician. If no review and countersignature is necessary, the agreement must specifically state such provision; and

(3) The locations of practice where the physician assistant may practice under the delegation agreement, including licensed facilities in which the physician authorizes the physician assistant to provide medical services.

6. Section 9 of P.L.1991, c.378 (C.45:9-27.18) is amended to read as follows:

C.45:9-27.18 Supervision.

9. a. A physician assistant shall be under the supervision of a physician at all times during which the physician assistant is working in an official capacity.

b. Supervision of a physician assistant shall be continuous but shall not be construed as necessarily requiring the physical presence of the supervising physician, provided that the supervising physician and physician assistant maintain contact through electronic, or other means of, communication.

(1) (Deleted by amendment, P.L.2015, c.224)
(2) (Deleted by amendment, P.L.2015, c.224)
(3) (Deleted by amendment, P.L.2015, c.224)
c. (Deleted by amendment, P.L.2015, c.224)
(1) (Deleted by amendment, P.L.2015, c.224)
(2) (Deleted by amendment, P.L.2015, c.224)
(3) (Deleted by amendment, P.L.2015, c.224)
d. (Deleted by amendment, P.L.2015, c.224)
(1) (Deleted by amendment, P.L.2015, c.224)
(2) (Deleted by amendment, P.L.2015, c.224)
(3) (Deleted by amendment, P.L.2015, c.224)

e. It is the obligation of each supervising physician and physician assistant to ensure that: (1) the physician assistant's scope of practice is identified; (2) delegation of medical tasks is appropriate to the physician assistant's level of competence; (3) the relationship of, and access to, the supervising physician is defined; and (4) a process for evaluation of the physician assistant's performance is established.

7. Section 10 of P.L.1991, c.378 (C.45:9-27.19) is amended to read as follows:

C.45:9-27.19 Dispensing of medication.

10. A physician assistant may order, prescribe, dispense, and administer medications and medical devices to the extent delegated by a supervising physician.

a. Controlled dangerous substances may only be ordered or prescribed if:

(1) a supervising physician has authorized a physician assistant to order or prescribe Schedule II, III, IV, or V controlled dangerous substances in order to:

(a) continue or reissue an order or prescription for a controlled dangerous substance issued by the supervising physician;

(b) otherwise adjust the dosage of an order or prescription for a controlled dangerous substance originally ordered or prescribed by the supervising physician, provided there is prior consultation with the supervising physician;

(c) initiate an order or prescription for a controlled dangerous substance for a patient, provided there is prior consultation with the supervising physician if the order or prescription is not pursuant to subparagraph (d) of this paragraph; or

(d) initiate an order or prescription for a controlled dangerous substance as part of a treatment plan for a patient with a terminal illness, which for the purposes of this subparagraph means a medical condition that results in a patient's life expectancy being 12 months or less as determined by the supervising physician;

(2) the physician assistant has registered with, and obtained authorization to order or prescribe controlled dangerous substances from, the federal Drug Enforcement Administration and any other appropriate State and federal agencies; and

(3) the physician assistant complies with all requirements which the board shall establish by regulation for the ordering, prescription, or administration of controlled dangerous substances, all applicable educational program requirements, and continuing professional education programs approved pursuant to section 16 of P.L.1991, c.378 (C.45:9-27.25).

b. (Deleted by amendment, P.L.2015, c.224)

c. (Deleted by amendment, P.L.2015, c.224)

d. In the case of an order or prescription for a controlled dangerous substance, the physician assistant shall print on the order or prescription the physician assistant's Drug Enforcement Administration registration number.

e. The dispensing of medication or a medical device by a physician assistant shall comply with relevant federal and State regulations, and shall occur only if: (1) pharmacy services are not reasonably available; (2) it is

in the best interest of the patient; or (3) the physician assistant is rendering emergency medical assistance.

f. A physician assistant may request, receive, and sign for prescription drug samples and may distribute those samples to patients.

8. Section 12 of P.L.1991, c.378 (C.45:9-27.21) is amended to read as follows:

C.45:9-27.21 Election of officers; meetings.

12. The committee shall annually elect from among its members a president and vice-president. The committee shall meet six times a year and may hold additional meetings as necessary to discharge its duties. In addition to such meetings, the committee shall meet at the call of the president, the board, or the Attorney General.

9. Section 14 of P.L.1991, c.378 (C.45:9-27.23) is amended to read as follows:

C.45:9-27.23 Powers, duties.

14. a. The committee may have the following powers and duties, as delegated by the board:

(1) to evaluate and pass upon the qualifications of candidates for licensure;

(2) to take disciplinary action, in accordance with P.L.1978, c.73 (C.45:1-14 et seq.), against a physician assistant who violates any provision of this act; and

(3) (Deleted by amendment, P.L.2015, c.224)

(4) subject to the requirements of section 16 of P.L.1991, c.378 (C.45:9-27.25), to adopt standards for and approve continuing education programs.

b. In addition to the powers and duties specified in subsection a. of this section, the committee may make recommendations to the board regarding any subjects pertinent to this act or to the practice of physician assistants.

10. Section 17 of P.L.1991, c.378 (C.45:9-27.26) is amended to read as follows:

C.45:9-27.26 Powers, duties of board.

17. In consultation with the committee, the board shall, in addition to such other powers and duties as it may possess by law:

a. Administer and enforce the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.);

b. Adopt and promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of P.L.1991, c.378 (C.45:9-27.10 et seq.);

c. Establish professional standards for persons licensed under P.L.1991, c.378 (C.45:9-27.10 et seq.);

d. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers, or records;

e. Conduct proceedings before any board, agency, or court of competent jurisdiction for the enforcement of the provisions of P.L.1991, c.378 (C.45:9-27.10 et seq.);

f. Evaluate and pass upon the qualifications of candidates for licensure;

g. (Deleted by amendment, P.L.2015, c.224)

h. (Deleted by amendment, P.L.2015, c.224)

i. Subject to the requirements of section 16 of P.L.1991, c.378 (C.45:9-27.25), establish standards for and approve continuing education programs; and

j. Have the enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14 et seq.).

C.45:9-27.13a Medical malpractice liability insurance, letter of credit required.

11. a. A physician assistant who engages in clinical practice in this State is required to be covered by medical malpractice liability insurance, or if such liability coverage is not available, by a letter of credit. The board shall establish by regulation the minimum amount for medical malpractice liability insurance coverage or lines of credit.

b. The physician assistant shall include, on the physician assistant's license renewal form, the name and address of the insurance carrier or the institution issuing the letter of credit to the physician assistant.

c. A physician assistant who is in violation of this section is subject to disciplinary action and civil penalties pursuant to sections 8, 9, and 12 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

d. The board shall notify all licensed physician assistants of the requirements of this section within 30 days of the date of enactment of P.L.2015, c.224 (C.45:9-27.13a et al.).

C.45:9-27.18a Response to emergencies; immunity from civil damages.

12. a. A physician assistant licensed in this State, or licensed or authorized to practice in any other jurisdiction of the United States or credentialed as a physician assistant by a federal employer, who is responding to a need for medical care created by an emergency or a State or local disaster, excluding an emergency situation that occurs in the place of the physician assistant's employment, may render such care as the physician assistant is able to provide without supervision, or with such supervision as is available.

b. A physician who supervises a physician assistant providing medical care in response to an emergency or a State or local disaster shall not be required to meet the requirements set forth for a supervising physician in P.L.1991, c.378 (C.45:9-27.10 et seq.).

c. (1) A physician assistant licensed in this State, or licensed or authorized to practice in any other jurisdiction of the United States, who voluntarily and gratuitously, and other than in the ordinary course of employment or practice, renders emergency medical assistance, shall not be liable for civil damages for any personal injury that results from an act or omission by the physician assistant in rendering emergency care that may constitute ordinary negligence.

(2) A physician who supervises a physician assistant voluntarily and gratuitously providing emergency care as described in this subsection shall not be liable for civil damages for any personal injury that results from an act or omission by the physician assistant rendering emergency care.

d. The immunity granted under subsection c. of this section shall not apply to an act or omission constituting gross, willful, or wanton negligence or when the medical assistance is rendered at a hospital, physician's office, or other health care delivery entity where those services are normally rendered.

13. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read as follows:

C.26:6-8.1 Determination, pronouncement of death.

4. a. Where there has been an apparent death that is not governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-4), a registered professional nurse licensed by the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) or a physician assistant licensed pursuant to P.L.1991, c.378 (C.45:9-27.10 et seq.) may make the actual determination and pronouncement of death and shall attest to this pronouncement by: signing in the space designated for this signature on the certificate of death under R.S.26:6-7; or, for the purposes of the NJ-EDRS, transmitting orally

or in writing a report of the pronouncement to the attending, covering, or resident physician, or the county medical examiner.

b. (Deleted by amendment, P.L.2006, c.86).

14. Section 1 of P.L.1988, c.125 (C.26:6-8.2) is amended to read as follows:

C.26:6-8.2 Notification.

1. If the attending physician, registered professional nurse, physician assistant, or State or county medical examiner who makes the actual determination and pronouncement of death determines or has knowledge that the deceased person was infected with human immunodeficiency virus (HIV) or hepatitis B virus or that the deceased person suffered from acquired immune deficiency syndrome (AIDS), AIDS related complex (ARC), or any of the contagious, infectious, or communicable diseases as shall be determined by the Commissioner of the Department of Health, the attending physician, registered professional nurse, physician assistant, or State or county medical examiner shall immediately place with the remains written notification of the condition and shall provide written notification of the condition to the funeral director who is responsible for the handling and the disposition of the body.

Repealer.

15. The following sections are repealed:
Section 5 of P.L.1991, c.378 (C.45:9-27.14);
Section 15 of P.L.1991, c.378 (C.45:9-27.24); and
Section 3 of P.L.1993, c.337 (C.45:9-27.19a).

16. This act shall take effect on the first day of the seventh month next following the date of enactment, but the State Board of Medical Examiners and the Physician Assistant Advisory Committee may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 225

AN ACT concerning the recording of mortgages, amending P.L.1975, c.137 and P.L.1999, c.40, and supplementing chapter 18 of Title 46 of the Revised Statutes.

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

C.46:18-13 Action to foreclose.

1. a. Only the established holder of a mortgage shall take action to foreclose a mortgage.

b. A person, or entity, is the "established holder of a mortgage" if that person, or entity, is:

(1) the record holder of the mortgage as established by the latest record of assignment or by the original mortgage recording in the records of the county clerk or the register of deeds and mortgages, as appropriate to the county in which the mortgaged property is located, or

(2) found to be the holder of the mortgage in a civil action joining as defendants the record holder of the mortgage, the mortgagor, and any other person known to have an interest in the mortgage.

c. The provisions of this section shall not abridge, impair, invalidate, or supersede any other rights, under law, of any person known to have an interest in a mortgage.

2. Section 2 of P.L.1975, c.137 (C.46:18-11.3) is amended to read as follows:

C.46:18-11.3 Penalty.

2. a. (1) If the mortgagee fails to comply with the applicable provisions of subsection a. or b. of section 1 of P.L.1975, c.137 (C.46:18-11.2), the mortgagor or the mortgagor's agent may serve the mortgagee with written notice of the noncompliance, which notice shall identify the mortgage and the date and means of its redemption, payment and satisfaction. If the mortgagee has not complied within 15 business days after receipt of the written notice from the mortgagor or mortgagor's agent pursuant to this paragraph (1), the mortgagee shall be subject to a fine of $50 per day for each day after the 15-day period until compliance, except that the total fine imposed pursuant to this paragraph (1) shall not exceed $1,000.

(2) If the mortgagee fails to comply with the applicable provisions of section 1 of P.L.1975, c.137 (C.46:18-11.2), the purchaser or the purchaser's agent may serve the mortgagee with written notice of the noncompliance, which notice shall identify the mortgage and the date and means of its redemption, payment and satisfaction. If the mortgagee has not complied within 15 business days after receipt of the written notice from the purchaser or purchaser's agent pursuant to this paragraph (2), the mortgagee shall be subject to a fine of $50 per day for each day after the 15-day period until

compliance, except that the total fine imposed pursuant to this paragraph (2) shall not exceed $1,000.

b. Of each fine collected pursuant to subsection a. of this section, 100% shall be payable to the private citizen instituting the action. The fine may be collected by summary proceedings instituted by a private citizen or the Attorney General in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. (1) If a mortgagee has not applied to the county recording officer to cancel the mortgage of record pursuant to subsection a. or b. of section 1 of P.L.1975, c.137 (C.46:18-11.2), within the 15 business day period provided by paragraph (1) of subsection a. of this section, the mortgagee shall be liable to the mortgagor for the greater of the mortgagor's actual damages or the sum of $1,000, less any fines recovered by the mortgagor pursuant to paragraph (1) of subsection a. and paragraph (1) of subsection b. of this section. In any successful action to recover damages pursuant to this paragraph (1), the mortgagee shall reimburse the mortgagor for the costs of the action including the mortgagor's reasonable attorneys' fees.

(2) If a mortgagee has not applied to the county recording officer to cancel the mortgage of record pursuant to subsection a. or b. of section 1 of P.L.1975, c.137 (C.46:18-11.2), within the 15 business day period provided by paragraph (2) of subsection a. of this section, the mortgagee shall be liable to the purchaser for the greater of the purchaser's actual damages or the sum of $1,000, less any fines recovered by the purchaser pursuant to paragraph (2) of subsection a. and paragraph (2) of subsection b. of this section. In any successful action to recover damages pursuant to this paragraph (2), the mortgagee shall reimburse the purchaser for the costs of the action including the purchaser's reasonable attorneys' fees.

3. Section 3 of P.L.1975, c.137 (C.46:18-11.4) is amended to read as follows:

C.46:18-11.4 Failure to comply; liability.

3. Any mortgagee who fails to comply with section 1 of P.L.1975, c.137 (C.46:18-11.2) shall be liable to the mortgagor, or his heirs, successors or assigns who have an interest in the mortgaged premises for the cost of any legal action to have the mortgage canceled of record, including reasonable attorneys' fees, but no attorneys' fees shall be allowed unless 20 days written notice is given to the mortgagee prior to institution of suit.

4. Section 1 of P.L.1999, c.40 (C.46:18-11.5) is amended to read as follows:

C.46:18-11.5 Definitions relative to mortgage cancellations.

1. As used in this act:

"Mortgage" means a residential mortgage, security interest or the like, in which the security is a residential property such as a house, real property or condominium, which is occupied, or is to be occupied, by the debtor, who is a natural person, or a member of the debtor's immediate family, as that person's residence. The provisions of sections 2 and 3 of P.L.1999, c.40 (C.46:18-11.6 and C.46:18-11.7) shall apply to all residential mortgages wherever made, which have as their security a residence in the State of New Jersey, provided that the real property which is the subject of the mortgage shall not have more than four dwelling units, one of which shall be, or is planned to be, occupied by the debtor or a member of the debtor's immediate family as the debtor's or family member's residence at the time the loan is originated.

"Pay-off letter" means a written document prepared by the holder or servicer of the mortgage being paid, which is dated not more than 60 days prior to the date the mortgage is paid, and which contains a statement of all the sums due to satisfy the mortgage debt, including, but not limited to, interest accrued to the date the statement is prepared and a means of calculating per diem interest accruing thereafter.

"Mortgagee" means the holder of the mortgage reflected in the latest record filed with the county recording office. If the entity that is recorded as the holder of the mortgage is no longer in existence, "mortgagee" shall mean the entity that was authorized to receive the latest payment on the mortgage.

5. This act shall take effect on the 30th day next following enactment.

Approved January 19, 2016.

CHAPTER 226

AN ACT concerning certain information regarding law enforcement officers and supplementing Title 2C of the New Jersey Statutes and Titles 47 and 56 of the Revised Statutes.

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

C.2C:20-31.1 Posting of certain information relative to law enforcement officers on the Internet; degree of crime.

1. A person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post or publish on the Internet the home address or unpublished home telephone number of any retired law enforcement officer, law enforcement officer or spouse or child of a law enforcement officer. A reckless violation of this section is a crime of the fourth degree. A purposeful violation of this section is a crime of the third degree.

C.47:1-17 Publishing certain information by governmental agency prohibited.

2. A State or local governmental agency shall not knowingly post or publish on the Internet the home address or unpublished home telephone number of any retired law enforcement officer or law enforcement officer without first obtaining the written permission of that law enforcement officer or retired law enforcement officer.

C.56:8-166.1 Person, business, association prohibited from publishing certain information on the Internet.

3. a. A person, business, or association shall not disclose on the Internet the home address or unpublished home telephone number of a law enforcement officer or retired law enforcement officer under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

b. A person, business, or association that violates subsection a. of this section shall be liable to the law enforcement officer, retired law enforcement officer, or any other person residing at the home address of the law enforcement officer or retired law enforcement officer, who may bring a civil action in the Superior Court.

c. The court may award:

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

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

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

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

d. For the purposes of this section, "disclose" shall mean to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise or offer.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 227

AN ACT directing the Department of Transportation to establish a roadside memorial program honoring fallen police officers, sheriff's officers, EMS workers, and firefighters, designated as "Patrolman Joseph Wargo's Law," and supplementing Title 27 of the Revised Statutes.

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

C.27:5-29 Memorial sign program.

1. a. The Department of Transportation shall establish, consistent with federal law, a fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program that shall honor those who lost their lives in the line of duty. The program shall include a process allowing a municipal or law enforcement official or the next of kin of a police officer, sheriff's officer, EMS worker, or firefighter to apply to the department to sponsor a sign memorializing the police officer, sheriff's officer, EMS worker, or firefighter.

b. The applicant shall complete a fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program application furnished by the department. The applicant shall include with the application the following information:

(1) The name and title of the individual who was fatally injured as it should appear on the memorial;

(2) The date of the fatality;

(3) The location of the fatality;

(4) An affidavit by the applicant that the individual to be memorialized was a fallen police officer, sheriff's officer, EMS worker, or firefighter who died in the line of duty;

(5) Any police reports or other legal documentation related to the fatality available to the applicant at the time of the application;

(6) The requested location of the proposed memorial sign;

(7) Any other information the Commissioner of Transportation may deem reasonably necessary to include with the application.

c. The department shall, within 180 days of receipt of a properly completed application submitted pursuant to the provisions of subsection b. of this section, make an inspection of the location of the proposed memorial site and send a written decision to the applicant as to whether a sign may be installed at the location of the proposed memorial site in compliance with P.L.2015, c.227 (C.27:5-29 et seq.).

d. The department may charge an application fee to cover necessary costs associated with the department's administration of the fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program established pursuant to this section.

C.27:5-30 Installation of sign.

2. a. Within 90 days of reaching an agreement, pursuant to section 3 of P.L.2015, c.227 (C.27:5-31), for payment of the costs to have installed a memorial sign honoring a fallen police officer, sheriff's officer, EMS worker, or firefighter, the department shall install a sign, designed and fabricated by the department, which sign shall be consistent with applicable federal regulations and installed in the department-maintained, State-owned right-of-way, at cost to the applicant, at the location agreed upon by the department and the applicant and facing the oncoming traffic, without obstructing the visibility of an existing traffic sign.

b. Signs installed pursuant to subsection a. of this section shall not be placed on on-ramps or off-ramps, in close proximity to highway exits, in any other location where installation would, in the department's determination, be hazardous or a distraction to motorists, or in a location that conflicts with applicable federal or State laws.

c. The department shall retain the authority to remove any signs where removal is necessary to ensure traffic safety and safety of department personnel, notwithstanding that the signs were installed with department approval.

d. The department shall administer the program in compliance with all applicable federal laws or regulations, including, but not limited to, any restrictions related to the State's receipt of transportation funding under any federally administered program.

C.27:5-31 Funding for signs.

3. No State or other public funds shall be used for producing, purchasing, or erecting memorial signs pursuant to P.L.2015, c.227 (C.27:5-29 et seq.). 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 administrative and other costs associated with inspecting the proposed memorial site and producing, purchasing, and erecting memorial signs pursuant to section 1 of P.L.2015, c.227 (C.27:5-29) and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational or charitable entities or institutions. No work shall proceed and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the memorial signs.

C.27:5-32 Rules, regulations.

4. The Commissioner of Transportation shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be necessary to effectuate the purposes of P.L.2015, c.227 (C.27:5-29 et seq.).

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 228

AN ACT concerning certain homeless students and supplementing chapter 7B 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:7B-12.3 Certain students permitted to remain in school district.

1. Notwithstanding the provisions of N.J.S.18A:38-1, section 19 of P.L.1979, c.207 (C.18A:7B-12), or section 3 of P.L.1989, c.290 (C.18A:7B-12.1), or any other section of law to the contrary, any student who moves from one school district to another as a result of being homeless due to an act of terrorism or due to a natural disaster which results in the declaration of a

State of emergency or disaster by the State or by the federal government, may continue to enroll in the school district in which the parent or guardian last resided prior to becoming homeless for up to two full school years after the act of terrorism or natural disaster; and during the two-year period, if the student is enrolled in the district in which the parent or guardian last resided prior to becoming homeless and the student's parent or guardian remains homeless for that period, the student shall attend that district tuition-free and that district shall provide the student transportation to and from school.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 229

AN ACT concerning computer science education.

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

1. The Legislature finds and declares that:

a. Computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors.

b. The federal Bureau of Labor Statistics predicts that by the year 2020, there will be 4.2 million jobs in computing and information technology in the United States, putting these fields among the fastest growing occupational fields.

c. The College Board reports that of the 3.4 million Advanced Placement exams given in 2011, only about 20,000 of those were in computer science.

d. In the 2012-2013 school year, only 9 states allowed computer science courses to count toward secondary school core graduation requirements, chilling student interest in computer science courses.

e. Many states' middle and high school curriculums are almost exclusively focused on skill-based aspects of computing and have few standards on the conceptual aspects of computer science that lay the foundation for innovation and deeper study in the field.

f. Computer science education has been encumbered by confusion with technology education and the use of technology in education, which are related but distinct concepts.

g. Exposing middle and high school students to computer science education in New Jersey would give them a deeper knowledge of the fundamentals of computing, yielding critical thinking skills that will serve them throughout their lives in numerous fields.

h. It is appropriate at this time that the Department of Education review curriculum standards to better educate young people in this important subject area and thus better prepare our students for effective citizenship in the 21st century.

2. The Department of Education shall undertake a review of the Core Curriculum Content Standards to ensure that they incorporate modern computer science standards where appropriate. The department shall report any findings and recommendations to the Governor by December 31, 2015.

3. As used in this act, "computer science" means the study of computers and algorithmic processes and includes the study of computing principles, computer hardware and software design, computer applications, and the impact of computers on society.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 230

AN ACT concerning nursing home residents and amending P.L.1976, c.120.

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

1. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read as follows:

C.30:13-3 Responsibilities of nursing homes.

3. Every nursing home shall have the responsibility for:

a. (1) Maintaining a complete record of all funds, personal property and possessions of a nursing home resident from any source whatsoever, which have been deposited for safekeeping with the nursing home for use by the

resident. This record shall contain a listing of all deposits and withdrawals transacted, and these shall be substantiated by receipts given to the resident or his guardian. A nursing home shall provide to each resident or his guardian a quarterly statement which shall account for all of such resident's property on deposit at the beginning of the accounting period, all deposits and withdrawals transacted during the period, and the property on deposit at the end of the period. The resident or his guardian shall be allowed daily access to his property on deposit during specific periods established by the nursing home for such transactions at a reasonable hour. A nursing home may, at its own discretion, place a limitation as to dollar value and size of any personal property accepted for safekeeping.

(2) Offering an incoming resident or the resident's guardian, in accordance with current law, at the time of admission to a nursing home on or after the effective date of P.L.2015, c.230, a form designating the beneficiary of any remaining balance in the resident's personal needs allowance account that does not exceed $1,000 upon the resident's death. In the case of a person residing in a nursing home prior to the effective date of P.L.2015, c.230, the nursing home shall have the responsibility for offering the resident or the resident's guardian, in accordance with current law, whenever possible, a form designating the beneficiary of any remaining balance in the resident's personal needs allowance account that does not exceed $1,000 upon the resident's death. Funds remaining in a personal needs allowance account at the time of a resident's death shall be included in that resident's estate and shall, consistent with N.J.S.3B:22-2, be subject to claims made by estate creditors prior to distribution to a designated beneficiary.

b. Providing for the spiritual needs and wants of residents by notifying, at a resident's request, a clergyman of the resident's choice and allowing unlimited visits by such clergyman. Arrangements shall be made, at the resident's expense, for attendance at religious services of his choice when requested. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any resident.

c. Admitting only that number of residents for which it reasonably believes it can safely and adequately provide nursing care. Any applicant for admission to a nursing home who is denied such admission shall be given the reason for such denial in writing.

d. Ensuring that an applicant for admission or a resident is treated without discrimination as to age, race, religion, sex or national origin. However, the participation of a resident in recreational activities, meals or other social functions may be restricted or prohibited if recommended by a resident's attending physician in writing and consented to by the resident.

e. Ensuring that no resident shall be subjected to physical restraints except upon written orders of an attending physician for a specific period of time when necessary to protect such resident from injury to himself or others. Restraints shall not be employed for purposes of punishment or the convenience of any nursing home staff personnel. The confinement of a resident in a locked room shall be prohibited.

f. Ensuring that drugs and other medications shall not be employed for purposes of punishment, for convenience of any nursing home staff personnel or in such quantities so as to interfere with a resident's rehabilitation or his normal living activities.

g. Permitting citizens, with the consent of the resident being visited, legal services programs, employees of the Office of Public Defender and employees and volunteers of the Office of the Ombudsman for the Institutionalized Elderly, whose purposes include rendering assistance without charge to nursing home residents, full and free access to the nursing home in order to visit with and make personal, social and legal services available to all residents and to assist and advise residents in the assertion of their rights with respect to the nursing home, involved governmental agencies and the judicial system.

(1) Such access shall be permitted by the nursing home at a reasonable hour.

(2) Such access shall not substantially disrupt the provision of nursing and other care to residents in the nursing home.

(3) All persons entering a nursing home pursuant to this section shall promptly notify the person in charge of their presence. They shall, upon request, produce identification to substantiate their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident shall have the right to terminate a visit by a person having access to his living area pursuant to this section at any time. Any communication whatsoever between a resident and such person shall be confidential in nature, unless the resident authorizes the release of such communication in writing.

h. Ensuring compliance with all applicable State and federal statutes and rules and regulations.

i. Ensuring that every resident, prior to or at the time of admission and during his stay, shall receive a written statement of the services provided by the nursing home, including those required to be offered by the nursing home on an as-needed basis, and of related charges, including any charges for services not covered under Title XVIII and Title XIX of the So-

cial Security Act, as amended, or not covered by the nursing home's basic per diem rate. This statement shall further include the payment, fee, deposit and refund policy of the nursing home.

j. Ensuring that a prospective resident or the resident's family or guardian receives a copy of the contract or agreement between the nursing home and the resident prior to or upon the resident's admission.

2. The Commissioner of Health may, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the commissioner deems necessary to carry out 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, but the Commissioner of Health may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 231

AN ACT concerning emergency epinephrine administration at youth camps, and supplementing Title 26 of the Revised Statutes.

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

C.26:12-17 Short title.

1. This act shall be known and may be cited as the "Youth Camp Epinephrine Access and Emergency Treatment Act."

C.26:12-18 Findings, declarations relative to emergency epinephrine administration at youth camps.

2. The Legislature finds and declares that:

a. Insect and food allergies are the leading cause of anaphylaxis, a life-threatening condition that is easily treatable with epinephrine, a medication only available via prescription;

b. Individuals who are known to be at risk of anaphylaxis may carry emergency doses of epinephrine with them at all times. However, many individuals may not be aware of their allergy and therefore do not carry epinephrine medication;

c. New Jersey's youth camps offer a broad array of outdoor educational and recreational opportunities to youth campers, which may expose campers and staff members to various different kinds of insects and foods for the first time;

d. Youth camps are often located in remote settings where medical professionals or first responders are not available to provide emergency care for anaphylaxis;

e. The State of New Jersey, at P.L.1997, c.368 (C.18A:40-12.5 et seq.) and P.L.2013, c.211 (C.18A:61D-11 et seq.), has already recognized the value of training non-medical professionals to administer this life-saving drug in K-12 educational settings and institutions of higher education when a medical professional is not physically present at the scene; and

f. It is prudent to similarly provide youth camp staff members, who are responsible for the safety of one or more campers, with the tools necessary to respond to emergency anaphylaxis situations, particularly where exposure to unfamiliar insects or foods is likely, and where assistance from medical professionals and first responders is not readily available.

C.26:12-19 Definitions relative to emergency epinephrine administration at youth camps.

3. As used in this act:

"Commissioner" means the Commissioner of Health.

"Member of the youth camp community" means a person who is a camper at, or a staff member of, a youth camp.

"Professionally qualified health care provider" means a licensed health care professional whose authorized scope of practice includes the administration of medication, whether independently, or through a joint protocol or standing order from a physician.

"Trained designee" means a youth camp staff member who has been trained by the youth camp health director or, if the youth camp health director is not professionally qualified to administer epinephrine, by a professionally qualified health care provider, in the detection of anaphylaxis and the emergency administration of epinephrine using a pre-filled auto-injector mechanism.

"Youth camp" means the same as that term is defined by section 3 of P.L.1973, c.375 (C.26:12-3).

"Youth camp health director" means and includes a person, 18 years of age or older, who meets the qualifications required by N.J.A.C.8:25-5.2 and who is responsible for the proper medical recordkeeping, care, and treatment of campers at a youth camp. Youth camps that do not have a health director who is a medical professional may use one of the following op-

tions: a youth camp health director trained in the emergency administration of epinephrine via a pre-filled auto-injector mechanism by the professionally qualified health care provider responsible for writing the prescription with documentation; an emergency medical technician certified in emergency epinephrine auto-injector administration; or an individual trained in the detection of anaphylaxis and the emergency administration of epinephrine using a pre-filled auto-injector device.

"Youth camp operator" means the same as that term is defined by section 3 of P.L.1973, c.375 (C.26:12-3).

C.26:12-20 Development of policy.

4. a. A youth camp operator, as part of a youth camp medical program, and in accordance with the provisions of the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.) and rules and regulations adopted by the Department of Health pursuant thereto, may develop a policy for the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a member of the youth camp community for anaphylaxis when a professionally qualified health care provider is not immediately available. The policy shall:

(1) permit the youth camp health director and trained designees to administer epinephrine via a pre-filled auto-injector mechanism to a member of the youth camp community for whom the youth camp health director or trained designee is responsible, when the youth camp health director or trained designee believes, in good faith, that the member of the youth camp community is having an anaphylactic reaction; and

(2) permit the youth camp health director and trained designees, when responsible for the safety of one or more members of the youth camp community, to carry, in a secure but easily accessible location, a supply of pre-filled epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or other authorized prescriber.

b. If a youth camp develops a policy for the emergency administration of epinephrine via a pre-filled auto-injector mechanism, the youth camp operator, in cooperation with the youth camp health director, shall:

(1) maintain and adhere to a standardized training protocol for the emergency administration of epinephrine by trained designees under the youth camp medical program, which training protocol shall be established and administered by a professionally qualified health care provider;

(2) ensure that trained designees have satisfactorily completed the training protocol;

(3) obtain and maintain a supply of pre-filled epinephrine auto-injectors, pursuant to a standing protocol from a licensed physician or other authorized prescriber, for use by the youth camp health director and trained designees in emergency anaphylaxis situations; and

(4) establish protocols and one or more secure locations for the safe and accessible storage of the youth camp's supply of pre-filled epinephrine auto-injectors.

C.26:12-21 Immunity from liability, disciplinary action.

5. A youth camp operator, youth camp health director, trained designee, professionally qualified health care provider, physician, pharmacist, or any other person shall not be subject to civil or criminal liability, or professional disciplinary action, for any act or omission – including the prescription, distribution, or administration of epinephrine – which is undertaken in good faith thereby, in accordance with the provisions of this act. Good faith does not include willful misconduct, gross negligence, or recklessness.

C.26:12-22 Construction of act.

6. Nothing in this act shall be construed to:

a. permit a trained designee to perform the duties or fill the position of a licensed medical professional;

b. prohibit the administration of a pre-filled epinephrine auto-injector mechanism by a person acting pursuant to a lawful prescription;

c. prevent a licensed and qualified member of a health care profession from administering a pre-filled epinephrine auto-injector mechanism if the duties are consistent with the accepted standards of practice applicable to the member's profession;

d. violate the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.) in the event that a licensed athletic trainer administers epinephrine to a member of the youth camp community as a trained designee pursuant to this act; or

e. require written authorization from a camper's parent or guardian, or from any youth camp staff member, prior to the emergency administration of epinephrine when:

(1) there is no identified medical diagnosis involving risk of anaphylaxis on record with the youth camp health director; or

(2) there is a medical diagnosis involving risk of anaphylaxis recorded with the youth camp health director, but the pre-filled epinephrine auto-injector was not provided to the youth camp by the camper or by the camper's parent or authorized guardian.

7. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 232

AN ACT concerning assets of certain estates and amending N.J.S.3B:10-3 and N.J.S.3B:10-4.

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

1. N.J.S.3B:10-3 is amended to read as follows:

When spouse, partner in a civil union, or domestic partner entitled to assets without administration.

3B:10-3. When spouse, partner in a civil union, or domestic partner entitled to assets without administration.

Where the total value of the real and personal assets of the estate of an intestate will not exceed $50,000, the surviving spouse, partner in a civil union, or domestic partner upon the execution of an affidavit before the Surrogate of the county where the intestate resided at his death, or, if then nonresident in this State, where any of the assets are located, or before the Superior Court, shall be entitled absolutely to all the real and personal assets without administration, and the assets of the estate up to $10,000 shall be free from all debts of the intestate. Upon the execution and filing of the affidavit as provided in this section, the surviving spouse, partner in a civil union, or domestic partner shall have all of the rights, powers and duties of an administrator duly appointed for the estate. The surviving spouse, partner in a civil union, or domestic partner may be sued and required to account as if he had been appointed administrator by the Surrogate or the Superior Court. The affidavit shall state that the affiant is the surviving spouse, partner in a civil union, or domestic partner of the intestate and that the value of the intestate's real and personal assets will not exceed $50,000, and shall set forth the residence of the intestate at his death, and specifically the nature, location and value of the intestate's real and personal assets. The affidavit shall be filed and recorded in the office of such Surrogate or, if the proceeding is before the Superior Court, then in the office of the clerk of that court. Where the affiant is domiciled outside this State, the Surrogate

may authorize in writing that the affidavit be executed in the affiant's domicile before any of the officers authorized by R.S.46:14-6.1 to take acknowledgments or proofs.

2. N.J.S.3B:10-4 is amended to read as follows:

When heirs entitled to assets without administration.

3B:10-4. When heirs entitled to assets without administration.

Where the total value of the real and personal assets of the estate of an intestate will not exceed $20,000 and the intestate leaves no surviving spouse, partner in a civil union, or domestic partner, and one of his heirs shall have obtained the consent in writing of the remaining heirs, if any, and shall have executed before the Surrogate of the county where the intestate resided at his death, or, if then nonresident in this State, where any of the intestate's assets are located, or before the Superior Court, the affidavit herein provided for, shall be entitled to receive the assets of the intestate of the benefit of all the heirs and creditors without administration or entering into a bond. Upon executing the affidavit, and upon filing it and the consent, he shall have all the rights, powers and duties of an administrator duly appointed for the estate and may be sued and required to account as if he had been appointed administrator by the Surrogate or the Superior Court.

The affidavit shall set forth the residence of the intestate at his death, the names, residences and relationships of all of the heirs and specifically the nature, location and value of the real and personal assets and also a statement that the value of the intestate's real and personal assets will not exceed $20,000.

The consent and the affidavit shall be filed and recorded, in the office of the Surrogate or, if the proceeding is before the Superior Court, then in the office of the clerk of that court. Where the affiant is domiciled outside this State, the Surrogate may authorize in writing that the affidavit be executed in the affiant's domicile before any of the officers authorized by R.S.46:14-6.1 to take acknowledgments or proofs.

3. This act shall take effect immediately and shall apply to the estate of any decedent dying on or after the effective date of this act.

Approved January 19, 2016.

CHAPTER 233

AN ACT concerning licensed check cashers and amending P.L.1993, c.383 and amending P.L.2003, c.252.

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

1. Section 2 of P.L.1993, c.383 (C.17:15A-31) is amended to read as follows:

C.17:15A-31 Definitions.

2. As used in this act:

"Applicant" means a person who has applied or is in the process of applying for a license pursuant to this act.

"Automated cash machine" means an unmanned communications terminal which dispenses cash, traveler's checks or both; does not accept deposits; and through which transactions with banking institutions are consummated.

"Automated check cashing machine" means an unmanned communications terminal which only cashes checks for a fee.

"Check" includes a check, draft, money order, negotiable order of withdrawal and similar types of negotiable instruments.

"Commissioner" means the Commissioner of Banking and Insurance.

"Controlling interest" means ownership, control or interest in 25% or more of the outstanding and issued voting stock of the check cashing business.

"Customer" means any person who seeks to have a check cashed by a licensee but does not include the maker of a check payable to another person.

"Department" means the Department of Banking and Insurance.

"Fee" includes any fee, charge, cost, expense, or other consideration.

"License" means a license issued pursuant to this act and held by a licensee, which license authorizes the licensee to cash checks for a fee as provided pursuant to this act.

"Licensee" means a person who holds, or who should hold, a license pursuant to this act.

"Limited branch office" means a private premises where a licensee maintains and makes available to the particular group specified in the authorization, and to that group only, the facilities for cashing checks, drafts, or money orders on the designated premises for no more than two days of each week as designated in the authorization pursuant to subsection c. of section 12 of this act and also includes the premises where payroll services are provided.

"Mobile office" means any vehicle or other moveable means from which the business of cashing checks is conducted.

"Natural person" does not include a payee identified on the payee line of a check as a partnership, professional association, company, corporation, or other business entity.

"Office" includes a principal office and a full branch office.

"Payroll check" means a check issued by an employer to its employee in payment of salary or wages for services rendered by the employee.

"Payroll service" means a service provided, pursuant to a written agreement, by a licensed check casher to an employer in which the employer pays a fixed fee or rate for the on-site delivery of payroll or cashing of payroll checks issued to its employees, at no cost to the employees.

"Person" has the meaning given that word in R.S.1:1-2.

"Substantial stockholder" means any person who beneficially owns or controls more than 10% of the outstanding voting shares of an applicant or a licensee.

2. Section 14 of P.L.1993, c.383 (C.17:15A-43) is amended to read as follows:

C.17:15A-43 Fees permitted.

14. No licensee shall charge a fee or receive any other consideration, directly or indirectly, which is greater than the amount permitted pursuant to this section, as follows:

a. For cashing a check drawn on a depository institution or other financial entity located in this or any other State, two percent of the face amount of the check, or $.90, whichever is greater;

b. For cashing a check payable to a recipient of Temporary Assistance for Needy Families (TANF), one percent of the face amount of the check, or $.90, whichever is greater;

c. For cashing a check payable to a recipient of supplemental security income pursuant to Subchapter XVI of the Social Security Act, 42 U.S.C. s.1381 et seq., one and one half percent of the face amount of the check, or $.90, whichever is greater;

d. For cashing a check payable to a recipient of old-age and survivors benefit payments pursuant to Subchapter II of the Social Security Act, 42 U.S.C. s.401 et seq., one and one half percent of the face amount of the check, or $.90, whichever is greater;

e. On or after the 365th day from the effective date of this act, subsequent increases to the fees which may be charged pursuant to subsection a.

of this section by a licensee for cashing a check, draft or money order shall be set by the commissioner by regulation;

f. In setting the fees pursuant to subsection e. of this section, the commissioner shall consider, but not be limited to, the following:

(1) rates charged in the past;

(2) the income, cost and expense of the operation of licensees;

(3) rates charged by licensed check cashers or other similar entities located in other states for the same or similar services and the factors upon which those rates are based;

(4) changes in the population served; and

(5) a reasonable profit for check cashers.

3. Section 15 of P.L.1993, c.383 (C.17:15A-44) is amended to read as follows:

C.17:15A-44 Responsibilities of licensee.

15. A licensee shall:

a. Conspicuously display at each office, limited branch office or mobile office it operates the original license, certificate or branch authorization, as appropriate, issued by the commissioner.

b. Conspicuously display all signs and notifications which the commissioner may require.

c. Provide each customer, at the time of a transaction, with a record of each transaction as specified by regulation.

d. Produce a photographic record, on such equipment as the commissioner may prescribe, of all of the checks cashed at the place of business and maintain a true copy of each such record.

e. Endorse each check cashed with the actual name under which the licensee is doing business and legibly write or stamp the words "Licensed Casher of Checks" immediately after or below the licensee's name.

f. Conduct all check cashing business through a bank account or accounts which are used solely for that purpose, and which have been identified as such to the department.

g. Inform the department if any bank account number changes or if any bank account is closed.

h. Maintain adequate records of its check cashing business as prescribed by the commissioner by regulation.

i. Retain for five years essential records, and retain all other records for a shorter period as prescribed by the commissioner by regulation. Such records shall be separate from the records of other businesses in which the

licensee may be engaged. Although separate records are required, it is not required that the licensee's check cashing business have a different legal identity from other businesses in which the licensee is engaged.

j. Suspend for at least six months the check cashing privileges of any customer who cashes, in any one calendar year, more than three checks which are returned by the payor bank because of insufficient funds, and notify the department in writing of the name of such customer and the action taken, except that for purposes of this subsection two or more checks of a single maker which are returned because of insufficient funds shall be counted as one check provided they were cashed the same day and deposited in the licensee's bank account on the same banking day.

k. Maintain at all times a capital or net worth of at least $50,000 for the operation of the licensee's check cashing business at each office, mobile office and automated check cashing machine location, and maintain at all times liquid assets of at least $50,000 for the operation of the licensee's check cashing business at each office, mobile office and automated check cashing machine location.

l. (1) Maintain on its premises, a record keeping system by which a licensee may track, and provide for inspection at the request of the commissioner, checks which the licensee cashed and which were made payable to a payee other than a natural person and checks which the licensee cashed in the amount of $2,500.00 or more.

(2) The record keeping system required pursuant to paragraph (1) of this subsection l. shall include, but not be limited to, the following information:

(a) the date of the transaction;

(b) the name of the payee;

(c) the federal tax payer identification number of the payee;

(d) the face amount of the check;

(e) the date of the check;

(f) the name or names of those presenting the check for payment;

(g) the name of the financial institution on which the check is drawn and the financial institution's transit routing number;

(h) the amount of the fee charged; and

(i) a photograph, photostat, duplicate, microfilm, microfiche or any other reproduction of the front and back of the fully endorsed check.

(3) The record keeping system shall be made available to any State or federal law enforcement agency upon written request and without necessity of subpoena.

m. Retain for five years a complete copy of any report, including all such reports filed electronically, regarding business conducted in this State pursuant to 31 U.S.C.s.5311 et seq. and 31 C.F.R. Chapter X.

n. Supervise employees engaged in the operation of the check cashing business to ensure the business is conducted lawfully and pursuant to the provisions of this act and any order, rule or regulation made or issued pursuant to this act.

4. Section 18 of P.L.1993, c.383 (C.17:15A-47) is amended to read as follows:

C.17:15A-47 Prohibitions for licensees.

18. No licensee, or any person acting on behalf of a licensee, shall:

a. Cash a check which is made payable to a payee which is other than a natural person unless the licensee has on file a corporate resolution or other appropriate documentation indicating that the corporation, partnership or other entity has authorized the presentment of a check on its behalf and the federal taxpayer identification number of the corporation, partnership or other entity;

b. Cash a check for anyone other than the payee named on the face of the check, except that the commissioner may, by regulation, establish exceptions to this prohibition;

c. Cash or advance any money on a postdated check; except that a licensee may cash a check payable on the first banking business day following the date of cashing, if the check is:

(1) drawn by the United States, the State of New Jersey, or any department, bureau, agency or authority of the United States or the State of New Jersey, or

(2) a payroll check drawn by any employer to the order of its employee in payment for services performed by that employee;

d. Fail to give each customer at the end of each transaction a receipt showing the amount of the check which was cashed, the amount which was charged for cashing the check, and the amount of cash which the customer was given;

e. Engage in the business of making loans of money, credit, goods or things or discounting or buying of notes, bills of exchange, checks or other evidences of debt, or conduct, or allow to be conducted, a loan business or the negotiation of loans or the discounting or buying of notes, bills of exchange, checks or other evidences of debt in the same premises where the licensee is cashing checks. For purposes of this subsection, a licensee shall be deemed to have made a loan if the licensee cashes a check deposited by

a customer whose check cashing privileges were required to be suspended under subsection j. of section 15 of this act. Notwithstanding the provisions of this subsection, any person licensed as a pawnbroker in this State shall be eligible to qualify as a licensee under this act, and upon being so licensed, may conduct business as a check casher in the same premises in which that person conducts business as a pawnbroker;

f. Engage in business at an office or mobile office other than a business which primarily provides financial services, except as otherwise provided pursuant to subsection e. of this section;

g. Violate any provision of this act or regulations promulgated pursuant to this act; or

h. Fail to comply with any order of the commissioner.

5. Section 8 of P.L.2003, c.252 is amended to read as follows:

8. This act shall take effect immediately.

6. Sections 1 through 4 of this act shall take effect immediately and section 5 of this act shall be retroactive to January 1, 2014.

Approved January 19, 2016.

CHAPTER 234

AN ACT concerning Medicaid managed care organizations and supplementing Title 30 of the Revised Statutes.

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

C.30:4D-7m Certain HMOs, changes in certain reimbursement rates; procedure.

1. Notwithstanding any law, rule, or regulation to the contrary, a health maintenance organization that contracts with the Division of Medical Assistance and Health Services in the Department of Human Services to provide benefits under a managed care plan to persons who are eligible for Medicaid shall not reduce reimbursement rates for personal care assistant services or home based supportive care services, as those services are defined by regulation or in the contract with the division, under the health maintenance organization's Medicaid managed care plan, unless the health maintenance organization notifies the division, in writing, at least 90 days before the effective date of such changes. Such notice shall be accompanied

by written assurance that the reduction will not reduce sufficient provider access or quality of service as required by the contract with the division.

2. This act shall take effect immediately, and shall apply to any contract that a health maintenance organization has entered into with the Division of Medical Assistance and Health Services in the Department of Human Services to provide benefits under a managed care plan to persons who are eligible for medical assistance under P.L.1968, c.413 (C.30:4D-1 et seq.) which is executed on or after the effective date of this act .

Approved January 19, 2016.

CHAPTER 235

AN ACT concerning workforce development funds and amending and supplementing P.L.1992, c.43.

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

C.34:15D-25 Findings, declarations relative to workforce development funds.

1. The Legislature finds and declares that:

a. New Jersey, the headquarters of many of the leaders in the field of industrial research and development, has a long, successful history of innovation in the technology field.

b. New Jersey is the birthplace of such varied technology and inventions as: the quadruplex telegraph in 1874; the phonograph in 1877; the "band aid" in 1920; air conditioning in 1921; the first long distance television transmission in 1927; condensed soup in 1939; the first commercial mobile telephone service in 1947; tetracycline in 1952; the solar cell battery in 1954; bubble wrap and the laser in 1957; vaccines to prevent the mumps and the measles in 1963; the UNIX operating system in 1969; and the digital signal processor chip in 1980.

c. Some of the most important inventors and technology companies in the world call New Jersey home. These companies, working in concert with universities, business partners and scientists, are part of the innovation ecosystem that consumers in the State, nation and around the world depend on and need to drive the economy.

d. An innovation ecosystem is an environment in which the persons who have the knowledge, ideas and actions are connected by institutional entities, such as universities, business firms, research institutes, state and local governments, and policy makers, to the materials and capital needed to spur development, inventions and economic growth.

e. It is essential that New Jersey acts to fertilize, maintain and grow an innovation ecosystem that allows technological ideas to flourish in New Jersey, and to expand upon the already rich environment for the development of technology in the State.

f. By directing workforce development funds toward the establishment of technological seed growth in New Jersey, the State will assist in the growth of the type of innovation ecosystem that has created such groundbreaking technology in the past.

g. Legislation is needed to dedicate workforce development funds to create a grants-funded fellowship program to support technology research and innovation throughout the State.

2. Section 9 of P.L.1992, c.43 (C.34:15D-9) is amended to read as follows:

C.34:15D-9 Workforce Development Partnership Fund.

9. a. A restricted, nonlapsing, revolving Workforce Development Partnership Fund, to be managed and invested by the State Treasurer, is hereby established to: provide employment and training services to qualified displaced, disadvantaged and employed workers by means of training grants or customized training services; provide for the other costs indicated in subsection a. of section 4 of P.L.1992, c.43 (C.34:15D-4); provide for the New Jersey Innovation and Research Fellowship Program as provided for in section 3 of P.L.2015, c.235 (C.34:15D-26); and facilitate the provision of education and training to youth by means of grants provided by the Youth Transitions to Work Partnership pursuant to the provisions of P.L.1993, c.268 (C.34:15E-1 et al.). All appropriations to the fund, all interest accumulated on balances in the fund and all cash received for the fund from any other source shall be used solely for the purposes specifically delineated by this act.

b. During any fiscal year beginning after June 30, 2001, of the total revenues dedicated to the program during any one fiscal year: 25% shall be deposited in an account of the Workforce Development Partnership Fund reserved to provide employment and training services for qualified displaced workers; 6% shall be deposited in an account of the Workforce Development Partnership Fund reserved to provide employment and training

services for qualified disadvantaged workers; 42% shall be deposited in an account of the Workforce Development Partnership Fund reserved for and appropriated to the Office of Customized Training; 3% shall be deposited in an account of the Workforce Development Partnership Fund reserved for occupational safety and health training; 5% shall be deposited in an account of the Workforce Development Partnership Fund reserved for the Youth Transitions to Work Partnership created pursuant to P.L.1993, c.268 (C.34:15E-1 et seq.); 3% shall be deposited in an account of the Workforce Development Partnership Fund reserved for the New Jersey Innovation and Research Fellowship Program established pursuant to section 3 of P.L.2015, c.235 (C.34:15D-26); 10% shall be deposited in an account of the Workforce Development Partnership Fund reserved for administrative costs as defined in section 3 of P.L.1992, c.43 (C.34:15D-3); 0.5% shall be deposited in an account of the Workforce Development Partnership Fund reserved for the State Employment and Training Commission to design criteria and conduct an annual evaluation of the program; and 5.5% shall be deposited in an account of the Workforce Development Partnership Fund to be used, at the discretion of the commissioner, for any of the purposes indicated in subsection a. of section 4 of P.L.1992, c.43 (C.34:15D-4).

c. Beginning January 1, 1995, through June 30, 2002, the balance in the fund as of the previous December 31, as determined in accordance with generally accepted accounting principles, shall not exceed 1.5 times the amount of contributions deposited for the calendar year then ended. If the balance exceeds this amount, the excess shall be deposited into the unemployment compensation fund within seven business days of the date that the determination is made.

d. Beginning July 1, 2002, and for any subsequent fiscal year, if the unexpended cash balance in any of the accounts indicated in subsection b. of this section, less any amount awarded in grants but not yet disbursed from the account, is determined to exceed 20% of the amount of contributions collected for deposit in the account pursuant to this subsection during the fiscal year then ended, the excess shall be regarded as an unemployment compensation contribution and deposited into the unemployment compensation fund within seven business days of the date that the determination is made.

C.34:15D-26 New Jersey Innovation and Research Fellowship Program.

3. a. The Department of Labor and Workforce Development, in consultation with the New Jersey Economic Development Authority, shall establish the New Jersey Innovation and Research Fellowship Program.

b. The New Jersey Innovation and Research Fellowship Program shall be funded through the funds reserved for that program from the Workforce Development Partnership Fund pursuant to section 9 of P.L.1992, c. 43 (C.34:15D-9). The funds shall be distributed by the department as follows:

(1) The department shall work in consultation with the New Jersey Economic Development Authority to fund, no less than, 20 fellowships, administered by the department, which focus on information technology research and innovation. The fellowships may be provided to entities, of which at least eight shall be large businesses, employing more than 25 people and eight shall be small businesses, employing from two to 24 people. The remainder of the fellowships may be authorized according to the discretion of the department.

(2) The fellowships shall be issued for two to three years each and shall be used primarily for research and innovation; not capital purchases.

c. The department, in consultation with the New Jersey Economic Development Authority, shall promulgate rules and regulations providing for the establishment, administration and evaluation of the New Jersey Innovation and Research Fellowship Program.

d. The department, in consultation with the New Jersey Economic Development Authority, shall conduct an evaluation of the effectiveness of the New Jersey Innovation and Research Fellowship Program to spur growth in the information technology research fields no later than five years after the approval of the first fellowship.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 236

AN ACT concerning certain savings account promotions and supplementing Title 17 and Title 5 of the Revised Statutes.

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

C.17:9A-224.1 Savings account promotions conducted by bank.

1. a. A bank or savings bank may conduct a savings promotion provided that the bank or savings bank:

(1) conducts the promotion in a manner so as to ensure that each entry has an equal chance of winning the designated prize;

(2) fully discloses the terms and conditions of the promotion to each of its account holders;

(3) maintains records sufficient to facilitate an audit of the promotion;

(4) ensures that only account holders 18 years of age and older are permitted to participate in the promotion;

(5) does not require any consideration, other than the requirement that the participant deposit money into a savings account or other savings program to obtain entries in the promotion, to participate in the promotion; and

(6) offers an interest rate and charges fees on any qualifying account that are approximately the same as those on a comparable non-qualifying account.

b. For the purposes of this section, "savings promotion" means a raffle in which the sole consideration required for a chance of winning designated prizes is the deposit of a minimum specified amount of money in a savings account or other savings program.

C.17:12B-112.1 Savings promotion conducted by savings and loan association.

2. a. A State savings and loan association may conduct a savings promotion provided that the association:

(1) conducts the promotion in a manner so as to ensure that each entry has an equal chance of winning the designated prize;

(2) fully discloses the terms and conditions of the promotion to each of its account holders;

(3) maintains records sufficient to facilitate an audit of the promotion;

(4) ensures that only account holders 18 years of age and older are permitted to participate in the promotion;

(5) does not require any consideration, other than the requirement that the participant deposit money into a savings account or other savings program to obtain entries in the promotion, to participate in the promotion; and

(6) offers an interest rate and charges fees on any qualifying account that are approximately the same as those on a comparable non-qualifying account.

b. For the purposes of this section, "savings promotion" means a raffle in which the sole consideration required for a chance of winning designated prizes is the deposit of a minimum specified amount of money in a savings account or other savings program.

C.17:13-101.1 Savings promotion conducted by credit union.

3. a. A credit union may conduct a savings promotion provided that the credit union:

(1) conducts the promotion in a manner so as to ensure that each entry has an equal chance of winning the designated prize;

(2) fully discloses the terms and conditions of the promotion to each of its account holders;

(3) maintains records sufficient to facilitate an audit of the promotion;

(4) ensures that only account holders 18 years of age and older are permitted to participate in the promotion;

(5) does not require any consideration, other than the requirement that the participant deposit money into a savings account or other savings program to obtain entries in the promotion, to participate in the promotion; and

(6) offers an interest rate and charges fees on any qualifying account that are approximately the same as those on a comparable non-qualifying account.

b. For the purposes of this section, "savings promotion" means a raffle in which the sole consideration required for a chance of winning designated prizes is the deposit of a minimum specified amount of money in a savings account or other savings program, and "credit union" means credit union as defined in section 2 of P.L.1984, c.171 (C.17:13-80).

C.5:8-9.1 Exemptions for certain savings promotions.

4. Notwithstanding the provisions of any other law to the contrary, a savings promotion offered pursuant to sections 1 through 3 of P.L.2015, c.236 (C.17:9A-224.1, C.17:12B-112.1 and C.17:13-101.1) shall not:

a. constitute unlawful gambling under the laws of this State, and shall not subject the participant or the sponsor of the promotion, or any officer, employee, or agent of the sponsor, to any civil or criminal liability under the laws of this State that prohibit gambling; and

b. be subject to any of the provisions of chapter 8 of Title 5 of the Revised Statutes.

5. The Commissioner of Banking and Insurance shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

6. This act shall take effect on the 180th day following enactment, except the Commissioner of Banking and Insurance may take such anticipatory action as may be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 237

AN ACT concerning shellfish and supplementing Title 50 of the Revised Statutes.

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

C.50:2-18 Adoption of rules, regulations relative to cultivation of certain shellfish.

1. a. Notwithstanding any law, rule, or regulation to the contrary, no later than September 24, 2016, the Department of Environmental Protection shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to allow, under conditions deemed appropriate by the department, the cultivation of commercial shellfish species for research, educational, or restoration purposes in coastal and inner harbor waters classified as contaminated.

b. Within one year after adoption of the rules and regulations required pursuant to subsection a. of this section, the department shall review and revise them to provide improved and expanded research and restoration opportunities throughout the State based on comments received by the department from a community engagement process. The community engagement process shall include at least one public hearing, a public comment period, and consultations with organizations pursuing shellfish-related activities.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 238

AN ACT designating a portion of State Highway Route No. 17 as the "Staff Sergeant Timothy R. McGill Memorial Highway."

WHEREAS, United States Army Staff Sergeant Timothy Raymond McGill was a long-time resident of Ramsey, New Jersey; and

WHEREAS, After graduating from Ramsey High School, Staff Sergeant McGill entered the United States Marine Corps in 2001 and was deployed with the 3rd Marine Division to Iraq in 2005; and

WHEREAS, After leaving the Marine Corps, Staff Sergeant McGill returned to New Jersey to serve as a volunteer firefighter for the Ramsey Volunteer Fire Department; and

WHEREAS, An honorable and courageous man who loved the military and his country, Staff Sergeant McGill joined the Rhode Island National Guard in 2008; and

WHEREAS, Staff Sergeant McGill was assigned to A company, 2nd Battalion, 19th Special Forces Group of the Army National Guard of Middleton, Rhode Island; and

WHEREAS, While in the Army National Guard, Staff Sergeant McGill became a member of the Army Elite Special Forces, also known as the Green Berets, and was deployed to Afghanistan; and

WHEREAS, Serving as a weapons sergeant, Staff Sergeant McGill was required to complete many difficult missions, including interpreting and preparing combat orders and infiltrating enemy lines to recruit, train, and equip friendly forces for combat; and

WHEREAS, An expert in his field, Staff Sergeant McGill received numerous awards and decorations, including the Army Commendation Medal and the National Defense Service Medal; and

WHEREAS, On September 21, 2013, Staff Sergeant McGill tragically lost his life in Afghanistan while serving in and supporting Operation Enduring Freedom; and

WHEREAS, Staff Sergeant McGill was a dedicated soldier as well as a loving son and brother whose memory will live on in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, As a true example of heroism, patriotism, and service to his country and his fellow soldiers, it is fitting and proper for the Legislature of the State of New Jersey to honor the memory of Staff Sergeant Timothy R. McGill by designating the portion of State Highway Route No. 17 in the Borough of Ramsey, New Jersey as the "Staff Sergeant Timothy R. McGill 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. 17 extending from Milepost 22.56 to Milepost 24.35 in the Borough of Ramsey, New Jersey as the "Staff Sergeant Timothy R. McGill 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 sec-

tion 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental non-profit, 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 January 19, 2016.

CHAPTER 239

AN ACT requiring the MVC to conduct a study and make recommendations concerning electronic driver's licenses.

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

1. a. Within one year of the effective date of P.L.2015, c.239, the New Jersey Motor Vehicle Commission, in consultation with the New Jersey Office of Information Technology, shall prepare and submit to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) a report concerning the feasibility of electronic driver's licenses.

The report shall describe the findings of the commission concerning the cost and resources required, advantages and disadvantages, privacy, security issues, use by law enforcement, and any other concerns related to the issuance of electronic driver's licenses by the commission. The report shall also include an assessment of the means of issuing electronic driver's licenses through a mobile application, and accessibility thereof.

b. The report shall make recommendations to the Governor and Legislature concerning the development and publication of a mobile application for the issuance and use of electronic driver's licenses. The recommendations shall provide information related to the fiscal implications, such as: the cost, savings, and efficiencies of creating electronic driver's

licenses; keeping personal identifying information secure; whether charges should be assessed upon drivers for electronic driver's licenses or the use of an application; and the anticipated amount of time necessary for effective implementation.

c. As used in this section:

"Application" means a program downloaded onto and used in conjunction with a mobile electronic communication device, and available through multiple software platforms.

"Mobile electronic communication device" means any mobile device capable of communication or other transmission of information and includes, but is not limited to, a cellular telephone, wireless tablet, or other device with Internet capability, or other wireless communication device.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 240

AN ACT concerning solicitation to perform snow shoveling before snowstorm and amending R.S.40:52-1.

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

1. R.S.40:52-1 is amended to read as follows:

Power to license and regulate.

40:52-1. The governing body may make, amend, repeal and enforce ordinances to license and regulate:

a. All vehicles used for the transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises in which or at which the different kinds of business or occupations mentioned herein are carried on and conducted. Nothing herein contained shall be construed as modifying or repealing any of the provisions of chapter 4 of Title 48 of the Revised Statutes (R.S.48:4-1 et seq.);

b. Autobuses, and the owners and drivers of all such vehicles, and to fix the fees for such licenses, which may be imposed for revenue, and to prohibit the operation of all such vehicles in the public streets or places of

such municipality, unless such ordinances are complied with, whether such vehicles are operated over routes wholly or partly within the territorial limits of such municipality; the powers conferred by this section shall not be in substitution of but in addition to whatever other right, power and authority any such municipality may at any time have as to licensing, regulating, or control of the operation of such autobuses, commonly called jitneys, and this section shall not be construed as modifying or repealing any of the provisions of chapter 4 (R.S.48:4-1 et seq.) or article 3 of chapter 16 (R.S.48:16-23 et seq.) of Title 48 of the Revised Statutes;

c. Cartmen, expressmen, baggagemen, porters, common criers, hawkers, peddlers, employment agencies, pawnbrokers, junk shop-keepers, junk dealers, motor vehicle junk dealers, street sprinklers, bill posters, bill tackers, sweeps, scavengers, itinerant vendors of merchandise, medicines and remedies; and the places and premises in which or at which the different kinds of business or occupations mentioned herein are conducted and carried on; provided, however, no ordinance regulating solicitation for services shall be applicable to solicitations, whether written or oral, for snow shoveling services made within 24 hours of a snowstorm that has been predicted by a commonly recognized commercial or governmental weather reporting entity;

d. Hotels, boardinghouses, lodging and rooming houses, trailer camps and camp sites, motels, furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof, restaurants and all other eating places, and the keepers thereof;

e. Automobile garages, dealers in second-hand motor vehicles and parts thereof, bathhouses, swimming pools, and the keepers thereof;

f. Theatres, cinema and show houses, opera houses, concert halls, dance halls, pool or billiard parlors, bowling alleys, exhibition grounds, and all other places of public amusement, circuses and traveling or other shows, plays, dances, exhibitions, concerts, theatrical performances, and all street parades in connection therewith;

g. Lumber and coal yards, stores for the sale of meats, groceries and provisions, dry goods and merchandise, and goods and chattels of every kind, and all other kinds of business conducted in the municipality other than herein mentioned, and the places and premises in or at which the business is conducted and carried on; street stands for the sale or distribution of newspapers, magazines, periodicals, books, and goods and merchandise or other articles;

h. Street signs and other objects projecting beyond the building line, into or over any public street or highway;

i. Auctioneers and their business, whether the auctioneers be real estate brokers engaged in selling at auction or real estate auctioneers licensed by the New Jersey Real Estate Commission; fix their fees, and license and regulate public auctions; make such regulations as the governing body of the municipality shall deem necessary, to protect the public against fraud at public auction sales, and for the safety and protection of the property of the municipality and its inhabitants, including the power to require from auctioneers a bond to the municipality, not exceeding the penal sum of $5,000.00, conditioned as the governing body shall require;

j. Sales of goods, wares and merchandise to be advertised, held out or represented, or which are advertised, held out or represented, to the public, by any means, directly or by implication, as forced sales at reduced prices or as insurance, bankruptcy, mortgage foreclosure, insolvency, removal, loss or expiration of lease or closing out sales, or as assignees', receivers' or trustees' sales or as sales of goods distrained or as sales of goods damaged by fire, smoke or water, except any sale which is to be held under a judicial order, judgment or decree or a writ issuing out of any court or to enforce any lawful lien or power of sale whether by judicial process or not or by a licensed auctioneer; to make such regulations governing the advertisement, holding out or representing to the public of such sales, and the conduct thereof, as the governing body of the municipality shall deem necessary to protect the public against fraud; to prohibit the advertising, holding out or representing to the public of any sale as being of the character above described which is not of such character and to fix license fees for the conduct of such sales and to impose penalties for the violation of any such ordinance;

k. (Deleted by amendment, P.L.1997, c.320.)

l. (Deleted by amendment, P.L.1984, c.205.)

m. The rental of real property for commercial purposes wherein the lease is for a term less than 175 consecutive days. No ordinance adopted pursuant to this subsection shall apply to any lease or occupancy which results from a tenant holding over at the expiration or early termination of a lease with an original term in excess of 175 consecutive days, regardless of whether the holdover is month-to-month or for some other term of less than 175 consecutive days; and

n. The rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere.

Nothing in this chapter contained shall be construed to authorize or empower the governing body of any municipality to license or regulate any person holding a license or certificate issued by any department, board,

commission, or other agency of the State; provided, however, that the governing body of a municipality may make, amend, repeal and enforce ordinances to license and regulate real estate auctioneers or real estate brokers engaged in selling at auction and their business as provided in this section despite the fact that such real estate auctioneers or brokers may be licensed by the New Jersey Real Estate Commission and notwithstanding the provisions of this act or any other act.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 241

AN ACT concerning inmate education and vocational training, supplementing Title 30 of the Revised Statutes, and amending R.S.30:4-92.

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

C.30:4-92.3 Vocational Training Pilot Program.

1. a. There shall be established in the Department of Corrections a Vocational Training Pilot Program which shall be developed and implemented by the Vocational Training Planning Board established in subsection b. of this section. The pilot program shall provide for vocational training to enhance and supplement the current vocational programming available at a State correctional facility designated by the planning board. When developing the pilot program, the planning board shall endeavor to:

(1) improve upon the facility's most successful vocational programming offerings;

(2) introduce new vocational programming offerings to inmates of the facility; and

(3) provide vocational programming which is consistent with actual post-release employment opportunities and reflects the State's emerging industry and business workforce needs.

b. There is established the "Vocational Training Planning Board" which shall consist of:

(1) the Commissioner of Corrections, or a designee, ex officio, who shall serve as chairperson;

(2) the Commissioner of Labor and Workforce Development, or a designee, ex officio;

(3) the Commissioner of Education, or a designee, ex officio; and

(4) six public members appointed by the Governor, one of whom shall be a representative of the New Jersey Business and Industry Association, one of whom shall be a representative of the New Jersey State Building and Construction Trades Council, one of whom shall be a representative of the New Jersey Council of County Vocational-Technical Schools, one upon the recommendation of the President of the Senate, one upon the recommendation of the Speaker of the General Assembly, and one selected by the Governor.

The members of the planning board shall be appointed within 60 days of the effective date of this act and the planning board shall hold its organizational meeting within 60 days of the appointment of all of its members. The public members shall serve for a term of three years from the date of their appointment and until their successors are appointed and qualified; except that of the members first appointed, one shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years. Vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointments were made. A member of the planning board shall be eligible for reappointment. The members of the planning board shall serve without compensation. The planning board shall 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 these purposes.

c. The planning board shall be authorized to make recommendations to the department for changes to inmate classifications and facility use necessary to implement the pilot program at the State correctional facility designated by the board.

d. Only inmates who have more than one year but less than three years remaining to be served before their parole eligibility date shall be eligible to participate in the pilot program.

e. An inmate who is chosen by the planning board to participate in the pilot program shall be entitled to take the supplemental classes in trades, computer literacy courses, and courses for earning a high school equivalency certificate or high school diploma provided pursuant to subsection a. of this section.

f. The planning board shall annually submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the President of the Senate and Speaker of the General Assembly a report detailing the progress and results of the pilot program and any recommendations on whether the

program should be continued in the designated facility and whether it should be extended to other State correctional facilities.

2. R.S.30:4-92 is amended to read as follows:

Compensation for inmates.

30:4-92. The inmates of all correctional and charitable, hospital, relief, and training institutions within the jurisdiction of the Commissioner of Corrections shall be employed in productive occupations consistent with their health, strength, and mental capacity and shall receive compensation for this employment as the commissioner shall determine.

For the purposes of this section, "productive occupations" shall include all education and workforce skills or vocational training programs made available to inmates in these institutions.

Compensation for inmates of correctional institutions may be in the form of cash at established inmate wage rates or remission of time from sentence or both. Remission from the time of sentence shall not exceed one day for each five days of productive occupation, but remission granted under this section shall in no way affect deductions for good behavior or provided by law.

From moneys paid to inmates of correctional institutions, the superintendent of the institution shall withdraw sufficient moneys, in an amount not to exceed one-third of the inmate's total income, as may be required to pay any assessment, restitution or fine ordered as part of any sentence, and is authorized to withdraw from the remainder of the inmate's total income an amount not to exceed one-third of the total income as may be required to pay costs and fees charged or owing, pursuant to section 2 of P.L.1995, c.254 (C.30:7E-2).

In addition, all inmates classified as minimum security and who are considered sufficiently trustworthy to be employed in honor camps, farms or details shall receive further remission of time from sentence at the rate of three days per month for the first year of employment and five days per month for the second and each subsequent year of employment.

3. This act shall take effect on the first day of the seventh month after enactment.

Approved January 19, 2016.

CHAPTER 242

AN ACT concerning tax credits for certain purposes 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 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 assigns, including but not limited to a lender that completes a redevelopment project, operates a redevelopment project, or completes and operates a redevelop-

ment 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 such 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 Development 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 nonrecourse 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 preceding 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, a 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 (Ru-

ral/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 such 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 "redevelopment 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-489l) to account for revenues collected and incentive grants paid pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

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

"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 sci-

ence-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 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 mid-point 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.

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

C.52:27D-289f 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 on or 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 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 $628,000,000, 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; (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties; and (iii) $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) $250,000,000 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; and (v) qualified residential projects in SDA municipalities located in Hudson County that were awarded 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, and $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;

(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; and

(d) $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 subparagraphs (a), (b), or (c) of this paragraph; 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, 2018. 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.

3. Section 8 of P.L.2009, c.90 (C.52:27D-489h) is amended to read as follows:

C.52:27D-489h Incentive grant application form, procedure.

8. a. (1) The authority, in consultation with the State Treasurer, shall promulgate an incentive grant application form and procedure for the Economic Redevelopment and Growth Grant program.

(2) (a) The Local Finance Board, in consultation with the authority, shall develop a minimum standard incentive grant application form for municipal Economic Redevelopment and Growth Grant programs.

(b) Through regulation, the authority shall establish standards for redevelopment projects seeking State or local incentive grants based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources

in order to reduce environmental degradation and encourage long-term cost reduction.

b. Within each incentive grant application, a developer shall certify information concerning:

(1) the status of control of the entire redevelopment project site;

(2) all required State and federal government permits that have been issued for the redevelopment project, or will be issued pending resolution of financing issues;

(3) local planning and zoning board approvals, as required, for the redevelopment project;

(4) estimates of the revenue increment base, the eligible revenues for the project, and the assumptions upon which those estimates are made.

c. (1) With regard to State tax revenues proposed to be pledged for an incentive grant the authority and the State Treasurer shall review the project costs, evaluate and validate the project financing gap estimated by the developer, and conduct a State fiscal impact analysis to ensure that the overall public assistance provided to the project, except with regards to a qualified residential project, a mixed use parking project, or a project involving university infrastructure, will result in net benefits to the State including, without limitation, both direct and indirect economic benefits and non-financial community revitalization objectives, including but not limited to, the promotion of the use of public transportation in the case of the ancillary infrastructure project portion of any transit project.

(2) With regard to local incremental revenues proposed to be pledged for an incentive grant the authority and the Local Finance Board shall review the project costs, and except with respect to an application by a municipal redeveloper, evaluate and validate the project financing gap projected by the developer, and conduct a local fiscal impact analysis to ensure that the overall public assistance provided to the project, except with regards to a qualified residential project, a mixed use parking project, or a project involving university infrastructure, will result in net benefits to the municipality wherein the redevelopment project is located including, without limitation, both direct and indirect economic benefits and non-financial community revitalization objectives, including but not limited to, the promotion of the use of public transportation in the case of the ancillary infrastructure project portion of any transit project.

(3) The authority, State Treasurer, and Local Finance Board may act cooperatively to administer and review applications, and shall consult with the Office of State Planning on matters concerning State, regional, and local development and planning strategies.

(4) The costs of the aforementioned reviews shall be assessed to the applicant as an application fee.

(5) A developer who has already applied for an incentive grant award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for the grant, or has not executed an agreement with the authority, may proceed under that application or seek to amend the application or re-apply for an incentive grant award for the same project or any part thereof for the purpose of availing himself or herself of any more favorable provisions of the Economic Redevelopment and Growth Grant program established pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), except that projects with costs exceeding $200,000,000 shall not be eligible for revised percentage caps under subsection d. of section 19 of P.L.2013, c.161 (C.52:27D-489i).

4. Section 9 of P.L.2009, c.90 (C.52:27D-489i) is amended to read as follows:

C.52:27D-489i Certain grant agreements permitted.

9. a. The authority is authorized to enter into a redevelopment incentive grant agreement with a developer for any redevelopment project located within a qualifying economic redevelopment and growth grant incentive area that does not qualify as such an area solely by virtue of being a transit village.

b. The decision of whether to enter into a redevelopment incentive grant agreement is solely within the discretion of the authority and the State Treasurer, provided that they both agree to enter into an agreement.

c. The Chief Executive Officer of the authority, in consultation with the State Treasurer shall negotiate the terms and conditions of any redevelopment incentive grant agreement on behalf of the State.

d. (1) The redevelopment incentive grant agreement shall specify the maximum amount of project costs, the amount of the incentive grant to be awarded the developer, the frequency of payments, and the eligibility period, which shall not exceed 20 years, during which reimbursement will be granted, and for a project receiving an incentive grant in excess of $50 million, the amount of the negotiated repayment amount to the State, which may include, but not be limited to, cash, equity, and warrants. Except for redevelopment incentive grant agreements with a municipal redeveloper, or with the developer of a redevelopment project solely with respect to the cost of infrastructure improvements in the public right-of-way including any ancillary infrastructure project in the public right-of-way, in no event

shall the base amount of the combined reimbursements under redevelopment incentive grant agreements with the State or municipality exceed 20 percent of the total project cost, except in a Garden State Growth Zone, which shall not exceed 30 percent.

(2) The authority shall be permitted to increase the amount of the reimbursement under the redevelopment incentive grant agreement with the State by up to 10 percent of the total project cost if the project is:

(a) located in a distressed municipality which lacks adequate access to nutritious food in the judgment of the Chief Executive Officer of the authority and will include either a supermarket or grocery store with a minimum of 15,000 square feet of selling space devoted to the sale of consumable products or a prepared food establishment selling only nutritious ready to serve meals;

(b) located in a distressed municipality which lacks adequate access to health care and health services in the judgment of the Chief Executive Officer of the authority and will include a health care and health services center with a minimum of 10,000 square feet of space devoted to the provision of health care and health services;

(c) located in a distressed municipality which has a business located therein that is required to respond to a request for proposal to fulfill a contract with the federal government as set forth in subsection d. of section 3 of P.L.2011, c.149 (C.34:1B-244);

(d) a transit project;

(e) a qualified residential project in which at least 10 percent of the residential units are constructed as and reserved for moderate income housing;

(f) located in a highlands development credit receiving area or redevelopment area;

(g) located in a Garden State Growth Zone;

(h) a disaster recovery project;

(i) an aviation project;

(j) a tourism destination project; or

(k) substantial rehabilitation or renovation of an existing structure or structures.

(3) The maximum amount of any redevelopment incentive grant shall be equal to up to 30 percent of the total project costs, except for projects located in a Garden State Growth Zone, in which case the maximum amount of any redevelopment incentive grant shall be equal to up to 40 percent of the total project costs. Notwithstanding anything to the contrary contained within this section, the maximum amount of any redevelopment incentive grant with respect to a mixed use parking project shall be up to

100 percent of the total project costs allocable to the parking component of the project, and shall be up to 40 percent of the total project costs allocable to the non-parking component of the project.

e. Except in the case of a qualified residential project, a mixed use parking project, or a project involving university infrastructure, the authority and the State Treasurer may enter into a redevelopment incentive grant agreement only if they make a finding that the State revenues to be realized from the redevelopment project will be in excess of the amount necessary to reimburse the developer for its project financing gap. This finding may be made by an estimation based upon the professional judgment of the Chief Executive Officer of the authority and the State Treasurer.

f. In deciding whether to recommend entering into a redevelopment incentive grant agreement and in negotiating a redevelopment agreement with a developer, the Chief Executive Officer of the authority shall consider the following factors:

(1) the economic feasibility of the redevelopment project;

(2) the extent of economic and related social distress in the municipality and the area to be affected by the redevelopment project or the level of site specific distress to include dilapidated conditions, brownfields designation, environmental contamination, pattern of vacancy, abandonment, or under utilization of the property, rate of foreclosures, or other site conditions as determined by the authority;

(3) the degree to which the redevelopment project will advance State, regional, and local development and planning strategies;

(4) the likelihood that the redevelopment project shall, upon completion, be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for project costs incurred as provided in the redevelopment incentive grant agreement, provided, however, that any tax revenue generated by a redevelopment project that is a disaster recovery project shall be considered new tax revenue even if the same or more tax revenue was generated at or on the site prior to the disaster;

(5) the relationship of the redevelopment project to a comprehensive local development strategy, including other major projects undertaken within the municipality;

(6) the need of the redevelopment incentive grant agreement to the viability of the redevelopment project or the promotion of the use of public transportation; and

(7) the degree to which the redevelopment project enhances and promotes job creation and economic development or the promotion of the use of public transportation.

g. (1) A developer who has entered into a redevelopment incentive grant agreement with the authority and the State Treasurer pursuant to this section may, upon notice to and consent of the authority and the State Treasurer, pledge, assign, transfer, or sell any or all of its right, title and interest in and to the agreements and in the incentive grants payable thereunder, and the right to receive same, along with the rights and remedies provided to the developer under the agreement. Any such assignment shall be an absolute assignment for all purposes, including the federal bankruptcy code.

(2) Any pledge of incentive grants made by the developer shall be valid and binding from the time the pledge is made and filed in the records of the authority. The incentive grants pledged and thereafter received by the developer shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the developer irrespective of whether the parties have notice thereof. Neither the redevelopment incentive grant agreement nor any other instrument by which a pledge under this section is created need be filed or recorded except with the authority.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 243

AN ACT concerning State assessments and supplementing chapter 7C 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:7C-6.4 Definitions relative to State assessment.

1. a. As used in this section, "State assessment" means an assessment required pursuant to State or federal law and administered to all students in a specific grade level or subject area and whose results are aggregated for analysis at the district, school, or student subgroup level.

b. The Department of Education shall on its website link to the Department of the Treasury's website where a list is maintained of all contractors, subcontractors, advisors, or consultants employed or retained by the Department of the Treasury for any work associated with the administra-

tion, evaluation, monitoring of social media for security breaches, grading, or ongoing development of State assessments.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 244

AN ACT concerning student testing in public schools and supplementing chapter 7C 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:7C-6.5 Definitions relative to student testing in public schools.

1. As used in this act:

"Commercially-developed standardized assessment" means a State-required or district-mandated assessment that is administered by the school district or charter school that requires all students in a grade to answer the same questions, or a selection of questions from a common bank of questions, in the same manner, and is developed and scored by an entity under contract with a board of education.

"State assessment" means an assessment required pursuant to State or federal law and administered to all students in a specific grade level or subject area and whose results are aggregated for analysis at the district, school, or student subgroup level.

C.18A:7C-6.6 Provision of information to parents, guardians.

2. a. No later than October 1 of each school year, a school district or charter school shall provide to the parents or guardians of a student enrolled in the district or charter school information on any State assessment or commercially-developed standardized assessment that will be administered to the student in that school year. If a school district or charter school elects to administer an additional commercially-developed standardized assessment after October 1, then the information shall be provided within 30 days of that determination. The information, as determined by the commissioner through regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall include, but need not be limited to, the following:

(1) the subject area of the assessment and grade levels covered by the assessment;

(2) the date or range of potential dates for the administration of the assessment;

(3) the time allotted for the student to take and complete the assessment;

(4) any accommodations or accessibility options available to students;

(5) information on how and when the student and his parent or guardian can access both sample questions and answers to the assessment and the student's results; and

(6) whether the assessment is required by the State, the federal government, or both.

b. The commissioner shall provide to each school district and charter school a model document to provide to parents or guardians the information required pursuant to subsection a. of this section and information on the costs incurred by the State associated with the administration of the State assessment.

c. The information required pursuant to subsection a. of this section shall be provided, to the maximum extent feasible, in the native languages of the parents or guardians of the students enrolled in the school district or charter school.

d. The information provided pursuant to subsection a. of this section shall also be available at the meeting of the board of education of the district or the meeting of the board of trustees of the charter school at which the annual School Performance Reports are presented to the public.

3. This act shall take effect immediately and shall first be applicable to the first full school year following enactment.

Approved January 19, 2016.

CHAPTER 245

AN ACT concerning homemaker-home health aides and supplementing P.L.1947, c.262 (C.45:11-23 et seq.).

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

C.45:11-24a Standards, curricula for homemaker-home health aide education and training programs relative to Alzheimer's disease and related disorders.

1. a. The standards and curricula for the homemaker-home health aide education and training programs specified in subsection d. of section 2 of

P.L.1947, c.262 (C.45:11-24), may include comprehensive training in the specialized care of patients with Alzheimer's disease and related disorders who receive services from a homemaker-home health aide as defined in section 1 of P.L.1947, c.262 (C.45:11-23). A training program established under this subsection shall include, but not be limited to:

(1) the causes and progression of Alzheimer's disease and related disorders; and

(2) the methods to deal with the specific problems encountered in the care of patients with Alzheimer's disease and related disorders, including, but not limited to: communicating with patients with Alzheimer's disease and related disorders; the psychological, social, and physical needs of patients with Alzheimer's disease and related disorders; and safety measures which need to be taken for patients with Alzheimer's disease and related disorders.

b. Any person who is certified or who applies for certification as a homemaker-home health aide may complete a training and education program in the specialized care of patients with Alzheimer's disease and related disorders established pursuant to subsection a. of this section.

c. As used in this section, "Alzheimer's disease and related disorders" means forms of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

2. This act shall take effect on the first day of January of the year next following the date of enactment, except the Director of the Division of Consumer Affairs in the Department of Law and Public Safety and the New Jersey Board of Nursing may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 246

AN ACT requiring the New Jersey Department of Military and Veterans' Affairs to assist and mentor veterans through the criminal justice system and amending N.J.S.38A:3-6.

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

1. N.J.S.38A:3-6 is amended to read as follows:

Powers, duties.

38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Military and Veterans' Affairs and in connection therewith make and issue such regulations governing the work of the Department of Military and Veterans' Affairs and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Military and Veterans' Affairs within the meaning of such term as defined in section 1 of P.L.1944, c.112 (C.52:27B-1).

(c) (Deleted by amendment, P.L.1988, c.138.)

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Military and Veterans' Affairs.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) Exercise all of the functions, powers and duties heretofore vested in the Director of the Division on Veterans' Programs and Special Services.

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S.38A:3-8 and Title 11A of

the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration and oversight of equal opportunity programs.

(m) 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.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

(o) Adopt, issue and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be authorized by law.

(p) Institute, or cause to be instituted, legal proceedings or processes as necessary to properly enforce and give effect to any of the Adjutant General's powers or duties.

(q) Make an annual report to the Governor and to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law.

(r) Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions.

(s) Integrate within the department, so far as practicable, all staff services of the department and of several divisions and other agencies therein.

(t) Request access to all relevant files and records of other State agencies, which may be made available to the Adjutant General by the head of a State agency, and request, subject to the permission of the head of the State agency, any officer or employee therein to provide information as necessary to assist in the performance of the functions of the department.

(u) Supervise and operate the New Jersey Veterans' Memorial Home-Menlo Park, the New Jersey Veterans' Memorial Home-Vineland, the New Jersey Veterans' Memorial Home-Paramus and the New Jersey Veterans' Memorial Cemetery-Arneytown.

(v) Supervise and operate the liaison office and the field offices which serve the federal Veterans' Affairs Medical Centers.

(w) Make application for federal grants and programs, other than education grants or funds.

(x) Administer the federally-funded training and rehabilitation programs, except for the administration of federally-funded education and training programs set forth in 38 U.S.C. s.36 et seq.

(y) Provide current information to the general public on State and federal veterans' programs and benefits.

(z) Develop and administer the New Jersey Homeless Veterans Grant Program established pursuant to section 3 of P.L.2013, c.239 (C.38A:3-6.2b).

(aa) Encourage and facilitate the registration of each service member residing in New Jersey with the United States Department of Veterans Affairs, or its successor agency. Registration shall take place, as appropriate, when the service member returns from deployment on federal active duty or is discharged or as soon as possible thereafter. The term "service member" shall mean members of the New Jersey National Guard and members of the United States Armed Forces, or a Reserve component thereof, when the information on each member is made available to the department.

(bb) Develop and coordinate a volunteer-based program comprised of former service members to assist and mentor veterans who become involved with the criminal justice system, while the case is pending and afterward, in accessing assistance to resolve the underlying problems that led or contributed to the veteran's involvement with the criminal justice system including, but not limited to, offering support and guidance, securing housing, employment linkages, job training, education, transportation, disability compensation claims, discharge status, health care and other linkages available at the local State and federal level that can ease the challenge of reentry into civilian life.

2. This act shall take effect 60 days from the date of enactment.

Approved January 19, 2016.

CHAPTER 247

AN ACT concerning financial agreements under the "Long Term Tax Exemption Law" and amending P.L.1991, c.431 and R.S.54:4-74.

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

1. Section 12 of P.L.1991, c.431 (C.40A:20-12) is amended to read as follows:

C.40A:20-12 Tax exemption, duration; annual service charges.

12. The rehabilitation or improvements made in the development or redevelopment of a redevelopment area or area appurtenant thereto or for a redevelopment relocation housing project, pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.), shall be exempt from taxation for a limited period as hereinafter provided. When housing is to be constructed, acquired or rehabilitated by an urban renewal entity, the land upon which that housing is situated shall be exempt from taxation for a limited period as hereinafter provided. The exemption shall be allowed when the clerk of the municipality wherein the property is situated shall certify to the municipal tax assessor that a financial agreement with an urban renewal entity for the development or the redevelopment of the property, or the provision of a redevelopment relocation housing project, or the provision of a low and moderate income housing project has been entered into and is in effect as required by P.L.1991, c.431 (C.40A:20-1 et seq.).

Delivery by the municipal clerk to the municipal tax assessor of a certified copy of the ordinance of the governing body approving the tax exemption and financial agreement with the urban renewal entity shall constitute the required certification. For each exemption granted pursuant to P.L.2003, c.125 (C.40A:12A-4.1 et al.), upon certification as required hereunder, the tax assessor shall implement the exemption and continue to enforce that exemption without further certification by the clerk until the expiration of the entitlement to exemption by the terms of the financial agreement or until the tax assessor has been duly notified by the clerk that the exemption has been terminated.

Within 10 calendar days following the later of the effective date of an ordinance following its final adoption by the governing body approving the tax exemption or the execution of the financial agreement by the urban renewal entity, the municipal clerk shall transmit a certified copy of the ordinance and financial agreement to the chief financial officer of the county and to the county counsel for informational purposes.

Whenever an exemption status changes during a tax year, the procedure for the apportionment of the taxes for the year shall be the same as in the case of other changes in tax exemption status during the tax year. Tax exemptions granted pursuant to P.L.2003, c.125 (C.40A:12A-4.1 et al.) represent long term financial agreements between the municipality and the urban renewal entity and as such constitute a single continuing exemption from

local property taxation for the duration of the financial agreement. The validity of a financial agreement or any exemption granted pursuant thereto may be challenged only by filing an action in lieu of prerogative writ within 20 days from the publication of a notice of the adoption of an ordinance by the governing body granting the exemption and approving the financial agreement. Such notice shall be published in a newspaper of general circulation in the municipality and in a newspaper of general circulation in the county if different from the municipal newspaper.

a. The duration of the exemption for urban renewal entities shall be as follows: for all projects, a term of not more than 30 years from the completion of the entire project, or unit of the project if the project is undertaken in units, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity.

b. During the term of any exemption, in lieu of any taxes to be paid on the buildings and improvements of the project and, to the extent authorized pursuant to this section, on the land, the urban renewal entity shall make payment to the municipality of an annual service charge, which shall remit a portion of that revenue to the county as provided hereinafter. In addition, the municipality may assess an administrative fee, not to exceed two percent of the annual service charge, for the processing of the application. The annual service charge for municipal services supplied to the project to be paid by the urban renewal entity for any period of exemption, shall be determined as follows:

(1) An annual amount equal to a percentage determined pursuant to this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), of the annual gross revenue from each unit of the project, if the project is undertaken in units, or from the total project, if the project is not undertaken in units. The percentage of the annual gross revenue shall not be more than 15% in the case of a low and moderate income housing project, nor less than 10% in the case of all other projects.

At the option of the municipality, or where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental or gross shelter rent or annual gross revenue cannot be reasonably ascertained, the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to a percentage determined pursuant to this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), of the total project cost or total project unit cost determined pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) calculated from the first day of the month following the substantial completion of the project or any unit thereof, if the

project is undertaken in units. The percentage of the total project cost or total project unit cost shall not be more than 2% in the case of a low and moderate income housing project, and shall not be less than 2% in the case of all other projects.

(2) In either case, the financial agreement shall establish a schedule of annual service charges to be paid over the term of the exemption period, which shall be in stages as follows:

(a) For the first stage of the exemption period, which shall commence with the date of completion of the unit or of the project, as the case may be, and continue for a time of not less than six years nor more than 15 years, as specified in the financial agreement, the urban renewal entity shall pay the municipality an annual service charge for municipal services supplied to the project in an annual amount equal to the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11). For the remainder of the period of the exemption, if any, the annual service charge shall be determined as follows:

(b) For the second stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 20% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

(c) For the third stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

(d) For the fourth stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and

(e) For the final stage of the exemption period, the duration of which shall not be less than one year and shall be specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 80% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater.

If the financial agreement provides for an exemption period of less than 30 years from the completion of the entire project, or less than 35 years from the execution of the financial agreement, the financial agreement shall set forth a schedule of annual service charges for the exemption period which shall be based upon the minimum service charges and staged adjustments set forth in this section.

The annual service charge shall be paid to the municipality on a quarterly basis in a manner consistent with the municipality's tax collection schedule.

Each municipality which enters into a financial agreement on or after the effective date of P.L.2003, c.125 (C.40A:12A-4.1 et al.) shall remit 5 percent of the annual service charge collected by the municipality to the county in accordance with the provisions of R.S.54:4-74.

Against the annual service charge the urban renewal entity shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments.

Notwithstanding the provisions of this section or of the financial agreement, the minimum annual service charge shall be the amount of the total taxes levied against all real property in the area covered by the project in the last full tax year in which the area was subject to taxation, and the minimum annual service charge shall be paid in each year in which the annual service charge calculated pursuant to this section or the financial agreement would be less than the minimum annual service charge.

c. All exemptions granted pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) shall terminate at the time prescribed in the financial agreement.

Upon the termination of the exemption granted pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.), the project, all affected parcels, land and all improvements made thereto shall be assessed and subject to taxation as are other taxable properties in the municipality. After the date of termination, all restrictions and limitations upon the urban renewal entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

2. R.S.54:4-74 is amended to read as follows:

Payment of State and county taxes by municipality.

54:4-74. For the purpose of this section:

"County tax due" or "tax due" means the amount so assessed less the county's proportionate share of the property taxes no longer owed by the

municipality pursuant to the blue acres property tax exemption established by subsection b. of section 1 of P.L.2013, c.261 (C.54:4-3.3g) and less any applicable credit established by subsection e. of section 1 of P.L.2013, c.261 (C.54:4-3.3g), but shall include all amounts collected by the county under agreements entered into by municipalities pursuant to the "Long Term Tax Exemption Law," P.L.1991, c.431 (C.40A:20-1 et seq.).

The governing body of each municipality shall cause to be paid to the treasurer of the county, in four installments, the amount of county tax due, and the other county taxes required to be assessed and raised in such municipality, on the fifteenth day of the month in which each installment of taxes shall become payable, except, that in those years when the third installment has been determined by the tax collector to be due after August 10, the installment shall be due no later than five days after the twenty-fifth day from when the tax bill was mailed or otherwise delivered pursuant to subsection a. of R.S.54:4-64, but no later than September 15. The amount to be payable as each of the first two installments shall be one-quarter of the total county tax due and one-quarter of the other total county taxes finally levied against the municipality for the preceding year, and the amount to be payable for the third and fourth installments shall be the county tax due, and for the other county taxes the full tax as levied, for the current year, less the amount charged as the first and second installments. The total amount thus found to be payable as the last two installments shall be divided equally for and as each installment. The governing body of each municipality shall cause to be paid to the county treasurer on December fifteenth of each year all of the taxes required to be assessed and raised by taxation in such taxing district for State school and other State purposes.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 248

AN ACT directing the Department of Labor and Workforce Development to provide certain information and supplementing Title 34 of the Revised Statutes.

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

C.34:1A-1.15 Provision of information relative to certain employee leave and benefit rights.

1. a. The Department of Labor and Workforce Development shall maintain on its Internet website a webpage developed by the department, in consultation with the Department of Law and Public Safety, of information regarding any rights provided by law to employees in New Jersey to receive benefits during family leave or disability, and any rights provided by law for employees to return to work after leave.

b. The information required pursuant to subsection a. of this section shall include, but not be limited to:

(1) information that an employee eligible to receive benefits for the purpose of caring for a child during the first 12 months after the child's birth, may be also eligible for temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) during pregnancy and recovery from childbirth for the period that a legally licensed practitioner specified under subsection (d) of section 15 of P.L.1948, c.110 (C.43:21-39) deems necessary, and that an employee eligible for temporary disability benefits in connection with pregnancy and recovery from childbirth may also be eligible for family leave benefits to care for the child after recovery from childbirth;

(2) information regarding an employee's rights to return to work pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the "New Jersey Security and Financial Empowerment Act," P.L.2013, c.82 (C.34:11C-1 et seq.), and the federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C.s.2601 et seq.), including an explanation of the types of employers subject to each of those acts and an explanation of an employee's rights if the employer is not subject to those acts;

(3) links to texts of: the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.); the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.); P.L.2008, c.17 (C.43:21-39.1 et seq.); the "New Jersey Security and Financial Empowerment Act," P.L.2013, c.82 (C.34:11C-1 et seq.); and R.S.34:15-1 et seq.; and

(4) instructions for claiming the benefits provided to workers pursuant to each law indicated in paragraph (3) of this subsection and information on where employers and employees can make inquiries or request resources relevant to each of those laws.

2. This act shall take effect on the 120th day after enactment.

Approved January 19, 2016.

CHAPTER 249

AN ACT concerning the annual budget requests of certain county entities, amending N.J.S.2A:158-7 and P.L.2007, c.62, and supplementing various parts of the statutory law.

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

1. N.J.S.2A:158-7 is amended to read as follows:

Expenses of prosecutor in enforcement of laws.

2A:158-7. All necessary expenses incurred by the prosecutor for each county in the detection, arrest, indictment and conviction of offenders against the laws shall, upon being certified to by the prosecutor and approved, under his hand, by a judge of the Superior Court, be paid by the county treasurer whenever the same shall be approved by the board of chosen freeholders of such county. The amount or amounts to be expended shall not exceed the amount fixed by the board of chosen freeholders in its regular or emergency appropriation, unless such expenditure is specifically authorized by order of the assignment judge of the Superior Court for such county; however, the assignment judge shall consider the financial impact of such an order on the governing body of the county, its residents, the limitations imposed upon the local unit's property tax levy pursuant to subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-45.45), and county taxpayers.

2. Section 9 of P.L.2007, c.62 (C.40A:4-45.44) is amended to read as follows:

C.40A:4-45.44 Definitions relative to property tax levy cap concerning local units.

9. For the purposes of sections 9 through 13 of P.L.2007, c.62 (C.40A:4-45.44 through C.40A:4-45.47 and C.40A:4-45.3e):

"Adjusted tax levy" means an amount not greater than the amount to be raised by taxation of the previous fiscal year, less any waivers from a prior fiscal year required to be deducted by the Local Finance Board pursuant to section 11 of P.L.2007, c.62 (C.40A:4-45.46), that result multiplied by 1.02, to which the sum of exclusions defined in subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-45.45) shall be added.

"Amount to be raised by taxation" means the property tax levy set in the annual budget of a local unit.

"Local unit" means a municipality, county, fire district, or solid waste collection district, but shall not include a municipality that had a municipal purposes tax rate of $0.10 or less per $100 for the previous tax year.

"New ratables" means the product of the taxable value of any new construction or improvements times the tax rate of a local unit for its previous tax year.

"County entity budget authority" means the county tax administrator, county superintendent of election, county board of election, county register of deeds and mortgages, county clerk, county surrogate, county prosecutor, and county sheriff, in their role as the appointing authority of their respective offices.

"County entity" means a county board of taxation, office of the county superintendent of election, office of the county board of election, office of the county register of deeds and mortgages, office of the county clerk, office of the county surrogate, office of the county prosecutor, and county sheriff's department.

C.40A:4-45.45b Parts of budget request; exemptions.

3. a. A budget request submitted to the county governing body by a county entity budget authority on behalf of a county entity shall be comprised of two parts: the amount to be raised by property taxation, and the amount to be funded wholly through federal or State funds, fees raised by the county entity, or other sources.

b. In the preparation of the portion of its budget request to be raised by property taxation, a county entity budget authority shall limit any increase in that portion of its budget request to 2.0% of the previous year's budget request, subject to the exclusions set forth in subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-45.45), except that election expenses shall be exempt from the requirements of this subsection. For purposes of this subsection, "election expenses" shall mean and include all necessary expenses incurred by the superintendent of elections, county clerk, and board of elections for each county related to election costs and the administration, preparation, and implementation of all elections, including all vendor related contract services; voting machine maintenance, repairs, parts and equipment, certification, and technical coding; transportation of voting machines and election supplies; overtime for all staff related to election duty; food services during election; poll workers, machine technicians, and other temporary workers; supplies; office equipment; printing; postage; advertisement costs, upon being certified to by the superintendent of elections, county clerk, and board of elections for each county; but shall not mean or

include staff salaries for the office of the superintendent of elections, staff salaries for the county clerk, or staff salaries for the county board of elections.

c. Nothing in P.L.2015, c.249 (C.40A:4-45.45b et al.) shall diminish the obligations of a county under a collective bargaining agreement with its employees in force on the effective date of P.L.2015, c.249 (C.40A:4-45.45b et al.).

C.54:3-32 Preparation of annual budget request by county tax administrator.

4. A county tax administrator shall prepare the annual budget request for the county board of taxation pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.19:32-26.9 Preparation of annual budget request by county superintendent of elections.

5. A county superintendent of elections shall prepare the annual budget request for the office of the county superintendent of elections pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.40A:9-89.1 Preparation of annual budget request by county register of deeds and mortgages.

6. A county register of deeds and mortgages shall prepare the annual budget request for the office of the county register of deeds and mortgages pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.40A:9-77.2 Preparation of annual budget request by county clerk.

7. A county clerk shall prepare the annual budget request for the office of the county clerk pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.2B:14-14 Preparation of annual budget request by county surrogate.

8. A county surrogate shall prepare the annual budget request for the office of the county surrogate pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.22A:4-8.2 Preparation of annual budget request by county sheriff.

9. A county sheriff shall prepare the annual budget request for the county sheriff's department pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.2A:158-1a Preparation of annual budget request by county prosecutor.

10. A county prosecutor shall prepare the annual budget request for the county prosecutor's office pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.19:6-21.1 Preparation of annual budget request by county board of elections.

11. A county board of elections shall prepare the annual budget request for the office of county board of elections pursuant to the requirements of section 3 of P.L.2015, c.249 (C.40A:4-45.45b).

C.40A:4-45.45c Rules, regulations.

12. The Director of the Division of Local Government Services in the Department of Community Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations as may be necessary to effectuate the provisions of this act.

13. This act shall take effect immediately and shall first apply to the county budget year commencing on January 1, 2017.

Approved January 19, 2016.

CHAPTER 250

AN ACT requiring the county superintendent of elections to operate pursuant to the county administrative code, subjecting certain salary costs of the office of county superintendent of elections to review and approval of county governing bodies, and amending various parts of the statutory law.

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

1. Section 4 of P.L.1987, c.236 (C.40:20-1.3) is amended to read as follows:

C.40:20-1.3 Administrative code.

4. a. The board of chosen freeholders may adopt an administrative code organizing the administration of the county government, setting forth the

duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, county register of deeds, county clerk, surrogate, county superintendent of elections, and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, county register of deeds, county clerk, surrogate, county superintendent of elections, and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, county register of deeds, county clerk, surrogate, county superintendent of elections, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of those county officers.

d. An administrative code adopted pursuant to this section shall enter into effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties, and exercise the powers granted them under the administrative code and shall do so in the manner prescribed therein.

2. Section 125 of P.L.1972, c.154 (C.40:41A-125) is amended to read as follows:

C.40:41A-125 Adoption of the administrative code.

125. a. Any time after 60 days from the date of the organization of the first board of chosen freeholders elected under this act, the board of chosen freeholders shall adopt an administrative code organizing the administration of the county government, setting forth the duties and responsibilities and powers of all county officials and agencies, and the manner of performance needed.

b. The administrative code may require that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate, county superintendent of elections, and sheriff be subject to such annual budgetary procedures and requirements as may be specified therein. These procedures and requirements may include, but shall not be limited to, the preparation and submission of an annual budget in accordance with the provisions of the administrative code, and the submission of such periodic budget reports as may be provided therein. The administrative code may further provide that the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate, county superintendent of elections, and sheriff shall be subject to such accounting controls, central purchasing practices, personnel procedures, and central data processing services as are specified in the code, or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of the county board of taxation, county board of elections, jury commissioners of the county, county clerk, surrogate, county superintendent of elections, and sheriff as the appointing authority of their respective offices.

c. Nothing in the administrative code shall change the duties or powers of county officers whose existence is mandated by the Constitution or shall diminish the duties, responsibilities or powers of any elected or appointed head of the executive branch or chief assistant thereto or county administrator.

3. R.S.19:32-2 is amended to read as follows:

Appointment of staff; civil service; salaries; expenses.

19:32-2. a. Except as provided in section 2 of P.L.1982, c.46 (C.19:32-1.2), each superintendent may appoint a chief deputy, a chief clerk, a secretary, such personnel as is authorized under R.S.19:48-6, and any other assistants he considers necessary to carry out the provisions of this Title, and, except as hereinafter provided, may remove the same whenever he deems it necessary and all persons so appointed, by superintendents of elections in counties of the first class having more than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than six months in any one year, shall be in the classified service of the civil service and shall be appointed in accordance with and shall be subject to the provisions of Title 11A, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11A, Civil Service, but shall be in the unclassified service. All persons appointed by

the commissioner of registration in counties of the first class having more than 600,000, but less than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than six months in any one year, other than the chief deputy and chief clerk and confidential secretary and chief custodian, shall be in the classified service of the civil service and shall be appointed, and hold their position, in accordance with the provisions of Title 11A, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11A, Civil Service, but shall be in the unclassified service. Subject to the provisions of subsection b. of this section, the salaries of the persons so appointed shall be fixed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title, when certified to and approved by the superintendent, shall be paid by the county treasurer of the county in which the superintendent shall maintain his office; provided, however, that all necessary expenses incurred by the commissioner of registration, the superintendent of elections, and the custodian of voting machines in the counties of the first class for the proper performance of all of his duties of all his offices as set forth in Title 19, shall not exceed, in the aggregate, the sum of $2,000,000.00 for the year 1998 or that sum, as adjusted, for each year thereafter. The governing body of the county may increase the sum but the increase shall not exceed 5% or the index rate, whichever is less, over the previous year's sum. As used in this section, "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, which annual increase shall be calculated on the basis of the second quarter which occurred in the next preceding local budget year. The Director of the Division of Local Government Services in the Department of Community Affairs shall promulgate annually, on or before October 1, the index rate to apply in the next following local budget year.

b. The superintendent shall determine the amount of the salary to be paid to each person appointed by the superintendent, and shall submit the proposed salaries to the governing body for review and approval. Following the review and approval of the governing body, the salaries shall be fixed and shall be paid to those persons pursuant to the provisions of subsection a. of this section.

4. Section 2 of P.L.1947, c.167 (C.19:32-27) is amended to read as follows:

C.19:32-27 Appointment of deputy and assistants, salaries.

2. a. Except as provided in section 2 of P.L.1992, c.17 (C.19:32-26.2), each superintendent may appoint a chief deputy, a clerk, a secretary and any other assistants he considers necessary to carry out the provisions of this Title, and may remove the same whenever he deems it necessary. Those so appointed shall not be subject to any of the provisions of Title 11A, Civil Service, of the New Jersey Statutes but shall be in the unclassified service. Subject to the provisions of subsection b. of this section, the salaries of the persons so appointed shall be fixed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title when certified to and approved by the superintendent shall be paid by the county treasurer of the county in which the superintendent shall maintain his office.

b. The superintendent shall determine the amount of the salary to be paid to each person appointed by the superintendent, and shall submit the proposed salaries to the governing body for review and approval. Following the review and approval of the governing body, the salaries shall be fixed and shall be paid to those persons pursuant to the provisions of subsection a. of this section.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 251

AN ACT concerning definition of certified mail and amending R.S.1:1-2.

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

1. R.S.1:1-2 is amended to read as follows:

Words and phrases defined.

1:1-2. Unless it be otherwise expressly provided or there is something in the subject or context repugnant to such construction, the following

words and phrases, when used in any statute and in the Revised Statutes, shall have the meaning herein given to them.

Affirmation; affirmed. See "Oath; sworn," infra, this section.

Assessor. The word "assessor," when used in relation to the assessment of taxes or water rents or other public assessments, includes all officers, boards or commissions charged with the duty of making such assessments, unless a particular officer, board or commission is specified.

Census. When used with reference to the population of this State, or of any subdivision thereof, the word "census" means the latest Federal census effective within this State.

Certified mail. The words "certified mail" include private express carrier service, provided that the private express carrier service provides confirmation of mailing. For purposes of this definition, confirmation of mailing may be by electronic means, and shall include, at a minimum, confirmation of fact of mail, time of mailing, date and time of delivery, attempted delivery, signature, or other similar information for confirmation or proof associated with the delivery service.

Collector. The word "collector," when used in relation to the collection of taxes or water rents or other public assessments, includes all officers charged with the duty of collecting such taxes, water rents or assessments, unless a particular officer is specified.

Folio; sheet. A sheet or folio shall consist of 100 words, and in all cases where an entry of any writing or copy is to be paid for, the sheet or folio shall consist of 100 words.

Gender. See "Number; gender," infra, this section.

General election. The words "general election" shall be taken to mean the annual election to be held on the first Tuesday after the first Monday in November and in any statute in which it is provided that any public officer shall be elected, or any public question shall be voted upon, at an election at which members of the General Assembly are to be voted for or elected, or words to that effect, shall be taken to mean, and shall be construed to be the equivalent of a provision, that said public officers shall be elected, or that said public question shall be voted upon, "at a general election."

He. "Number; gender," infra, this section.

Inhabitants. See "Population; inhabitants," infra, this section.

It. See "Number; gender," infra, this section.

Magistrate. The word "magistrate" includes any judge, municipal magistrate or officer or other person having the powers of a committing magistrate.

Masculine. See "Number; gender," infra, this section.

Month; year. The word "month" means a calendar month, and the word "year" means a calendar year.

Municipality; municipal corporation. The words "municipality" and "municipal corporation" include cities, towns, townships, villages and boroughs, and any municipality governed by a board of commissioners or an improvement commission.

Neuter. See "Number; gender," infra, this section.

Number; gender. Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

Oath; sworn. The word "oath" includes "affirmation;" and the word "sworn" includes "affirmed."

Other property. See "Property; other property," infra, this section.

Person. The word "person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, unless restricted by the context to an individual as distinguished from a corporate entity or specifically restricted to one or some of the above enumerated synonyms and, when used to designate the owner of property which may be the subject of an offense, includes this State, the United States, any other State of the United States as defined infra and any foreign country or government lawfully owning or possessing property within this State.

Personal property. "Personal property" includes goods and chattels, rights and credits, moneys and effects, evidences of debt, choses in action and all written instruments by which any right to, interest in, or lien or encumbrance upon, property or any debt or financial obligation is created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and everything except real property as herein defined which may be the subject of ownership.

Plural. See "Number; gender," supra, this section.

Population; inhabitants. The word "population," when used in any statute, shall be taken to mean the population as shown by the latest Federal census effective within this State, and shall be construed as synonymous with "inhabitants."

Property; other property. The words "property" and "other property," unless restricted or limited by the context to either real or personal property, includes both real and personal property.

Real estate; real property. The words "real estate" and "real property," include lands, tenements and hereditaments and all rights thereto and interests therein.

Registered mail. The words "registered mail" include "certified mail".

Revised Statutes. The words "Revised Statutes" mean the Revised Statutes of 1937, unless some other revision is expressly indicated or referred to.

Revision law. The words "Revision law" mean any statute which is expressed in its title or body to be a revision of any part of the statutory law.

She. See "Number; gender," supra, this section.

Sheet. See "Folio," supra, this section.

Ship. The word "Ship" includes vessels, steamers, canal boats and every boat or structure adapted to navigation or movement from place to place, upon the ocean, lakes, rivers or artificial waterways, either by its own power or otherwise.

Singular. See "Number; gender," supra, this section.

State. The word "State" extends to and includes any State, territory or possession of the United States, the District of Columbia and the Canal Zone.

Sworn. See "Oath; sworn," supra, this section.

Taxing district. The words "taxing district," when used in a law relating to the assessment or collection of taxes, assessments or water rates or water rents, include every political division of the State, less than a county, whose inhabitants, governing body or officers have the power to levy taxes, assessments or rates.

Territory. The word "territory" extends to and includes any territory or possession of the United States, the District of Columbia and the Canal Zone.

United States. The words "United States" extend to and include every State, territory and possession of the United States, the District of Columbia and the Canal Zone.

Year. See "Month; year," supra, this section.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 252

AN ACT concerning certain documentation submission under certain business tax credit programs and amending various parts of the statutory law.

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

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

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

3. a. (1) A business, upon application to and approval from the authority, shall be allowed a credit of 100 percent of its capital investment, made after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility within an eligible municipality, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality. The value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of P.L.2009, c.90 (C.34:1B-209.3) and section 6 of P.L.2010, c.57 (C.34:1B-209.4).

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

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

made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of $50,000,000. Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of $50,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility.

(4) A business shall not be allowed tax credits under this section if the business participates in a business employment incentive agreement, pursuant to P.L.1996, c.26 (C.34:1B-124 et seq.), relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.). A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon its capital investment and the employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P.L.2008, c.112 (C.34:1B-237 et seq.).

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

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility.

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

the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality.

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

b. (1) If applications under this section have been received by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), then, to the extent that there remains sufficient financial authorization for the award of a tax credit, the authority is authorized to consider those applications and to make awards of tax credits to eligible applicants, provided that the authority shall take final action on those applications no later than December 31, 2013.

(2) A business shall apply for the credit under this section prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), and shall submit its documentation for approval of its credit amount no later than April 26, 2019.

(3) If a business has submitted an application under this section and that application has not been approved for any reason, the lack of approval shall not serve to prejudice in any way the consideration of a new application as may be submitted for the qualified business facility for the provision of incentives offered pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(4) Tax credits awarded pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) for applications submitted to and approved by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), shall be administered by the authority in the manner established prior to that date.

(5) With respect to an application received by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) for a qualified business facility that is located on or adjacent to the campus of an acute care medical facility, (a) the minimum number of full-time employees required for eligibility under the program may be employed by any number of tenants or other occupants of the facility, in the aggregate, and the initial satisfaction of the requirement following completion of the project shall be deemed to satisfy the employment requirements of the program in all respects, and (b) if the capital investment in the facility exceeds $100,000,000, the determination of the net positive benefit yield shall be based on the benefits generated during a period of up to 30 years following the completion of the project, as determined by the authority.

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

The credit amount for any tax period ending after July 28, 2019 during which the documentation of a business's credit amount remains uncertified shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) in any fiscal year shall not exceed $260,000,000.

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

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or at the end of the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by the time and accompanied by the additional information as the director may require.

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

d. (1) If, in any tax period, fewer than 200 full-time employees of the business at the qualified business facility are employed in new full-time positions, the amount of the credit otherwise determined pursuant to final calculation of the award of tax credits pursuant to subsection c. of this section shall be reduced by 20 percent for that tax period and each subsequent tax period until the first period for which documentation demonstrating the restoration of the 200 full-time employees employed in new full-time positions at the qualified business facility has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed; provided, however, that for businesses applying before January 1, 2010, there shall be no reduction if a business relocates to an urban transit hub from another location or other locations in

the same municipality. For the purposes of this paragraph, a "new full-time position" means a position created by the business at the qualified business facility that did not previously exist in this State.

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

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

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

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

e. (1) The Executive Director of the New Jersey Economic Development Authority, in consultation with the Director of the Division of Taxation

in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2007, c.346 (C.34:1B-207 et seq.), including, but not limited to: examples of and the determination of capital investment; the enumeration of eligible municipalities; specific delineation of urban transit hubs; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility or mixed use project; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

(2) Through regulation, the authority shall establish standards based on the green building manual prepared by the Commissioner of Community Affairs, pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

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

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

35. a. (1) A developer, upon application to and approval from the authority, shall be allowed a credit of up to 35 percent of its capital investment, or up to 40 percent for a project located in a Garden State Growth Zone, made after the effective date of P.L.2009, c.90 (C.52:27D-489a et al.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested, but is not likely to be accomplished by private enterprise without the tax credits. The value of all credits approved by the authority pursuant to this section for qualified residential projects may be up to $150,000,000, except as may be increased by the authority as set forth below and as set forth in paragraph (5) of this subsection; provided; however, that the combined value of all credits approved by the authority pursuant to section 3 of P.L.2007, c.346 (C.34:1B-207) and this section shall

not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of this subsection. The authority shall monitor application and allocation activity under P.L.2007, c.346 (C.34:1B-207 et seq.), and if sufficient credits are available after taking into account allocation under P.L.2007, c.346 (C.34:1B-207 et seq.) to those qualified business facilities for which applications have been filed or for which applications are reasonably anticipated, and if the executive director judges certain qualified residential projects to be meritorious, the aforementioned $150,000,000 cap may, in the discretion of the executive director, from time to time, be exceeded for allocation to qualified residential projects in amounts as the executive director deems reasonable, justified, and appropriate. In allocating all credits to qualified residential projects under this section, the executive director shall take into account, together with other factors deemed relevant by the executive director: input from the municipality in which the project is to be located; whether the project contributes to the recovery of areas affected by Hurricane Sandy; whether the project furthers specific State or municipal planning and development objectives, or both; and whether the project furthers a public purpose, such as catalyzing urban development or maximizing the value of vacant, dilapidated, outmoded, government-owned, or underutilized property, or both.

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

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

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

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

(b) A developer shall be allowed a credit of up to 35 percent of its capital investment, or up to 40 percent for a project located in a Garden State Growth Zone, made after the effective date of P.L.2011, c.89, but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project that is part of a mixed use project, provided that:

(i) the capital investment in the qualified residential project represents at least $17,500,000 of the total capital investment in the mixed use project; and

(ii) the total capital investment in the mixed use project of which the qualified residential project is a part is not less than $50,000,000.

The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (3) of this subsection, including, but not limited to, the requirement prescribed in paragraph (1) of this subsection that the developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits.

As used in this subparagraph:

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

(5) The authority may approve and allocate credits for qualified residential projects in a value sufficient to meet the requirements of all applications that were received by the authority between October 24, 2012 and December 21, 2012, without regard to the terms of any competitive solicitation, except for the $33,000,000 per project cap, and without need for reapplication by any applicant. The authority shall take final action on those applications prior to the 120th day after the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

b. (1) A developer shall apply for the credit under this section on or prior to December 21, 2012 but may thereafter supplement an application as may be requested by the authority. A developer shall submit its documentation for approval of its credit amount no later than April 26, 2019.

(2) If a developer has submitted an application under this section and the application has not been approved for any reason, the lack of approval shall not serve to prejudice in any way the consideration of a new application as may be submitted for the project for the provision of incentives offered pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

c. The credit shall be administered in accordance with the provisions of subsections c. and e. of section 3 of P.L.2007, c.346 (C.34:1B-209), as amended by section 32 of P.L.2009, c.90, and section 33 of P.L.2009, c.90 (C.34:1B-209.1), except that:

(1) all references therein to "business" and "qualified business facility" shall be deemed to refer respectively to "developer" and "qualified residential project," as those terms are defined in section 34 of P.L.2009, c.90 (C.34:1B-209.2); and

(2) all references therein to credits claimed by tenants and to reductions or disqualifications in credits as determined by annual review of the authority shall be disregarded.

For purposes of a "mixed use project" as that term is used and defined pursuant to subparagraph (b) of paragraph (4) of subsection a. of this section, "qualified business facility" means that term as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

3. 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 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 $628,000,000, 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) $250,000,000 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; and (v) qualified residential projects in SDA municipalities located in Hudson County that were awarded 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 and $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;

(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) $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

(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.

4. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to read as follows:

C.34:1B-247 Limit on combined value of approved credits.

6. a. (1) The combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013 shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of section 35 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(2) (Deleted by amendment, P.L.2013, c.161).

(3) (Deleted by amendment, P.L.2013, c.161).

(4) (Deleted by amendment, P.L.2013, c.161).

(5) (Deleted by amendment, P.L.2013, c.161).

b. (1) A business shall submit an application for tax credits prior to July 1, 2019. The authority shall not approve an application for tax credits unless the application was submitted prior to July 1, 2019.

(2) (a) A business shall submit its documentation indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount within three years following the date of approval of its application by the authority. The authority shall have the discretion to grant two six-month extensions of this deadline. Except as provided in subparagraph (b) of this paragraph, in no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(b) As of the effective date of P.L.2015, c.252, a business which applied for the tax credit prior to July 1, 2014 under P.L.2011, c.149 (C.34:1B-242 et al.), shall submit its documentation to the authority no later than July 28, 2018, indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount.

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

(4) A business seeking a credit for a mega project shall apply for the credit within four years after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

c. (1) In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period for which the documentation of a business's credit amount remains uncertified as of a date three years after the closing date of that period shall be forfeited, although credit amounts for the remainder of the years of the eligibility period shall remain available to it.

The credit amount may be taken by the tax certificate holder for the tax period for which it was issued or may be carried forward for use by the tax certificate holder in any of the next 20 successive tax periods, and shall expire thereafter. The tax certificate holder may transfer the tax credit amount on or after the date of issuance or at any time within three years of the date of issuance for use by the transferee in the tax period during which it was

transferred or in any of the next three successive tax periods. Notwithstanding the foregoing, no more than the amount of tax credits equal to the total credit amount divided by the duration of the eligibility period in years may be taken in any tax period.

(2) Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the Director of the Division of Taxation in the Department of the Treasury accompanied by any additional information as the director may require.

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

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 80 percent of the number of new and retained full-time jobs specified in the incentive agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 80 percent of the number of jobs specified in the incentive agreement.

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

(b) In connection with a regional distribution facility of foodstuffs, the business entity or entities which own or lease the facility shall qualify as a business regardless of: (i) the type of the business entity or entities which own or lease the facility; (ii) the ownership or leasing of the facility by more than one business entity; or (iii) the ownership of the business entity or entities which own or lease the facility. The ownership or leasing, whether by members, shareholders, partners, or other owners of the business entity or entities, shall be treated as ownership or leasing by affiliates. The members, shareholders, partners, or other ownership or leasing participants and others that are tenants in the facility shall be treated as affiliates for the purpose of counting the full-time employees and capital investments in the facility. The business entity or entities may distribute credits to members, shareholders, partners, or other ownership or leasing participants in accordance with their respective interests. If the business entity or entities or their members, shareholders, partners, or other ownership or leasing participants lease space in the facility to members, shareholders, partners, or other ownership or leasing participants or others as tenants in the facility, the leases shall be treated as a lease to an affiliate, and the business entity or entities shall not be subject to forfeiture of the credits. For the purposes of this section, leasing shall include subleasing and tenants shall include subtenants.

(4) (a) For a project located within a Garden State Growth Zone, if, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement, then the business shall be entitled to an increased base credit amount for that tax period and each subsequent tax period, for each additional full-time employee added above the number of full-time employees specified in the incentive agreement, until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount will be adjusted accordingly pursuant to this section.

(b) For a project located within 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 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, and which qualifies for a tax credit pursuant to subsubparagraph (ii) of subparagraphs (a) through (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), if, in any tax period the number of full-time employees employed by the business at the qualified business facility lo-

cated within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement such that the business shall then meet the minimum number of employees required in subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), then the authority shall recalculate the total tax credit amount per full-time job by using the certified capital investment of the project allowable under the applicable subsubparagraph and the number of full-time jobs certified on the date of the recalculation and applying those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount shall be adjusted accordingly pursuant to this section.

e. The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P.L.1996, c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), or any other program administered by the authority unless:

(1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P.L.2011, c.149 (C.34:1B-245); or

(2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives.

f. A business which has already applied for a tax credit incentive award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for the tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend the application or reapply for a tax credit incentive award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the program.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 253

AN ACT concerning caregiver liability and supplementing Title 30 of the Revised Statutes.

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

C.30:4C-26c Caregiver liability relative to certain activities; terms defined.

1. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a department that is responsible for the care of children shall make efforts to normalize the life of a child in the department's care, custody, or guardianship by empowering the child's caregiver to approve or disapprove, in a manner consistent with a reasonable and prudent parent standard, the child's participation in extracurricular, enrichment, cultural, or social activities.

b. In making a determination of a reasonable and prudent parent with regard to allowing a child's participation in extracurricular, enrichment, cultural, or social activities, the child's caregiver shall consider, but not be limited to, circumstances that:

(1) encourage the child's formation of healthy, age-appropriate social relationships and bonds;

(2) permit the child's participation in age-appropriate social activities and events;

(3) allow the child to exercise age-appropriate autonomy and decision making authority within reasonable limits;

(4) allow the child to maintain an age-appropriate degree of personal privacy; and

(5) avoid imposing upon the child's conduct any unreasonable burden not generally imposed upon other children of the same age and maturity level.

c. A caregiver shall not be held liable for an injury caused by an act or omission in connection with the authority granted pursuant to subsection a. of this section unless the act or omission of the caregiver, resulting in the injury, constitutes willful or wanton misconduct.

d. The immunity afforded in subsection c. of this section shall not limit or remove any liability protection or immunity afforded to the caregiver or the department by the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq. or any other law or statute.

e. As used in this section:

"Caregiver" means a resource family parent, foster parent, or a corporate entity or person designated by the department as responsible for the care of a child under the care, custody, or guardianship of the department.

"Department" means the Department of Children and Families and any other State department, agency, political subdivision, or the employees of any State department, agency, or political subdivision that is responsible for the care of children.

"Reasonable and prudent parent standard" means the standard of care provided to a child which is characterized by careful and sensible parental decisions that maintain the health, safety, and well-being of the child, encourage the emotional and developmental growth of the child, and promote the best interests of the child.

f. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Children and Families shall, immediately upon filing proper notice with the Office of Administrative Law, adopt the rules and regulations as the commissioner deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed 270 days and shall, thereafter, be amended, adopted, or readopted by the commissioner in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 254

AN ACT concerning the establishment of recovery high school alternative education programs and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:35-29 Short title.

1. This act shall be known and may be cited as the "Recovery High School Alternative Education Act."

C.18A:35-30 Definitions relative to alternative education programs.

2. As used in this act:

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in a general education program or who have been mandated for removal from general education. The alternative education program shall provide a variety of approaches to meet State-adopted standards, including non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students.

"Recovery high school alternative education program" means an alternative education program that serves students diagnosed with substance use disorder or dependency as defined by the most recent Diagnostic and Statistical Manual of Mental Disorders, and that provides a comprehensive four-year high school education in an alternative public school setting and a structured plan of recovery that is aligned with the national framework of evidence-based practices for recovery high schools.

C.18A:35-31 Operation of alternative education program permitted.

3. Any board of education may operate an alternative education program including, but not limited to, a recovery high school alternative education program, upon approval by the board of education. The Commissioner of Education shall approve any alternative education program within a State agency, public college operated program, or department-approved school.

C.18A:35-32 Agreement for provision of services to out-of-district student.

4. A sending district may enter into an agreement with a school district which has established a recovery high school alternative education program for the provision of services to a student who is currently enrolled in the sending district. If the student is admitted to the recovery high school alternative education program, the sending district shall pay tuition to that district calculated in accordance with the provisions of N.J.S.18A:38-19.

C.18A:35-33 Regulations.

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

6. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 255

AN ACT concerning the best interests of the child, revising various parts of the statutory law, and supplementing Title 9 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.1982, c.77 (C.2A:4A-21) is amended to read as follows:

C.2A:4A-21 Purposes.

2. Purposes. This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefor an adequate program of supervision, care and rehabilitation, and a range of sanctions designed to promote accountability and protect the public;

c. To separate juveniles from the family environment only when necessary for their health, safety, or welfare or in the interests of public safety;

d. To secure for each child coming under the jurisdiction of the court the care, guidance, and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the State; and when the child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents;

e. To insure that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them;

f. Consistent with the protection of the public interest, to insure that any services and sanctions for juveniles provide balanced attention to the

protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim, and community, and the development of competencies to enable children to become responsible and productive members of the community;

g. To insure protection and a safe environment for those sexually exploited juveniles who are charged with prostitution or who are alleged to be victims of human trafficking; and to provide these juveniles with the appropriate shelter, care, counseling, and crisis intervention services from the time they are taken into custody and for the duration of any legal proceedings; and

h. To insure that in any action undertaken within the provisions of this act, the best interests of the child shall be a primary consideration.

2. Section 1 of P.L.1971, c.437 (C.9:6-8.8) is amended to read as follows:

C.9:6-8.8 Health, safety, best interest of child paramount concern.

1. a. The purpose of this act is to provide for the protection of children under 18 years of age who have had serious injury inflicted upon them by other than accidental means. The safety of the children served shall be of paramount concern and the best interests of the child shall be a primary consideration. It is the intent of this legislation to assure that the lives of innocent children are immediately safeguarded from further injury and possible death and that the legal rights of the children are fully protected.

b. (1) In accordance with the provisions of paragraphs (2), (3), and (4) of this subsection, when determining the reasonable efforts to be made and when making the reasonable efforts, the child's health and safety shall be of paramount concern and the best interests of the child shall be a primary consideration.

(2) In any case in which the division accepts a child in care or custody, the division shall make reasonable efforts, prior to placement, to preserve the family in order to prevent the need for removing the child from his home. After placement, the division shall make reasonable efforts to make it possible for the child to safely return to his home.

(3) Reasonable efforts to place a child for adoption or with a legal guardian or in an alternative permanent placement may be made concurrently with reasonable efforts to preserve and reunify the child's family.

(4) In any case in which family reunification is not the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner and to complete the steps necessary to finalize the permanent placement of the child.

3. Section 1 of P.L.1951, c.138 (C.30:4C-1) is amended to read as follows:

C.30:4C-1 Administration of act in accordance with public policy.

1. This act is to be administered strictly in accordance with the general principles laid down in this section, which are declared to be the public policy of this State, whereby the safety of children shall be of paramount concern and the best interests of children shall be a primary consideration:

(a) That the preservation and strengthening of family life is a matter of public concern as being in the interests of the general welfare, but the health and safety of the child shall be the State's paramount concern when making a decision on whether or not it is in the child's best interest to preserve the family unit;

(b) That the prevention and correction of dependency and delinquency among children should be accomplished so far as practicable through welfare services which will seek to continue the living of the children in their own homes;

(c) That necessary welfare services to children should be strengthened and extended through the development of private and voluntary agencies qualified to provide the services;

(d) That wherever in this State necessary welfare services are not available to children who are dependent or adjudged delinquent by proper judicial tribunal, or in danger of so becoming, then the services should be provided by this State until such times as they are made available by private and voluntary agencies;

(e) That the State may assist private, public, and voluntary agencies to construct, purchase, upgrade, or renovate youth facilities for the residential care or day treatment of children in need of these services; and

(f) That each child placed outside his home by the State has the need for permanency: through return to the child's own home, if the child can be returned home without endangering the child's health or safety; through adoption, if family reunification is not possible; or through an alternative permanent placement, if termination of parental rights is not appropriate.

C.9:2-4a Best interest of child primary consideration.

4. Notwithstanding any other provisions of law to the contrary, in any action concerning children undertaken by a State department, agency, commission, authority, court of law, or State or local legislative body, the best interests of the child shall be a primary consideration.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 256

AN ACT concerning minors' consent to certain medical care and amending P.L.1968, c.230.

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

1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as follows:

C.9:17A-4 Consent by minor to treatment.

1. a. (1) The consent to the provision of medical or surgical care or services or a forensic sexual assault examination by a hospital or public clinic, or consent to the performance of medical or surgical care or services or a forensic sexual assault examination by a health care professional, when executed by a minor who is or believes that he may be afflicted with a venereal disease, or who is at least 13 years of age and is or believes that he may be infected with the human immunodeficiency virus or have acquired immune deficiency syndrome, or by a minor who, in the judgment of the treating health care professional, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the treating health care professional believes that it is in the best interests of the patient not to do so. Inability of the treating health care professional, hospital, or clinic to locate or notify the parents or guardian shall not preclude the provision of any emergency or medical or surgical care to the minor or the performance of a forensic sexual assault examination on the minor.

(2) As used in this subsection, "health care professional" means a physician, physician assistant, nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes.

b. When a minor believes that he is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2) or is suffering from alcohol dependency or is an alcoholic as

defined in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for alcoholism, or in a facility licensed by the State to provide for the treatment of alcoholism shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use, drug abuse, alcohol use, or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider, or the treatment facility, as appropriate, and the patient, and neither the minor nor the physician, treatment provider, or treatment facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

The consent of no other person or persons, including but not limited to a spouse, parent, custodian, or guardian, shall be necessary in order to authorize such hospital, facility, or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine or by an individual licensed or certified to provide treatment for alcoholism to such a minor.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 257

AN ACT concerning the construction of certain school facilities projects and amending P.L.2007, c.260.

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

1. Section 21 of P.L.2007, c.260 (C.18A:7F-63) is amended to read as follows:

C.18A:7F-63 Inclusion of facilities projects in SDA district budget.

21. a. Notwithstanding any provision of P.L.2000, c.72 (C.18A:7G-1 et al.) or P.L.2007, c.137 (C.52:18A-235 et al.) to the contrary, an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3) may include in its annual capital outlay budget and construct one or more school facilities

projects if the commissioner, in consultation with the New Jersey Schools Development Authority, approves the inclusion of the project upon a demonstration by the district that its budget includes sufficient funds to finance the project. The commissioner's approval of the inclusion of the school facilities project in the district's annual capital outlay budget may also contain specific conditions including, but not limited to, a requirement that the district follow the design requirements and materials and system standards established by the development authority. A district may also withdraw funds from a capital reserve account for such purpose with the approval of the commissioner.

b. A school facilities project that is not financed and constructed pursuant to subsection a. of this section, shall continue to be financed and constructed in accordance with the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.) and P.L.2007, c.137 (C.52:18A-235 et al.).

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 258

AN ACT concerning the Police Training Commission and amending P.L.1961, c.56.

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

1. Section 5 of P.L.1961, c.56 (C.52:17B-70) is amended to read as follows:

C.52:17B-70 Police training commission established; members; terms.

5. There is hereby established in the Division of Criminal Justice in the Department of Law and Public Safety a Police Training Commission whose membership shall consist of the following persons:

a. Two citizens of this State who shall be appointed by the Governor with the advice and consent of the Senate for terms of three years commencing with the expiration of the terms of the citizen members, other than the representative of the New Jersey Office of the Federal Bureau of Investigation, now in office.

b. The president or other representative designated in accordance with the bylaws of each of the following organizations: the New Jersey State Association of Chiefs of Police; the New Jersey State Policemen's Benevolent Association, Inc.; the New Jersey State League of Municipalities; the New Jersey State Lodge, Fraternal Order of Police; the County Prosecutors' Association of New Jersey; the Sheriffs' Association of New Jersey; the Police Academy Directors Association; the New Jersey County Jail Wardens Association; the New Jersey Juvenile Detention Association; and the National Organization of Black Law Enforcement Executives.

c. The Attorney General, the Superintendent of State Police, the Commissioner of Education, the Secretary of Higher Education, the Commissioner of Corrections, and the Chairman of the State Parole Board, ex officio, or when so designated by them, their deputies.

d. The Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation or a designated representative.

2. This act shall take effect on the first day of the second month following enactment.

Approved January 19, 2016.

CHAPTER 259

AN ACT concerning fraudulent use of social security number to collect lottery winnings and supplementing P.L.1970, c.13 (C.5:9-1 et seq.).

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

C.5:9-14.2 Fraudulent use of SSN to collect lottery winnings, fourth degree crime.

1. Any person who fraudulently uses a social security number that is not that person's social security number to collect lottery winnings to evade detection for the purposes of section 1 of P.L.2007, c.106 (C.5:9-13.17), or any other law requiring an offset of indebtedness or liability against lottery winnings, shall be guilty of a crime of the fourth degree. Nothing in this section shall be deemed to limit the authority or discretion of the State to charge or prosecute any person for theft under N.J.S.2C:20-3, theft by deception under N.J.S.2C:20-4, or for any other offense.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 260

AN ACT concerning public access to the waterfront and adjacent shoreline, and amending R.S.12:5-3 and P.L.1973, c.185.

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

1. R.S.12:5-3 is amended to read as follows:

Department approval required for waterfront development; exemptions.

12:5-3. a. All plans for the development of any waterfront upon any navigable water or stream of this State or bounding thereon, which is contemplated by any person or municipality, in the nature of individual improvement or development or as a part of a general plan which involves the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or any other similar or dissimilar waterfront development shall be first submitted to the Department of Environmental Protection. No such development or improvement shall be commenced or executed without the approval of the Department of Environmental Protection first had and received, or as hereinafter in this chapter provided.

b. The following are exempt from the provisions of subsection a. of this section:

(1) The repair, replacement or renovation of a permanent dock, wharf, pier, bulkhead or building existing prior to January 1, 1981, provided the repair, replacement or renovation does not increase the size of the structure and the structure is used solely for residential purposes or the docking or servicing of pleasure vessels;

(2) The repair, replacement or renovation of a floating dock, mooring raft or similar temporary or seasonal improvement or structure, provided the improvement or structure does not exceed in length the waterfront frontage of the parcel of real property to which it is attached and is used solely for the docking or servicing of pleasure vessels; and

(3) Development in the coastal area, as defined in section 4 of P.L.1973, c.185 (C.13:19-4), landward of the mean high water line of any tidal waters.

c. Notwithstanding the provisions of any law, rule, or regulation to the contrary, the Department of Environmental Protection shall not, as a condition of approval required pursuant to subsection a. of this section, include solar panels in any calculation of impervious surface or impervious cover.

As used in this subsection, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

d. The Department of Environmental Protection may, as a condition of an approval required pursuant to subsection a. of this section, and pursuant to standards established by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), require a person or municipality to provide on-site public access to the waterfront and adjacent shoreline, or off-site public access to the waterfront and adjacent shoreline if on-site public access is not feasible as determined by the department. Nothing in this subsection shall be construed to abrogate or otherwise affect any public access obligations or requirements of any approval, administrative order, consent decree, or court order in effect prior to the effective date of P.L.2015, c.260.

2. Section 10 of P.L.1973, c.185 (C.13:19-10) is amended to read as follows:

C.13:19-10 Review of applications; required findings.

10. The commissioner shall review filed applications, including any environmental impact statement and all information presented at public hearings or during the comment period, or submitted during the application review period. A permit may be issued pursuant to this act only upon a finding that the proposed development:

a. Conforms with all applicable air, water and radiation emission and effluent standards and all applicable water quality criteria and air quality standards.

b. Prevents air emissions and water effluents in excess of the existing dilution, assimilative, and recovery capacities of the air and water environments at the site and within the surrounding region.

c. Provides for the collection and disposal of litter, recyclable material and solid waste in such a manner as to minimize adverse environmental effects and the threat to the public health, safety, and welfare.

d. Would result in minimal feasible impairment of the regenerative capacity of water aquifers or other ground or surface water supplies.

e. Would cause minimal feasible interference with the natural functioning of plant, animal, fish, and human life processes at the site and within the surrounding region.

f. Is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare.

g. Would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing public scenic attributes at the site and within the surrounding region.

h. Provides, pursuant to standards established by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), on-site public access to the waterfront and adjacent shoreline, or off-site public access to the waterfront and adjacent shoreline if on-site public access is not feasible as determined by the department. Nothing in this subsection shall be construed to abrogate or otherwise affect any public access obligations or requirements of any permit, administrative order, consent decree, or court order in effect prior to the effective date of P.L.2015, c.260.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 261

AN ACT concerning expungement of criminal and other records and information, and amending various sections of Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:35-14 is amended to read as follows:

Rehabilitation program for drug and alcohol dependent persons subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility; criteria for imposing special probation; ineligible offenders; commitment to residential treatment facilities or participation in a nonresidential treatment program; presumption of revocation; brief incarceration in lieu of permanent revocation.

2C:35-14. Rehabilitation Program for Drug and Alcohol Dependent Persons Subject to a Presumption of Incarceration or a Mandatory Minimum Period of Parole Ineligibility; Criteria for Imposing Special Probation; Ineligible Offenders; Commitment to Residential Treatment Facilities or Participation in a Nonresidential Treatment Program; Presumption of Revocation; Brief Incarceration in Lieu of Permanent Revocation.

a. Any person who is ineligible for probation due to a conviction for a crime which is subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility may be sentenced to a term of special probation in accordance with this section, and may not apply for drug and alcohol treatment pursuant to N.J.S.2C:45-1. Nothing in this section shall be construed to prohibit a person who is eligible for probation in accordance with N.J.S.2C:45-1 due to a conviction for an offense which is not subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility from applying for drug or alcohol treatment as a condition of probation pursuant to N.J.S.2C:45-1; provided, however, that a person in need of treatment as defined in subsection f. of section 2 of P.L.2012, c.23 (C.2C:35-14.2) shall be sentenced in accordance with that section. Notwithstanding the presumption of incarceration pursuant to the provisions of subsection d. of N.J.S.2C:44-1, whenever a drug or alcohol dependent person who is subject to sentencing under this section is convicted of or adjudicated delinquent for an offense, other than one described in subsection b. of this section, the court, upon notice to the prosecutor, may, on motion of the person, or on the court's own motion, place the person on special probation, which shall be for a term of five years, provided that the court finds on the record that:

(1) the person has undergone a professional diagnostic assessment to determine whether and to what extent the person is drug or alcohol dependent and would benefit from treatment; and

(2) the person is a drug or alcohol dependent person within the meaning of N.J.S.2C:35-2 and was drug or alcohol dependent at the time of the commission of the present offense; and

(3) the present offense was committed while the person was under the influence of a controlled dangerous substance, controlled substance analog or alcohol or was committed to acquire property or monies in order to support the person's drug or alcohol dependency; and

(4) substance use disorders treatment and monitoring will serve to benefit the person by addressing the person's drug or alcohol dependency and will thereby reduce the likelihood that the person will thereafter commit another offense; and

(5) the person did not possess a firearm at the time of the present offense and did not possess a firearm at the time of any pending criminal charge; and

(6) the person has not been previously convicted on two or more separate occasions of crimes of the first or second degree, other than those listed in paragraph (7); or the person has not been previously convicted on two or more separate occasions, where one of the offenses is a crime of the third degree, other than crimes defined in N.J.S.2C:35-10, and one of the offenses is a crime of the first or second degree; and

(7) the person has not been previously convicted or adjudicated delinquent for, and does not have a pending charge of murder, aggravated manslaughter, manslaughter, kidnapping, aggravated assault, aggravated sexual assault or sexual assault, or a similar crime under the laws of any other state or the United States; and

(8) a suitable treatment facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services is able and has agreed to provide appropriate treatment services in accordance with the requirements of this section; and

(9) no danger to the community will result from the person being placed on special probation pursuant to this section.

In determining whether to sentence the person pursuant to this section, the court shall consider all relevant circumstances, and shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing or other court proceedings, and shall also consider the presentence report and the results of the professional diagnostic assessment to determine whether and to what extent the person is drug or alcohol dependent and would benefit from treatment. The court shall give priority to a person who has moved to be sentenced to special probation over a person who is being considered for a sentence to special probation on the court's own motion or in accordance with the provisions of section 2 of P.L.2012, c.23 (C.2C:35-14.2).

As a condition of special probation, the court shall order the person to enter a residential treatment program at a facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services or a program of nonresidential treatment by a licensed and approved treatment provider, which program may include the use of medi-

cation-assisted treatment as defined in paragraph (7) of subsection f. of this section, to comply with program rules and the requirements of the course of treatment, to cooperate fully with the treatment provider, and to comply with such other reasonable terms and conditions as may be required by the court or by law, pursuant to N.J.S.2C:45-1, and which shall include periodic urine testing for drug or alcohol usage throughout the period of special probation. In determining whether to order the person to participate in a nonresidential rather than a residential treatment program, the court shall follow the procedure set forth in subsection j. of this section. Subject to the requirements of subsection d. of this section, the conditions of special probation may include different methods and levels of community-based or residential supervision.

b. A person shall not be eligible for special probation pursuant to this section if the person is convicted of or adjudicated delinquent for:

(1) a crime of the first degree;

(2) a crime of the first or second degree enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), other than a crime of the second degree involving N.J.S.2C:15-1 (robbery) or N.J.S.2C:18-2 (burglary);

(3) a crime, other than that defined in section 1 of P.L.1987, c.101 (C.2C:35-7), for which a mandatory minimum period of incarceration is prescribed under chapter 35 of this Title or any other law; or

(4) an offense that involved the distribution or the conspiracy or attempt to distribute a controlled dangerous substance or controlled substance analog to a juvenile near or on school property.

c. (Deleted by amendment, P.L.2012, c.23)

d. Except as otherwise provided in subsection j. of this section, a person convicted of or adjudicated delinquent for a crime of the second degree or of a violation of section 1 of P.L.1987, c.101 (C.2C:35-7), or who previously has been convicted of or adjudicated delinquent for an offense under subsection a. of N.J.S.2C:35-5 or a similar offense under any other law of this State, any other state, or the United States, who is placed on special probation under this section shall be committed to the custody of a residential substance use disorders treatment facility licensed and approved by the Division of Mental Health and Addiction Services in the Department of Human Services. Subject to the authority of the court to temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility pursuant to subsection j. of this section, the person shall be committed to the residential treatment facility immediately, unless the facility cannot accommodate the person, in which case the person shall be incarcerated to await commitment to the residential treatment facility.

The term of such commitment shall be for a minimum of six months, or until the court, upon recommendation of the treatment provider, determines that the person has successfully completed the residential treatment program, whichever is later, except that no person shall remain in the custody of a residential treatment facility pursuant to this section for a period in excess of five years. Upon successful completion of the required residential treatment program, the person shall complete the period of special probation, as authorized by subsection a. of this section, with credit for time served for any imprisonment served as a condition of probation and credit for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this section to a residential treatment facility. Except as otherwise provided in subsection l. of this section, the person shall not be eligible for early discharge of special probation pursuant to N.J.S.2C:45-2, or any other provision of the law. The court, in determining the number of credits for time spent in residential treatment, shall consider the recommendations of the treatment provider. A person placed into a residential treatment facility pursuant to this section shall be deemed to be subject to official detention for the purposes of N.J.S.2C:29-5 (escape).

e. The probation department or other appropriate agency designated by the court to monitor or supervise the person's special probation shall report periodically to the court as to the person's progress in treatment and compliance with court-imposed terms and conditions. The treatment provider shall promptly report to the probation department or other appropriate agency all significant failures by the person to comply with any court imposed term or condition of special probation or any requirements of the course of treatment, including but not limited to a positive drug or alcohol test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f. of this section if the positive test is unrelated to the person's medication-assisted treatment, or the unexcused failure to attend any session or activity, and shall immediately report any act that would constitute an escape. The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person refuses to submit to a periodic drug or alcohol test or for any reason terminates the person's participation in the course of treatment, or commits any act that would constitute an escape.

f. (1) Upon a first violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court in its discretion may permanently revoke the person's special probation.

(2) Upon a second or subsequent violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court shall, subject only to the provisions of subsection g. of this section, permanently revoke the person's special probation unless the court finds on the record that there is a substantial likelihood that the person will successfully complete the treatment program if permitted to continue on special probation, and the court is clearly convinced, considering the nature and seriousness of the violations, that no danger to the community will result from permitting the person to continue on special probation pursuant to this section. The court's determination to permit the person to continue on special probation following a second or subsequent violation pursuant to this paragraph may be appealed by the prosecution.

(3) In making its determination whether to revoke special probation, and whether to overcome the presumption of revocation established in paragraph (2) of this subsection, the court shall consider the nature and seriousness of the present infraction and any past infractions in relation to the person's overall progress in the course of treatment, and shall also consider the recommendations of the treatment provider. The court shall give added weight to the treatment provider's recommendation that the person's special probation be permanently revoked, or to the treatment provider's opinion that the person is not amenable to treatment or is not likely to complete the treatment program successfully.

(4) If the court permanently revokes the person's special probation pursuant to this subsection, the court shall impose any sentence that might have been imposed, or that would have been required to be imposed, originally for the offense for which the person was convicted or adjudicated delinquent. The court shall conduct a de novo review of any aggravating and mitigating factors present at the time of both original sentencing and resentencing. If the court determines or is required pursuant to any other provision of this chapter or any other law to impose a term of imprisonment, the person shall receive credit for any time served in custody pursuant to N.J.S.2C:45-1 or while awaiting placement in a treatment facility pursuant to this section, and for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this section to a residential treatment facility. The court, in determining the number of credits for time spent in a residential treatment facility, shall consider the recommendations of the treatment provider.

(5) Following a violation, if the court permits the person to continue on special probation pursuant to this section, the court shall order the person to comply with such additional terms and conditions, including but not limited

to more frequent drug or alcohol testing, as are necessary to deter and promptly detect any further violation.

(6) Notwithstanding any other provision of this subsection, if the person at any time refuses to undergo urine testing for drug or alcohol usage as provided in subsection a. of this section, the court shall, subject only to the provisions of subsection g. of this section, permanently revoke the person's special probation. Notwithstanding any other provision of this section, if the person at any time while committed to the custody of a residential treatment facility pursuant to this section commits an act that would constitute an escape, the court shall forthwith permanently revoke the person's special probation.

(7) An action for a violation under this section may be brought by a probation officer or prosecutor or on the court's own motion. Failure to complete successfully the required treatment program shall constitute a violation of the person's special probation. In the case of the temporary or continued management of a person's drug or alcohol dependency by means of medication-assisted treatment as defined herein, whenever supported by a report from the treatment provider of existing satisfactory progress and reasonably predictable long-term success with or without further medication-assisted treatment, the person's use of the medication-assisted treatment, even if continuing, shall not be the basis to constitute a failure to complete successfully the treatment program. A person who fails to comply with the terms of the person's special probation pursuant to this section and is thereafter sentenced to imprisonment in accordance with this subsection shall thereafter be ineligible for entry into the Intensive Supervision Program, provided however that this provision shall not affect the person's eligibility for entry into the Intensive Supervision Program for a subsequent conviction.

As used in this section, the term "medication-assisted treatment" means the use of any medications approved by the federal Food and Drug Administration to treat substance use disorders, including extended-release naltrexone, methadone, and buprenorphine, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

g. When a person on special probation is subject to a presumption of revocation on a second or subsequent violation pursuant to paragraph (2) of subsection f. of this section, or when the person refuses to undergo drug or alcohol testing pursuant to paragraph (6) of subsection f. of this section, the court may, in lieu of permanently revoking the person's special probation, impose a term of incarceration for a period of not less than 30 days nor more than six months, after which the person's term of special probation pursuant to this section may be reinstated. In determining whether to order

a period of incarceration in lieu of permanent revocation pursuant to this subsection, the court shall consider the recommendations of the treatment provider with respect to the likelihood that such confinement would serve to motivate the person to make satisfactory progress in treatment once special probation is reinstated. This disposition may occur only once with respect to any person unless the court is clearly convinced that there are compelling and extraordinary reasons to justify reimposing this disposition with respect to the person. Any such determination by the court to reimpose this disposition may be appealed by the prosecution. Nothing in this subsection shall be construed to limit the authority of the court at any time during the period of special probation to order a person on special probation who is not subject to a presumption of revocation pursuant to paragraph (2) of subsection f. of this section to be incarcerated over the course of a weekend, or for any other reasonable period of time, when the court in its discretion determines that such incarceration would help to motivate the person to make satisfactory progress in treatment.

h. The court, as a condition of its order, and after considering the person's financial resources, shall require the person to pay that portion of the costs associated with the person's participation in any residential or nonresidential treatment program imposed pursuant to this section which, in the opinion of the court, is consistent with the person's ability to pay, taking into account the court's authority to order payment or reimbursement to be made over time and in installments.

i. The court shall impose, as a condition of the special probation, any fine, penalty, fee, or restitution applicable to the offense for which the person was convicted or adjudicated delinquent.

j. Where the court finds that a person has satisfied all of the eligibility criteria for special probation and would otherwise be required to be committed to the custody of a residential substance use disorders treatment facility pursuant to the provisions of subsection d. of this section, the court may temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility and may instead order the person to enter a nonresidential treatment program, provided that the court finds on the record that:

(1) the person conducting the diagnostic assessment required pursuant to paragraph (1) of subsection a. of this section has recommended in writing that the proposed course of nonresidential treatment services is clinically appropriate and adequate to address the person's treatment needs; and

(2) no danger to the community would result from the person participating in the proposed course of nonresidential treatment services; and

(3) a suitable treatment provider is able and has agreed to provide clinically appropriate nonresidential treatment services.

If the prosecutor objects to the court's decision to suspend the commitment of the person to a residential treatment facility pursuant to this subsection, the sentence of special probation imposed pursuant to this section shall not become final for ten days in order to permit the appeal by the prosecution of the court's decision.

After a period of six months of nonresidential treatment, if the court, considering all available information including but not limited to the recommendation of the treatment provider, finds that the person has made satisfactory progress in treatment and that there is a substantial likelihood that the person will successfully complete the nonresidential treatment program and period of special probation, the court, on notice to the prosecutor, may permanently suspend the commitment of the person to the custody of a residential treatment program, in which event the special monitoring provisions set forth in subsection k. of this section shall no longer apply.

Nothing in this subsection shall be construed to limit the authority of the court at any time during the term of special probation to order the person to be committed to a residential or nonresidential treatment facility if the court determines that such treatment is clinically appropriate and necessary to address the person's present treatment needs.

k. (1) When the court temporarily suspends the commitment of the person to a residential treatment facility pursuant to subsection j. of this section, the court shall, in addition to ordering participation in a prescribed course of nonresidential treatment and any other appropriate terms or conditions authorized or required by law, order the person to undergo urine testing for drug or alcohol use not less than once per week unless otherwise ordered by the court. The court-ordered testing shall be conducted by the probation department or the treatment provider. The results of all tests shall be reported promptly to the court and to the prosecutor. If the person is involved with a program that is providing the person medication-assisted treatment as defined in paragraph (7) of subsection f. of this section, only a positive urine test for drug or alcohol use unrelated to the medication-assisted treatment shall constitute a violation of the terms and conditions of special probation. In addition, the court shall impose appropriate curfews or other restrictions on the person's movements, and may order the person to wear electronic monitoring devices to enforce such curfews or other restrictions as a condition of special probation.

(2) The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person fails

or refuses to submit to a drug or alcohol test, knowingly defrauds the administration of a drug test, terminates the person's participation in the course of treatment, or commits any act that would constitute absconding from parole. If the person at any time while entered in a nonresidential treatment program pursuant to subsection j. of this section knowingly defrauds the administration of a drug test, goes into hiding, or leaves the State with a purpose of avoiding supervision, the court shall permanently revoke the person's special probation.

l. If the court finds that the person has made exemplary progress in the course of treatment, the court may, upon recommendation of the person's supervising probation officer or on the court's own motion, and upon notice to the prosecutor, grant early discharge from a term of special probation provided that the person: (1) has satisfactorily completed the treatment program ordered by the court; (2) has served at least two years of special probation; (3) within the preceding 12 months, did not commit a substantial violation of any term or condition of special probation, including but not limited to a positive urine test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f. of this section if the positive test is unrelated to the person's medication-assisted treatment; and (4) is not likely to relapse or commit an offense if probation supervision and related services are discontinued.

m. (1) The Superior Court may order the expungement of all records and information relating to all prior arrests, detentions, convictions, and proceedings for any offense enumerated in Title 2C of the New Jersey Statutes upon successful discharge from a term of special probation as provided in this section, regardless of whether the person was sentenced to special probation under this section, section 2 of P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, if the person satisfactorily completed a substance abuse treatment program as ordered by the court and was not convicted of any crime, or adjudged a disorderly person or petty disorderly person, during the term of special probation. The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14 shall not apply to an expungement pursuant to this paragraph and no fee shall be charged to a person eligible for relief pursuant to this paragraph.The court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement pursuant to paragraph (2) of this subsection. An expungement under this paragraph shall proceed in accordance with rules and procedures developed by the Supreme Court.

(2) A person shall not be eligible for expungement under paragraph (1) of this subsection if the records include a conviction for any offense barred from expungement pursuant to subsection b. or c. of N.J.S.2C:52-2. It shall be the obligation of the prosecutor to notify the court of any disqualifying convictions or any other factors related to public safety that should be considered by the court when deciding to grant an expungement under paragraph (1) of this subsection.

(3) The Superior Court shall provide a copy of the expungement order granted pursuant to paragraph (1) of this subsection to the prosecutor and to the person and, if the person was represented by the Public Defender, to the Public Defender. The person or, if the person was represented by the Public Defender, the Public Defender on behalf of the person, shall promptly distribute copies of the expungement order to appropriate agencies who have custody and control of the records specified in the order so that the agencies may comply with the requirements of N.J.S.2C:52-15.

(4) If the person whose records are expunged pursuant to paragraph (1) of this subsection is convicted of any crime following discharge from special probation, the full record of arrests and convictions may be restored to public access and no future expungement shall be granted to such person.

(5) A person who, prior to the effective date of P.L.2015, c.261, was successfully discharged from a term of special probation as provided in this section, regardless of whether the person was sentenced to special probation under this section, section 2 of P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, may seek an expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any offense enumerated in Title 2C of the New Jersey Statutes that existed at the time of discharge from special probation by presenting an application to the Superior Court in the county in which the person was sentenced to special probation, which contains a duly verified petition as provided in N.J.S.2C:52-7 for each crime or offense sought to be expunged. The petition for expungement shall proceed pursuant to N.J.S.2C:52-1 et seq. except that the requirements related to the expiration of the time periods specified in N.J.S.2C:52-2 through section 1 of P.L.1980, c.163 (C.2C:52-4.1) shall not apply. A person who was convicted of any offense barred from expungement pursuant to subsection b. or c. of N.J.S.2C:52-2, or who has been convicted of any crime or offense since the date of discharge from special probation shall not be eligible to apply for an expungement under this paragraph. In addition, no application for expungement shall be considered until any pending charges are disposed. It shall be the obligation of the prosecutor to notify the court of any disqualifying convictions or any

other factors related to public safety that should be considered by the court when deciding to grant an expungement under this paragraph. The Superior Court shall consider the person's verified petition and may order the expungement of all records and information relating to all arrests, detentions, convictions, and proceedings of the person that existed at the time of discharge from special probation as appropriate. The court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement pursuant to this paragraph. No fee shall be charged to a person eligible for relief pursuant to this paragraph.

2. N.J.S.2C:52-2 is amended to read as follows:

Indictable offenses.

2C:52-2. Indictable Offenses.

a. In all cases, except as herein provided, wherein a person has been convicted of a crime under the laws of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and has not been convicted of a disorderly persons or petty disorderly persons offense on more than two occasions may, after the expiration of a period of 10 years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration for that crime or for any disorderly persons or petty disorderly persons offense, whichever is later, present an expungement application to the Superior Court in the county in which the conviction for the crime was adjudged, which contains a duly verified petition as provided in N.J.S.2C:52-7 for the criminal conviction sought to be expunged, and may also contain additional duly verified petitions for no more than two convictions for any disorderly persons or petty disorderly persons offenses, praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition for each conviction appended to an application shall comply with the requirements set forth in N.J.S.2C:52-1 et seq.

Notwithstanding the provisions of the preceding paragraph, a petition may be filed and presented, and the court may grant an expungement pursuant to this section, although less than 10 years has expired in accordance with the requirements of the preceding paragraph where the court finds:

(1) less than 10 years has expired from the satisfaction of a fine, but the ten-year time requirement is otherwise satisfied, and the court finds that

the person substantially complied with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the fine; or

(2) at least five years has expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction.

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of the fine or fines imposed, the person's age at the time of the offense, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

Although subsequent convictions for no more than two disorderly or petty disorderly persons offenses shall not be an absolute bar to relief, the nature of those conviction or convictions and the circumstances surrounding them shall be considered by the court and may be a basis for denial of relief if they or either of them constitute a continuation of the type of unlawful activity embodied in the criminal conviction for which expungement is sought.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, or a conspiracy or any attempt to commit any of the foregoing, or aiding, assisting or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except death by auto as specified in N.J.S.2C:11-5; N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3 (Aggravated Criminal Sexual Contact); if the victim is a minor, subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the victim is a minor and the offender is not the parent of the victim, N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the welfare of a child by engaging in sexual conduct which

would impair or debauch the morals of the child, or causing the child other harm); paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or filming a child in a prohibited sexual act); paragraph (3) of subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to engage in a prohibited sexual act); subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items depicting the sexual exploitation or abuse of a child); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices); and conspiracies or attempts to commit such crimes.

Records of conviction for any crime committed by a person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position or employment.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes involve:

(1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was 25 grams or less;

(2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was five grams or less; or

(3) Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that expungement is consistent with the public interest, giving due consideration to the nature of the offense and the petitioner's character and conduct since conviction.

d. In the case of a State licensed physician or podiatrist convicted of an offense involving drugs or alcohol or pursuant to section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the court shall notify the State Board of Medical Examiners upon receipt of a petition for expungement of the conviction and records and information pertaining thereto.

3. N.J.S.2C:52-3 is amended to read as follows:

Disorderly persons offenses and petty disorderly persons offenses.

2C:52-3. Disorderly persons offenses and petty disorderly persons offenses.

a. Any person convicted of a disorderly persons offense or petty disorderly persons offense under the laws of this State who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, may present an expungement application to the Superior Court pursuant to this section. Any person convicted of a disorderly persons offense or petty disorderly persons offense under the laws of this State who has also been convicted of a prior or subsequent crime shall not be eligible to apply for an expungement pursuant to this section, but may present an expungement application to the Superior Court pursuant to N.J.S.2C:52-2.

b. Any person convicted of a disorderly persons offense or petty disorderly persons offense under the laws of this State who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, or who has not been convicted of a disorderly persons or petty disorderly persons offense on more than two other occasions, may, after the expiration of a period of five years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or release from incarceration for any disorderly persons or petty disorderly persons offense, whichever is later, present an expungement application to the Superior Court in the county in which the conviction for the most recent disorderly persons or petty disorderly persons offense was adjudged, which contains a duly verified petition as provided in N.J.S.2C:52-7 for the disorderly persons or petty disorderly persons conviction sought to be expunged, and which may also contain additional duly verified petitions for no more than two other convictions for disorderly persons or petty disorderly persons offenses, praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition for each conviction appended to an application shall comply with the requirements of N.J.S.2C:52-1 et seq.

Notwithstanding the provisions of the preceding paragraph, a petition may be filed and presented, and the court may grant an expungement pursuant to this section, when the court finds:

(1) less than five years has expired from the satisfaction of a fine, but the five-year time requirement is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the fine; or

(2) at least three years have expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction.

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of the fine or fines imposed, the person's age at the time of the offense, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

4. N.J.S.2C:52-6 is amended to read as follows:

Arrests not resulting in conviction.

2C:52-6. Arrests not resulting in conviction.

a. When a person has been arrested or held to answer for a crime, disorderly persons offense, petty disorderly persons offense, or municipal ordinance violation under the laws of this State or of any governmental entity thereof and proceedings against the person were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt, the Superior Court shall, at the time of dismissal, acquittal, or discharge, or, in any case set forth in paragraph (1) of this subsection, upon receipt of an application from the person, order the expungement of all records and information relating to the arrest or charge.

(1) If proceedings took place in municipal court, the municipal court shall provide the person, upon request, with appropriate documentation to transmit to the Superior Court to request expungement pursuant to procedures developed by the Administrative Office of the Courts. Upon receipt of the documentation, the Superior Court shall enter an ex parte order expunging all records and information relating to the person's arrest or charge.

(2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14 shall not apply to an expungement pursuant to this subsection and no fee shall be charged to the person making such application.

(3) An expungement under this subsection shall not be ordered where the dismissal, acquittal, or discharge resulted from a plea bargaining agreement involving the conviction of other charges. This bar, however, shall not apply once the conviction is itself expunged.

(4) The Superior Court shall forward a copy of the expungement order to the appropriate court and to the prosecutor. The prosecutor shall promptly distribute copies of the expungement order to appropriate law enforcement agencies and correctional institutions who have custody and control of the records specified in the order so that they may comply with the requirements of N.J.S.2C:52-15.

(5) An expungement related to a dismissal, acquittal, or discharge ordered pursuant to this subsection shall not bar any future expungement.

b. When a person did not apply for an expungement of an arrest or charge not resulting in a conviction pursuant to subsection a. of this section, the person may at any time following the disposition of proceedings, present a duly verified petition as provided in N.J.S.2C:52-7 to the Superior Court in the county in which the disposition occurred praying that records of such arrest and all records and information pertaining thereto be expunged. No fee shall be charged to the person for applying for an expungement of an arrest or charge not resulting in a conviction pursuant to this subsection.

c. Any person who has had charges dismissed against him pursuant to a program of supervisory treatment pursuant to N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.), shall be barred from the relief provided in this section until six months after the entry of the order of dismissal.

d. Any person who has been arrested or held to answer for a crime shall be barred from the relief provided in this section where the dismissal, discharge, or acquittal resulted from a determination that the person was insane or lacked the mental capacity to commit the crime charged.

5. N.J.S.2C:52-20 is amended to read as follows:

Use of expunged records in conjunction with supervisory treatment or diversion programs.

2C:52-20. Use of Expunged Records In Conjunction with Supervisory Treatment or Diversion Programs.

Expunged records may be used by the court in determining whether to grant or deny the person's application for acceptance into a supervisory treatment or diversion program for subsequent charges. Any expunged records which are possessed by any law enforcement agency may be supplied to the Attorney General, any county prosecutor, or court of this State when same are requested and are to be used for the purpose of determining

whether or not to accept a person into a supervisory treatment or diversion program for subsequent charges.

6. N.J.S.2C:52-21 is amended to read as follows:

Use of expunged records in conjunction with setting bail or authorizing pretrial release, presentence report, or sentencing.

2C:52-21. Use of Expunged Records in Conjunction with Setting Bail or Authorizing Pretrial Release, Presentence Report, or Sentencing.

Expunged records, or sealed records under prior law, of prior arrests or convictions shall be provided to any court, county prosecutor, the Probation Division of the Superior Court, the pretrial services agency, or the Attorney General when same are requested for use in conjunction with a bail hearing, pretrial release determination pursuant to sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.), for the preparation of a presentence report, or for purpose of sentencing.

7. N.J.S.2C:52-24 is amended to read as follows:

County prosecutor's obligation to ascertain propriety of petition.

2C:52-24. County prosecutor's obligation to ascertain propriety of petition.

Notwithstanding the notice requirements provided herein, it shall be the obligation of the county prosecutor of the county wherein any petition for expungement is filed to verify the accuracy of the allegations contained in the petition for expungement and to bring to the court's attention any facts which may be a bar to, or which may make inappropriate the granting of, such relief. If no disabling, adverse or relevant information is ascertained other than that as included in the petitioner's affidavit, such facts shall be communicated by the prosecutor to the court.

8. N.J.S.2C:52-27 is amended to read as follows:

Effect of expungement.

2C:52-27. Effect of expungement.

Unless otherwise provided by law, if an order of expungement is granted, the arrest, conviction and any proceedings related thereto shall be deemed not to have occurred, and the petitioner may answer any questions relating to their occurrence accordingly, except as follows:

a. The fact of an expungement, sealing or similar relief shall be disclosed as provided in section 2C:52-8b.

b. The fact of an expungement of prior charges which were dismissed because of the person's acceptance into and successful completion of a supervisory treatment or other diversion program shall be disclosed by said person to any court that is determining the propriety of accepting said person into a supervisory treatment or other diversion program for subsequent criminal charges; and

c. Information divulged on expunged records shall be revealed by a petitioner seeking employment within the judicial branch or with a law enforcement or corrections agency and such information shall continue to provide a disability as otherwise provided by law.

9. N.J.S.2C:52-32 is amended to read as follows:

Construction.

This chapter shall be construed with the primary objective of providing relief to the reformed offender who has led a life of rectitude and disassociated himself with unlawful activity, but not to create a system whereby persistent violators of the law or those who associate themselves with continuing criminal activity have a regular means of expunging their police and criminal records.

10. This act shall take effect on the 90th day following enactment.

Approved January 19, 2016.

CHAPTER 262

AN ACT concerning the calculation of pupil grade point averages and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-4.30 Weighting of certain courses in calculating pupil grade point averages.

1. a. A school district shall weight courses in the visual and performing arts equally with other courses of the same level of academic rigor and worth the same number of credits in calculating a pupil's grade point average.

b. As used in this section, "academic rigor" means a course's classification as a general education course, an honors course, or an advanced placement course.

2. This act shall take effect immediately and shall first apply to the first full school year following the date of enactment.

Approved January 19, 2016.

CHAPTER 263

AN ACT concerning DNA testing and amending P.L.1994, c.136.

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

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

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

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

The Legislature further finds and declares that the minimal intrusion on an individual's privacy interest resulting from a DNA test is justified by the compelling governmental interests advanced by DNA analysis, for those who are convicted, adjudicated or found not guilty by reason of insanity for crimes or specified disorderly persons offenses, as well as for those who are arrested for certain violent crimes. It further finds that DNA testing enhances the State's ability to positively identify an offender, to ascertain whether an individual may be implicated in another offense, and to establish positive identification in the event the offender becomes a fugitive.

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

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

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

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

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

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

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

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

c. On or after January 1, 1998 every person found not guilty by reason of insanity of aggravated sexual assault or sexual assault under N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal sexual contact under N.J.S.2C:14-3, or any attempt to commit any of these crimes, or adjudicated not delinquent by reason of insanity for an act which, if com-

mitted by an adult, would constitute one of these crimes, shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.

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

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

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

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

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

f. On or after January 1, 2000 every person found not guilty by reason of insanity of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the second degree pursuant to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping pursuant to

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

g. Every person convicted or found not guilty by reason of insanity of a crime or a specified disorderly persons offense shall have a blood sample drawn or other biological sample collected for purposes of DNA testing. If the person is sentenced to a term of imprisonment or confinement, the person shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of imprisonment or confinement. If the person is not sentenced to a term of imprisonment or confinement, the person shall provide a DNA sample as a condition of the sentence imposed. A person who has been convicted or found not guilty by reason of insanity of a crime prior to the effective date of P.L.2003, c.183 or of a specified disorderly persons offense prior to the effective date of P.L.2015, c.263 and who, on the effective date, is serving a sentence of imprisonment, probation, parole or other form of supervision as a result of the crime or is confined following acquittal by reason of insanity shall provide a DNA sample before termination of imprisonment, probation, parole, supervision or confinement, as the case may be.

h. Every juvenile adjudicated delinquent, or adjudicated not delinquent by reason of insanity, for an act which, if committed by an adult, would constitute a crime or a specified disorderly persons offense shall have a blood sample drawn or other biological sample collected for purposes of DNA testing. If under the order of disposition the juvenile is sentenced to some form of imprisonment, detention or confinement, the juvenile shall have a blood sample drawn or other biological sample collected for purposes of DNA testing upon commencement of the period of imprisonment, detention or confinement. If the order of disposition does not include some form of imprisonment, detention or confinement, the juvenile shall provide a DNA sample as a condition of the disposition ordered by the court. A juvenile who, prior to the effective date of P.L.2003, c.183, has been adjudicated delinquent, or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute a crime or, prior to the effective date of P.L.2015, c.263, has been adjudicated delinquent or adjudicated not delinquent by reason of insanity for an act which, if committed by an adult, would constitute a specified disorderly

persons offense, and who on the effective date is under some form of imprisonment, detention, confinement, probation, parole or any other form of supervision as a result of the offense or is confined following an adjudication of not delinquent by reason of insanity shall provide a DNA sample before termination of imprisonment, detention, supervision or confinement, as the case may be.

As used in this act, "specified disorderly persons offense" shall mean assault constituting domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to N.J.S.2C:34-1; any disorderly persons offense relating to narcotics or dangerous drugs for which a person is required to be fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1), excluding possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish under N.J.S.2C:35-10; or any other disorderly persons offense for which a person is required to be fingerprinted pursuant to R.S.53:1-15. A "specified disorderly persons offense" shall not include shoplifting pursuant to N.J.S.2C:20-11.

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

3. Section 6 of P.L.1994, c.136 (C.53:1-20.22) is amended to read as follows:

C.53:1-20.22 Drawing of DNA samples; conditions.

6. a. Each blood sample required to be drawn or biological sample collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-20.20) from persons who are incarcerated shall be drawn or collected at the place of incarceration. The law enforcement agency that effects an arrest for which DNA testing is required pursuant to P.L.2011, c.104 shall collect a DNA sample from the arrestee prior to the arrestee's release or incarceration. DNA samples from persons who are not sentenced to a term of confinement shall be drawn or collected at a prison or jail unit to be specified by the sentencing court. DNA samples from persons who are adjudicated delinquent shall be drawn or collected at a prison or jail identification and classification bureau specified by the family court.

b. Only a correctional health nurse technician, physician, registered professional nurse, licensed practical nurse, laboratory or medical technician, phlebotomist or other health care worker with phlebotomy training shall draw any blood sample to be submitted for analysis, and only a correctional health nurse technician, physician, registered professional nurse, licensed practical

nurse, laboratory or medical technician or person, including but not limited to a law enforcement officer, who has received biological sample collection training in accordance with protocols adopted by the Attorney General, in consultation with the Department of Corrections, shall collect or supervise the collection of any other biological sample to be submitted for analysis.

c. In addition to any other person who has received biological sample collection training pursuant to subsection b. of this section, a law enforcement officer who has been appropriately trained and qualified pursuant to protocols adopted by the Attorney General, in consultation with the Department of Corrections, may collect or supervise the collection of a buccal swab sample to be submitted for analysis.

d. No civil liability shall attach to any person authorized to draw blood or collect a biological sample by this section as a result of drawing blood or collecting the sample from any person if the blood was drawn or sample collected according to recognized medical procedures. No person shall be relieved from liability for negligence in the drawing or collecting of any DNA sample. No sample shall be drawn or collected pursuant to section 4 of P.L.1994, c.136 (C.53:1-20.20) if the division has previously received a blood or biological sample from the convicted person or the juvenile adjudicated delinquent which was adequate for successful analysis and identification.

4. This act shall take effect on the first day of the 18th month following enactment, but the Attorney General and the Superintendent of State Police may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 264

AN ACT directing the New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services at authority rest areas and service plazas.

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

1. The New Jersey Turnpike Authority shall conduct a study and prepare a report concerning potential opportunities for increasing current and generating new authority revenue and lowering costs by providing addi-

tional and higher quality services, including, but not limited to, business, commercial, or retail services, at rest areas and service plazas along the New Jersey Turnpike and the Garden State Parkway. The study shall include analyses of: best practices at rest areas and service plazas in neighboring states; and whether the authority is maximizing revenues from billboards, mobile communications towers, and other advertising. The report shall identify the types of services that may be offered, the types of businesses that may be involved, how the services may be managed, and the role of the authority in offering these new services.

2. The New Jersey Turnpike Authority shall report its findings, as required pursuant to section 1 of P.L.2015, c.264, not later than 12 months following the effective date of this act to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

3. The South Jersey Transportation Authority shall conduct a study and prepare a report concerning potential opportunities for increasing current and generating new authority revenue and lowering costs by providing additional and higher quality services, including, but not limited to, business, commercial, or retail services, at rest areas and service plazas along the Atlantic City Expressway. The study shall include analyses of: best practices at rest areas and service plazas in neighboring states; and whether the authority is maximizing revenues from billboards, mobile communications towers, and other advertising. The report shall identify the types of services that may be offered, the types of businesses that may be involved, how the services may be managed, and the role of the authority in offering these new services.

4. The South Jersey Transportation Authority shall report its findings, as required pursuant to section 3 of P.L.2015, c.264, not later than 12 months following the effective date of this act to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

5. Sections 1 and 2 of this act shall take effect on the first day of the New Jersey Turnpike Authority's fiscal year next following the date of enactment. Sections 3 and 4 of this act shall take effect on the first day of the South Jersey Transportation Authority's fiscal year next following the date of enactment.

Approved January 19, 2016.

CHAPTER 265

AN ACT concerning tampering with the scene of an accident and amending N.J.S.2C:29-3.

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

1. N.J.S.2C:29-3 is amended to read as follows:

Hindering apprehension or prosecution.

2C:29-3. Hindering Apprehension or Prosecution. a. A person commits an offense if, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes he:

(1) Harbors or conceals the other;

(2) Provides or aids in providing a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension or effecting escape;

(3) Suppresses, by way of concealment or destruction, any evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence, which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(4) Warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law;

(5) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

(6) Aids such person to protect or expeditiously profit from an advantage derived from such crime; or

(7) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

An offense under paragraph (5) of subsection a. of this section is a crime of the second degree, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child to the person aided who is the victim of the offense, in which case the offense is a crime of the fourth degree. An offense under paragraph (3) or (7) of subsection a. of this section is a

crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against another person would constitute leaving the scene of a motor vehicle accident that results in the death of another person in violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1). Notwithstanding the presumption of non-imprisonment for certain offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall serve a term of imprisonment, which shall be fixed at not less than one year, during which the actor shall not be eligible for parole. Otherwise, the offense under subsection a. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, domestic partner, partner in a civil union, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

b. A person commits an offense if, with purpose to hinder his own detention, apprehension, investigation, prosecution, conviction or punishment for an offense or violation of Title 39 of the Revised Statutes or a violation of chapter 33A of Title 17 of the Revised Statutes, he:

(1) Suppresses, by way of concealment or destruction, any evidence of the crime or tampers with a document or other source of information, regardless of its admissibility in evidence, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(2) Prevents or obstructs by means of force or intimidation anyone from performing an act which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(3) Prevents or obstructs by means of force, intimidation or deception any witness or informant from providing testimony or information, regardless of its admissibility, which might aid in his discovery or apprehension or in the lodging of a charge against him; or

(4) Gives false information to a law enforcement officer or a civil State investigator assigned to the Office of the Insurance Fraud Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

An offense under paragraph (3) of subsection b. of this section is a crime of the second degree. An offense under paragraph (1) or (4) of subsection b. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute leaving the scene of a motor vehicle accident that results in the death of another person in violation of section 1 of P.L.1997, c.111

(C.2C:11-5.1). Notwithstanding the presumption of non-imprisonment for certain offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall serve a term of imprisonment which shall be fixed at not less than one year, during which the actor shall not be eligible for parole.

Otherwise, the offense under subsection b. of this section is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against him would constitute a crime of the second degree or greater. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 266

AN ACT concerning school bus safety and supplementing chapter 3B of Title 39 of the Revised Statutes.

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

1. This act shall be known and may be cited as "Abigail's Law."

C.39:3B-26 School buses equipped with certain sensors.

2. Each school bus as defined in R.S.39:1-1 shall be equipped with a sensor to determine the presence of objects in the front or back of the bus. The design and installation of the sensor shall conform to regulations to be promulgated by the State Board of Education, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission in the Department of Transportation, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3. This act shall take effect immediately and shall be applicable to school buses manufactured on or after the 180th day following enactment.

Approved January 19, 2016.

CHAPTER 267

AN ACT concerning disclosure of certain coin redemption machine fees and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-201 Definitions relative to coin redemption machine fees.

1. As used in this act:

"Coin redemption machine" means a device that accepts, sorts, and counts coins deposited by a consumer and provides the consumer with a cash refund or refundable voucher.

"Operator" means any person, partnership, corporation or other organization that operates a coin redemption machine.

C.56:8-202 Notice of fee required.

2. No operator shall charge a fee to a consumer for the consumer's use of a coin redemption machine unless a notice is prominently displayed on the coin redemption machine disclosing to the consumer:

a. If a fee will be imposed for providing the coin redemption service; and

b. The amount of any fee.

C.56:8-203 Violations; penalties, unlawful practice.

3. An operator in violation of section 2 of this act shall be subject to a civil penalty of up to $1,000 for a first offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

A second violation of section 2 of this act is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this section shall be considered a first offense under P.L.1960, c.39 (C.56:8-1 et seq.).

A third or subsequent violation of section 2 of this act is an unlawful practice under P.L.1960, c.39 (C.56:8-1 et seq.), and for the purposes of this section shall be considered a subsequent offense under P.L.1960, c.39 (C.56:8-1 et seq.).

An action to recover a penalty under this act may not be maintained as a class action.

C.56:8-204 Rules, regulations.

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

5. This act shall take effect on the first day of the fourth month next following the date of enactment.

Approved January 19, 2016.

CHAPTER 268

AN ACT concerning the transportation of students with certain medical needs and amending P.L.1981, c.51.

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

1. Section 1 of P.L.1981, c.51 (C.18A:39-20.1) is amended to read as follows:

C.18A:39-20.1 Transportation of students in certain vehicles.

1. a. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school or State agency may authorize qualified school personnel, State employees or parents, to transport school children to and from related school activities in a private vehicle with a capacity of eight or less. Any person authorized by a board, body or agency to provide such transportation services shall not be required to be licensed or regulated as a school bus driver. Such transportation shall be exempt from all registration, equipment, inspection and maintenance requirements imposed on the transportation of pupils by school bus.

b. Notwithstanding any statute or regulation to the contrary, any board of education, governing body of a nonpublic school or State agency may authorize a person certified as a mobility assistance vehicle technician to transport a student with medical needs to and from school or related school activities in a mobility assistance vehicle. Any certified mobility assistance vehicle technician authorized by a board, body or agency to provide such transportation services shall not be required to be licensed or regulated as a

school bus driver. Such transportation shall be exempt from all registration, equipment, inspection and maintenance requirements imposed on the transportation of students by a school bus.

Each year prior to transporting students, a certified mobility assistance vehicle technician who transports a student with medical needs in accordance with this section shall furnish to the executive county superintendent a criminal history background check and evidence of a check for the technician's record of alcohol and drug-related motor vehicle violations.

For the purposes of this subsection, "student with medical needs," means a school-aged child who suffers from a life-threatening medical condition, and as a result of such condition, requires more individualized and continuous care.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 269

AN ACT concerning eligibility for continued enrollment in a school district and supplementing chapter 38 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:38-3.1 Children of certain military members permitted to remain in prior school district.

1. Notwithstanding the provisions of N.J.S.18A:38-1 or any other section of law to the contrary, a child who is domiciled within a school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant

to this section shall cease at the end of the current school year unless the child is domiciled in the school district.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 270

AN ACT concerning mapping of flood hazard areas and amending P.L.1962, c.19.

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

1. Section 3 of P.L.1962, c.19 (C.58:16A-52) is amended to read as follows:

C.58:16A-52 Delineation of flood hazard areas.

3. a. The department shall study the nature and extent of the areas affected by flooding in the State. After public hearing upon notice, and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the department shall adopt rules and regulations which delineate as flood hazard areas such areas as, in the judgment of the department, the improper development and use of which would constitute a threat to the safety, health, and general welfare from flooding. These delineations shall identify the various subportions of the flood hazard area for reasonable and proper use according to relative risk, including the delineation of floodways necessary to preserve the flood carrying capacity of natural streams. The department shall, within the limits of funds appropriated or otherwise made available therefor, update delineations of flood hazard areas as appropriate as provided in subsection b. of this section. The department shall update its delineations of flood hazard areas at least once every 15 years and shall prioritize the preparation of updates based upon flood risk. The department may, after public hearing upon notice and pursuant to the "Administrative Procedure Act," revoke, amend, alter, or modify such regulations if in its judgment the public interest so warrants.

b. (1) The department shall wherever practicable, make flood hazard area delineations at least as protective as the floodplain delineations approved by the Federal Emergency Management Agency for the National

Flood Insurance Program. Immediately upon adoption of a floodplain delineation approved by the Federal Emergency Management Agency for the National Flood Insurance Program, the department shall include the federal floodplain delineation as the department's minimum flood hazard area delineation for that watercourse, provided that the department has determined that the federal floodplain delineation is sufficient to carry and discharge the flood flow of the watercourse and is at least as protective of the public safety, health, and general welfare as the department's delineation.

(2) Notwithstanding any other provision of law, or rule or regulation adopted pursuant thereto, to the contrary, a person shall apply for a permit or other approval or authorization issued by the department pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), for a site based upon a floodplain delineation at least as protective as one approved by the Federal Emergency Management Agency for the National Flood Insurance Program, provided that (a) the federal floodplain delineation is more recent than the department's delineation for the same watercourse, and (b) the department has determined that the federal floodplain delineation is sufficient to carry and discharge the flood flow of the watercourse and is at least as protective of the public safety, health, and general welfare as the department's delineation.

c. The department shall establish a procedure for reducing any delineated flood hazard area when a change has been made which increases the flood carrying capacity of the concerned stream at that location.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 271

AN ACT concerning new motor vehicle warranties and amending P.L.1988, c.123.

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

1. Section 2 of P.L.1988, c.123 (C.56:12-30) is amended to read as follows:

C.56:12-30 Definitions.

2. As used in this act:

"Co-manufacturer" means, solely with respect to an authorized emergency vehicle as defined in R.S.39:1-1, any person that fabricates the authorized emergency vehicle utilizing a component or components of a new motor vehicle made by a manufacturer, other than modifying an existing standard model of a vehicle manufactured by a manufacturer, which component or components are obtained by the co-manufacturer from the manufacturer to fabricate the vehicle for use as an authorized emergency vehicle prior to an initial retail sale or lease of the emergency vehicle.

"Consumer" means a buyer or lessee, other than for purposes of resale or sublease, of a motor vehicle; a person to whom a motor vehicle is transferred during the duration of a warranty applicable to the motor vehicle; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

"Dealer" means a person who is actively engaged in the business of buying, selling or exchanging motor vehicles at retail and who has an established place of business.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, or his designee.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Informal dispute settlement procedure" means an arbitration process or procedure by which the manufacturer, or, in the case of an authorized emergency vehicle, the manufacturer, co-manufacturer, or post-manufacturing modifier, attempts to resolve disputes with consumers regarding motor vehicle nonconformities and repairs that arise during the vehicle's warranty period.

"Lease agreement" means a contract or other written agreement in the form of a lease for the use of a motor vehicle by a person for a period of time exceeding 60 days, whether or not the lessee has the option to purchase or otherwise become the owner of the motor vehicle at the expiration of the lease.

"Lessee" means a person who leases a motor vehicle pursuant to a lease agreement.

"Lessor" means a person who holds title to a motor vehicle leased to a lessee under a lease agreement or who holds the lessor's rights under such an agreement.

"Lien" means a security interest in a motor vehicle.

"Lienholder" means a person with a security interest in a motor vehicle pursuant to a lien.

"Manufacturer" means a person engaged in the business of manufacturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least 10 new motor vehicles.

"Motor vehicle" means a passenger automobile, farm tractor, authorized emergency vehicle, or motorcycle as defined in R.S.39:1-1 which is purchased or leased in the State of New Jersey or which is registered by the New Jersey Motor Vehicle Commission, except the living facilities of motor homes.

"Nonconformity" means a defect or condition which substantially impairs the use, value or safety of a motor vehicle.

"Post-manufacturing modifier" means, solely with respect to an authorized emergency vehicle as defined in R.S.39:1-1, any person who modifies the configuration of an existing standard model of a motor vehicle purchased from a manufacturer to adapt the vehicle for use as an authorized emergency vehicle prior to an initial retail sale or lease of the vehicle.

"Reasonable allowance for vehicle use" means the mileage at the time the consumer first presents the motor vehicle to the dealer, distributor, manufacturer, co-manufacturer, or post-manufacturing modifier for correction of a nonconformity times the purchase price, or the lease price if applicable, of the vehicle, divided by one hundred thousand miles.

"Warranty" means any warranty, whether express or implied of the manufacturer of a new motor vehicle, or, in the case of a new motor vehicle that is an authorized emergency vehicle, of the manufacturer, co-manufacturer or post-manufacturing modifier, of the vehicle's condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under the warranty.

2. Section 3 of P.L.1988, c.123 (C.56:12-31) is amended to read as follows:

C.56:12-31 Report of nonconformity; repairs.

3. If a consumer reports a nonconformity in a motor vehicle to the manufacturer, or, in the case of a motor vehicle that is an authorized emergency vehicle, the manufacturer, co-manufacturer or post-manufacturing modifier, or its dealer or distributor, during the first 24,000 miles of operation or during the period of two years following the date of original delivery to the consumer, whichever is earlier, the manufacturer, co-

manufacturer, or post-manufacturing modifier shall make, or arrange with its dealer or distributor to make, within a reasonable time, all repairs necessary to correct the nonconformity. Such repairs if made after the first 12,000 miles of operation or after the period of one year following the date of original delivery to the consumer, whichever is earlier, shall be paid for by the consumer, unless otherwise covered by a warranty of the manufacturer, co-manufacturer or post-manufacturing modifier, and shall be recoverable as a cost under section 14 of P.L.1988, c.123 (C.56:12-42). If a consumer reports a nonconformity in a motor vehicle that is a farm tractor to the manufacturer, or its dealer or distributor, during the period of two years following the date of original delivery to the consumer, the manufacturer shall make, or arrange with the dealer or distributor to make, within a reasonable time, all repairs necessary to correct the nonconformity, and such repairs if made after the period of one year following the date of original delivery to the consumer shall be paid for by the consumer, unless otherwise covered by a warranty of the manufacturer, and shall be recoverable as a cost under section 14 of P.L.1988, c.123 (C.56:12-42).

3. Section 5 of P.L.1988, c.123 (C.56:12-33) is amended to read as follows:

C.56:12-33 Presumption of inability to correct nonconformity; written notification.

5. a. It is presumed that a manufacturer, or, in the case of an authorized emergency vehicle, the manufacturer, co-manufacturer, or post-manufacturing modifier, or its dealer or distributor, is unable to repair or correct a nonconformity within a reasonable time if, within the first 24,000 miles of operation or during the period of two years following the date of original delivery of the motor vehicle to the consumer, whichever is the earlier date, or in the case of a farm tractor, during the period of two years following the date of original delivery of the motor vehicle to the consumer:

(1) Substantially the same nonconformity has been subject to repair three or more times by the manufacturer, co-manufacturer, or post-manufacturing modifier, or its dealer or distributor, other than a nonconformity subject to examination or repair pursuant to paragraph (3) of this subsection because it is likely to cause death or serious bodily injury if the vehicle is driven, and the nonconformity continues to exist;

(2) The motor vehicle is out of service by reason of repair for one or more nonconformities for a cumulative total of 20 or more calendar days, or in the case of a motorhome, 45 or more calendar days, since the original delivery of the motor vehicle and a nonconformity continues to exist; or

(3) A nonconformity which is likely to cause death or serious bodily injury if the vehicle is driven has been subject to examination or repair at least once by the manufacturer, co-manufacturer, or post-manufacturing modifier, or its dealer or distributor, and the nonconformity continues to exist.

b. The presumption contained in subsection a. of this section shall apply against a manufacturer only if the manufacturer has received written notification, or, in the case of an authorized emergency vehicle, the manufacturer, and co-manufacturer or post-manufacturing modifier, if known, or the dealer or distributor, has received written notification, by or on behalf of the consumer, by certified mail return receipt requested, of a potential claim pursuant to the provisions of this act and has had one opportunity to repair or correct the defect or condition within 10 calendar days following receipt of the notification. Notification by the consumer shall take place any time after the motor vehicle has had substantially the same nonconformity subject to repair two or more times, or has been out of service by reason of repair for a cumulative total of 20 or more calendar days, or in the case of a motorhome, 45 or more calendar days, or with respect to a nonconformity which is likely to cause death or serious bodily injury if the vehicle is driven, the nonconformity has been subject to examination or repair at least once by the manufacturer, co-manufacturer, or post-manufacturing modifier, or its dealer or distributor, and the nonconformity continues to exist.

c. The two-year term and the 20-day period, or 45-day period for motorhomes, specified in this section shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion or strike, or a fire, flood, or other natural disaster.

d. (1) In the case of a motorhome where two or more manufacturers contributed to the construction of the motorhome, or in the case of an authorized emergency vehicle, it shall not be considered as any examination or repair attempt if the repair facility at which the consumer presented the vehicle is not authorized by the manufacturer, co-manufacturer, or post-manufacturing modifier to provide service on that vehicle.

(2) It shall be considered as one examination or repair attempt for a motorhome if the same nonconformity is addressed more than once due to the consumer's decision to continue traveling and to seek the repair of that same nonconformity at another authorized repair facility, rather than wait for the repair to be completed at the initial authorized repair facility.

(3) Days out of service for reason of repair for a motorhome shall be a cumulative total of 45 or more calendar days.

4. This act shall take effect on the 180th day following enactment.

Approved January 19, 2016.

CHAPTER 272

AN ACT concerning freshwater wetlands exemptions, and amending P.L.1987, c.156.

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

1. Section 4 of P.L.1987, c.156 (C.13:9B-4) is amended to read as follows:

C.13:9B-4 Exemptions from permit, transition area requirements.

4. The following are exempt from the requirement of a freshwater wetlands permit and transition area requirements unless the United States Environmental Protection Agency's regulations providing for the delegation to the state of the federal wetlands program conducted pursuant to the Federal Act require a permit for any of these activities, in which case the department shall require a permit for those activities so identified by that agency:

a. Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food and fiber, or upland soil and water conservation practices; construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches; the installation of temporary farm structures with only a dirt or fabric floor, including hoophouses and polyhouses, and any grading or land contouring associated therewith on lands that were actively cultivated on or before July 1, 1988, have been in active agricultural use since then, were in active agricultural use at the time that the temporary farm structures were or are to be erected, and are identified as "ModAg" farmed wetlands on the Wetland Maps promulgated by the Department of Environmental Protection in 1988; maintenance of cranberry bogs and blueberry fields including, but not limited to, periodic flooding, sanding, control or suppression of weeds or brush in or around the bog or field, and pest control or suppression; maintenance, repair, or cleaning of dams, ditches, underdrains, floodgates, irrigation systems, or other drainage or water control facilities for cranberry bogs or blueberry fields; activities for

the renewal or rehabilitation of a cranberry bog, including, but not limited to, removal of undesirable soil or vegetation, grading and leveling, installation, reconfiguration, repair or replacement of water control or supply systems or facilities, removal, relocation, or construction of internal dams, and planting of new vines in an appropriate soil layer; construction or maintenance of farm roads or forest roads constructed and maintained in accordance with best management practices to assure that flow and circulation patterns and chemical and biological characteristics of freshwater wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized;

b. Normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;

c. Areas regulated as a coastal wetland pursuant to P.L.1970, c.272 (C.13:9A-1 et seq.);

d. Projects for which (1) preliminary site plan or subdivision applications have received preliminary approvals from the local authorities pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) prior to the effective date of this act, (2) preliminary site plan or subdivision applications have been submitted prior to June 8, 1987, or (3) permit applications have been approved by the U.S. Army Corps of Engineers prior to the effective date of this act, which projects would otherwise be subject to State regulation on or after the effective date of this act, shall be governed only by the Federal Act, and shall not be subject to any additional or inconsistent substantive requirements of this act; provided, however, that upon the expiration of a permit issued pursuant to the Federal Act any application for a renewal thereof shall be made to the appropriate regulatory agency. The department shall not require the establishment of a transition area as a condition of any renewal of a permit issued pursuant to the Federal Act prior to the effective date of this act. Projects not subject to the jurisdiction of the United States Army Corps of Engineers and for which preliminary site or subdivision applications have been approved prior to the effective date of this act shall not require transition areas;

e. The exemptions in subsections a. and b. of this section shall not apply to any discharge of dredged or fill material into a freshwater wetland incidental to any activity which involves bringing an area of freshwater wetlands into a use to which it was not previously subject, where the flow or circulation patterns of the waters may be impaired, or the reach of the waters is reduced.

f. For the purposes of the exemptions in subsection a. of this section, a cranberry bog, blueberry field, or portion thereof, on which any of the

activities specifically pertaining to cranberry bogs or blueberry fields listed in that subsection has occurred within the prior five years shall be considered an established, ongoing farming operation, and shall not be deemed abandoned. The lack of a commercial harvest or production of a crop on or from the bog or field shall not be a determining factor as to whether the agricultural use has been abandoned.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 273

AN ACT concerning exemptions from certain construction permit surcharge fees, amending P.L.1989, c.223, and making an appropriation.

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

1. Section 1 of P.L.1989, c.223 (C.52:27D-126e) is amended to read as follows:

C.52:27D-126e Waiving of construction permit, enforcing agency fees for certain construction projects to benefit disabled persons.

1. a. Notwithstanding the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or any rules, regulations or standards adopted pursuant thereto, to the contrary, the governing body of any municipality which has appointed an enforcing agency pursuant to the provisions of section 8 of P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide that no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.

The ordinance may further provide that a disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his own living unit.

For the purposes of this subsection, "disabled person" means a person who has the total and permanent inability to engage in any substantial gain-

ful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C.416), or the federal Railroad Retirement Act of 1974 (45 U.S.C.231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this paragraph "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

b. (1) Notwithstanding the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or any rules, regulations or standards adopted pursuant thereto to the contrary, the governing body of any municipality which has appointed an enforcing agency pursuant to the provisions of section 8 of P.L.1975, c.217 (C.52:27D-126) shall not charge a person who has a service-connected disability declared by the United States Department of Veterans Affairs, or its successor, to be a total or 100% permanent disability that would entitle them to a property tax exemption under section 1 of P.L.1948, c.259 (C.54:4-3.30) or a spouse, parent, sibling, or guardian of the disabled veteran, a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by the disabled veteran to his own living unit.

(2) A municipality that has granted an exemption from a construction permit surcharge fee or enforcing agency fee pursuant to paragraph (1) of this subsection may apply to the Department of Community Affairs, in accordance with rules and regulations promulgated by the Commissioner of Community Affairs for this purpose, for reimbursement of those exempt fees.

2. There is appropriated from the General Fund to the Department of Community Affairs the sum of $20,000 for the purpose of providing reimbursements to municipalities for exemptions required to be granted from construction permit surcharge fees or enforcing agency fees pursuant to this act.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 274

AN ACT concerning high school graduation requirements and supplementing chapter 7C 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:7C-2.1 Certain computer science course may satisfy requirement for mathematics credits.

1. Beginning with the 2016-2017 grade nine class, the State Board of Education shall require that the local graduation requirements adopted by a board of education permit an Advanced Placement computer science course to satisfy a part of the total credit requirement in mathematics. For an Advanced Placement computer science course to satisfy a part of the mathematics credit requirement, the student must be concurrently enrolled in or have successfully completed algebra I and geometry or the content equivalent.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 275

AN ACT concerning the operation of rural microenterprises on preserved farms, amending the title and body of P.L.2005, c.314, and designated as the "New Jersey Rural Microenterprise Act."

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

1. The title of P.L.2005, c.314 is amended to read as follows:

Title amended.

AN ACT concerning rural microenterprise activities and personal wireless service facilities on preserved farmland, and supplementing P.L.1983, c.32 (C.4:1C-11 et seq.).

2. Section 1 of P.L.2005, c.314 (C.4:1C-32.1) is amended to read as follows:

C.4:1C-32.1 Special permit to allow rural microenterprise activity on land; terms defined.

1. a. Any person who owns qualifying land may apply for a special permit pursuant to this section to allow a rural microenterprise activity to occur on the land.

b. The committee, in its sole discretion, may issue a special permit pursuant to this section to the owner of the premises if the development easement is owned by the committee or a board. If the development easement is owned by a qualifying tax exempt nonprofit organization, the committee, in consultation with the qualifying tax exempt nonprofit organization, may issue a special permit pursuant to this section to the owner of the premises. The committee shall provide the holder of any development easement on the farm with a copy of the application submitted for the purposes of subsection a. of this section, and the holder of the development easement shall have 30 days after the date of receipt thereof to provide comments to the committee on the application. Within 90 days after receipt of a completed application, submitted for the purposes of subsection a. of this section, the committee shall approve, approve with conditions, or disapprove the application.

c. There shall be two categories of rural microenterprise activities, as follows:

(1) Class 1 shall include customary rural activities, which rely on the equipment and aptitude historically possessed by the agricultural community, such as snow plowing, bed and breakfasts, bakeries, woodworking, and craft-based businesses; and

(2) Class 2 shall include agriculture support services, which have a direct and positive impact on agriculture by supplying needed equipment, supplies, and services to the surrounding agricultural community, such as veterinary practices, seed suppliers, and tractor or equipment repair shops.

d. A special permit may be issued pursuant to this section provided that:

(1) the owner of the premises establishes, through the submission of tax forms, sales receipts, or other appropriate documentation, as directed by the committee, that (a) the qualifying land is a commercial farm as defined pursuant to section 3 of P.L.1983, c.31 (C.4:1C-3), and (b) the owner of the premises is a farmer, as defined pursuant to subsection k. of this section;

(2) the permit is for one rural microenterprise only;

(3) no more than one permit is valid at any one time for use on the qualifying land;

(4) the permit is for a maximum duration of 20 years;

(5) the permit does not run with the land and may not be assigned;

(6) the rural microenterprise does not interfere with the use of the qualifying land for agricultural or horticultural production;

(7) the rural microenterprise utilizes the land and structures in their existing condition, except as allowed in accordance with the use restrictions prescribed in subsection g. of this section;

(8) the total area of land and structures devoted to supporting the rural microenterprise does not exceed a one-acre envelope on the qualifying land;

(9) the rural microenterprise does not have an adverse impact upon the soils, water resources, air quality, or other natural resources of the land or the surrounding area; and

(10) the rural microenterprise is not a high traffic volume business, and is undertaken in compliance with the parking and employment restrictions prescribed by subsection h. of this section.

e. The owner of the premises may apply to the committee to renew a permit within 10 years before the date of the scheduled permit expiration. The committee shall review the renewal application in accordance with the process and criteria set forth in this section for the issuance of a special permit, including the consultation required by subsection b. of this section.

f. The committee shall provide reasonable opportunity for the continued operation of a rural microenterprise in the event of:

(1) the death, incapacitation, or retirement of the owner of the premises;

(2) transfer of the ownership of the farm; or

(3) disruption of income from gross sales of agricultural or horticultural products, caused by circumstances beyond the farmer's control, such as crop failure.

g. The use of land and structures for a rural microenterprise activity shall be subject to the following conditions and restrictions:

(1) A structure that is designated in the deed of easement as agricultural labor housing, or a structure that has been constructed or designated as agricultural labor housing since the date of the conveyance of the easement, shall not be used for the rural microenterprise;

(2) No new structures may be constructed on the premises to support a rural microenterprise. Any structure constructed on the premises since the date of the conveyance of the easement, and in accordance with the farmland preservation deed restrictions, shall not be eligible for a special permit for a rural microenterprise for a period of five years following completion of its construction;

(3) Improvements shall not be made to the interior of a non-residential structure in order to adapt it for residential use;

(4) The entire floor area of existing residential or agricultural building space may be used to support a rural microenterprise where the building has not been substantially altered or finished to support the microenterprise;

(5) No more than 2,500 square feet of the interior of existing residential or agricultural building space may be substantially altered or finished to support the rural microenterprise, except that, at the request of the owner of the premises, the committee may allow the alteration or finishing of up to 100 percent of an existing heritage farm structure, provided that the owner agrees to place on the structure, in a form approved by the committee, a heritage preservation easement, which shall be recorded against the premises, shall be held by the committee, and shall run with the land;

(6) The expansion of existing building space shall be permitted, provided that: (a) the expansion does not exceed 500 square feet in total footprint area; (b) the purpose or use of the expansion is necessary to the operation or functioning of the rural microenterprise; and (c) the area of the proposed footprint of the expansion is reasonably calculated, based solely upon the demands of accommodating the rural microenterprise, and does not incorporate excess space;

(7) Improvements to the exterior of a structure shall be compatible with the agricultural character of the premises, and shall not diminish the historic or cultural character of the structure;

(8) Repairs may be made to the interior or exterior of a building provided that they do not diminish the historic or cultural character of the structure;

(9) The location, design, height, and aesthetic attributes of the rural microenterprise shall reflect the public interest of preserving the natural and unadulterated appearance of the landscape and structures;

(10) No public utilities, including water, gas, or sewage, other than those already existing and available on the qualifying land, shall be permitted to be extended to the qualifying land for purposes of the rural microenterprise, except that the establishment of new electric service required for the rural microenterprise shall be permitted;

(11) On-site septic and well facilities may be established, expanded, or improved for the purpose of supporting the rural microenterprise provided such facilities are contained within the one-acre envelope provided for in paragraph (8) of subsection d. of this section; and

(12) No more than a combined total of 5,000 square feet of land may be utilized for the outside storage of equipment, vehicles, supplies, products, or by-products, in association with the microenterprise. Any improvements to the land that are undertaken for the purposes described in

this paragraph or paragraph (11) of this subsection shall be limited to those that are necessary either to protect public health and safety or to minimize disturbance of the premises and its soil and water resources.

h. Parking and employment at a rural microenterprise shall be subject to the following conditions and restrictions:

(1) The area dedicated to customer parking shall not exceed 2,000 square feet or provide for more than 10 parking spaces;

(2) Improvements to the parking area shall be limited to those improvements that are required to protect public health and safety or minimize the disturbance of soil and water resources on the premises;

(3) The number of parking spaces shall be sufficient to accommodate visitors to the rural microenterprise under normal conditions; and

(4) At peak operational periods, the maximum number of employees or workers who are associated with the rural microenterprise and work on the premises shall not exceed four full-time employees, or the equivalent, in addition to the owner or operator.

i. Committee approval of a special permit for a rural microenterprise activity pursuant to this section shall not relieve the applicant from obtaining all other permits, approvals, or authorizations that may be required by federal, State, or local law, rule, regulation, or ordinance.

j. (1) A rural microenterprise shall not be considered to be an agricultural use as defined in subsection b. of section 3 of P.L.1983, c.32 (C.4:1C-13).

(2) Nothing in this section shall be interpreted as providing a rural microenterprise with protection under section 6 of the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-9) if that rural microenterprise is not otherwise eligible for such protection.

k. For the purposes of this section:

"Farmer" means the owner and operator of the premises who:

(1) exclusive of any income received from the rental of lands, realized gross sales of at least $2,500 for agricultural or horticultural products produced on the premises during the calendar year immediately preceding submission of a special permit application; and

(2) continues to own and operate the premises and meet that income threshold every year during the term of the permit.

"Heritage farm structure" means a building or structure that is significantly representative of New Jersey's agrarian history or culture and that has been designated as such by the committee exclusively for the purposes of sections 1 and 3 of P.L.2005, c.314 (C.4:1C-32.1 and C.4:1C-32.3).

"Heritage preservation easement" means an interest in land less than fee simple absolute, stated in the form of a deed restriction executed by or

on behalf of the owner of the land, appropriate to preserving a building or structure that is significant for its value or importance to New Jersey's agrarian history or culture, and to be used exclusively for the purposes of implementing sections 1 and 3 of P.L.2005, c.314 (C.4:1C-32.1 and C.4:1C-32.3), to limit alteration in exterior form or features of such building or structure.

"Owner of the premises" means the person or entity who owns qualifying land.

"Qualifying land" means a farm on which a development easement was conveyed to, or retained by, the committee, a board, or a qualifying tax exempt nonprofit organization prior to January 12, 2006, the date of enactment of P.L.2005, c.314 (C.4:1C-32.1 et seq.), and in accordance with the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), or sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), and for which no portion of the farm was excluded from preservation in the deed of easement.

"Qualifying tax exempt nonprofit organization" means the same as that term is defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3).

"Rural microenterprise" means a small-scale business or activity that is fully compatible with agricultural use and production on the premises, does not, at any time, detract from, diminish, or interfere with the agricultural use of the premises, and is incidental to the agricultural use of the premises. "Rural microenterprise" shall not include a personal wireless service facility as defined and regulated pursuant to section 2 of P.L.2005, c.314 (C.4:1C-32.2).

3. Section 3 of P.L.2005, c.314 (C.4:1C-32.3) is amended to read as follows:

C.4:1C-32.3 Application fee for special permit; suspension, revocation; report.

3. a. The application fee for a special permit authorized pursuant to section 1 of P.L.2005, c.314 (C.4:1C-32.1) shall be $250. The application fee for a special permit authorized pursuant to section 2 of P.L.2005, c.314 (C.4:1C-32.2) shall be $1,000. All application fees shall be payable to the committee regardless of whether or not a permit is issued. All proceeds from the collection of application fees by the committee pursuant to P.L.2005, c.314 (C.4:1C-32.1 et seq.) shall be utilized by the committee for farmland preservation purposes.

b. The committee may suspend or revoke a special permit issued pursuant to section 1 or 2 of P.L.2005, c.314 (C.4:1C-32.1 or C.4:1C-32.2) if the permittee violates any term or condition of the permit, or any provision of the applicable statutory section.

c. (1) In order to expedite the review and approval of routine applications for a special permit, which have been submitted pursuant to section 1 or 2 of P.L.2005, c.314 (C.4:1C-32.1 or C.4:1C-32.2), the committee may delegate to its executive director, by resolution, the authority to review and approve an application. The delegation of review and approval authority pursuant to this subsection shall be authorized by the committee only in those cases where (a) the committee has not received comments from the board or a qualifying nonprofit organization concerning the potential negative impacts of an application's approval, and (b) the application complies with all provisions of P.L.2005, c.314 (C.4:1C-32.1 et seq.) and the rules and regulations adopted pursuant thereto.

(2) An applicant whose application is denied by the executive director may appeal the decision to the committee.

(3) Nothing in this subsection shall preclude the executive director from bringing any application before the committee for review and approval, when such action is deemed by the executive director to be appropriate.

d. The committee may take action to deny an application for a special permit or to suspend or revoke a special permit issued pursuant to P.L.2005, c.314 (C.4:1C-32.1 et seq.). The applicant or permittee shall be afforded the opportunity for a hearing prior to the committee taking any such action.

e. Within two years after the date of enactment of P.L.2015, c.275, the committee shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as is necessary to implement and administer the provisions of P.L.2005, c.314 (C.4:1C-32.1 et seq.), as amended by P.L.2015, c.275. These rules and regulations shall include, at a minimum, procedures and standards for the filing, evaluation, and approval of special permit applications, which procedures and standards shall seek to balance, as equally important concepts, the public interest in: (1) protecting farmland from further development as a means of preserving agriculture; (2) protecting heritage farm structures and enhancing the beauty and character of the State and the local communities where farmland has been preserved; and (3) providing support to sustain and strengthen the agricultural industry in the State.

f. Every two years, the committee shall prepare a report on the implementation of P.L.2005, c.314 (C.4:1C-32.1 et seq.), as amended by P.L.2015, c.275. The report shall include a survey and inventory of:

(1) all rural microenterprise activities occurring, and all personal wireless service facilities placed, on preserved farmland in accordance with the provisions of P.L.2005, c.314 (C.4:1C-32.1 et seq.);

(2) the extent to which existing structures, such as barns, sheds, and silos, are used for the purposes identified in paragraph (1) of this subsection, and the manner in which those existing structures have been modified to serve those purposes;

(3) the extent to which new structures, instead of existing structures, have been erected to host personal wireless service facilities, and the number and type of new structures used to disguise those facilities, such as artificial trees and faux barns, sheds, and silos;

(4) the extent to which heritage farm structures have been protected through the placement thereon of heritage preservation easements; and

(5) any other information the committee deems useful.

Any report prepared pursuant to this subsection shall be transmitted to the Governor, and, in accordance with the provisions of section 2 of P.L.1991, c.164 (C.52:14-19.1), to the President of the Senate and the Speaker of the General Assembly, as well as to the respective chairpersons of the Senate Economic Growth Committee, the Senate Environment and Energy Committee, the Assembly Agriculture and Natural Resources Committee, and the Assembly Environment and Solid Waste Committee, or their designated successors. Copies of the report shall also be made available to the public upon request and free of charge, and shall be posted at a publicly-accessible location on the committee's Internet website.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 276

AN ACT concerning trusts, supplementing Title 3B of the New Jersey Statutes, enacting additional chapter 31, Uniform Trust Code, amending N.J.S.3B:14-37, and repealing N.J.S.3B:11-5, N.J.S.3B:11-6, N.J.S.3B:11-7, and P.L.2001, c.144.

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

1. An additional chapter, Chapter 31, is added to Title 3B of the New Jersey Statutes as follows:

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UNIFORM TRUST CODE
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ARTICLE 1
GENERAL PROVISIONS AND DEFINITIONS

3B:31-1. Short Title.

3B:31-1. Short Title.

This act shall be known and may be cited as the "Uniform Trust Code."

3B:31-2. Scope.

3B:31-2. Scope.

This act applies to express trusts, charitable or noncharitable, and trusts created pursuant to a statute, judgment, or decree that requires the trust to be administered in the manner of an express trust.

3B:31-3. Definitions.

3B:31-3. Definitions.

As used in this act:

"Action," with respect to an act of a trustee, includes a failure to act.

"Beneficiary," as it relates to trust beneficiaries, includes a person:

(1) who has any present or future interest, vested or contingent;

(2) who, in a capacity other than that of trustee, holds a power of appointment over trust property;

(3) who is the owner of an interest by assignment or other transfer; and

(4) as it relates to a charitable trust, any person who is entitled to enforce the trust.

"Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in subsection a. of N.J.S.3B:31-22.

"Environmental law" means a federal, State, or local law, rule, regulation, or ordinance relating to protection of the environment.

"Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

"Jurisdiction," with respect to a geographic area, includes a state or country.

"Power of withdrawal" means a presently exercisable general power of appointment other than a power exercisable only upon consent of the trustee or a person holding an adverse interest.

"Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

"Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:

(1) is a distributee or permissible distributee of trust income or principal;

(2) would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in paragraph (1) terminated on that date; or

(3) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

"Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

"Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

"Spendthrift provision" means a term of a trust which restrains both voluntary and involuntary transfer of a beneficiary's interest.

"State" means a State of the United States, the District of Columbia, Commonwealth of 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 recognized by federal law or formally acknowledged by a state.

"Terms of a trust" means the manifestation of the settlor's intent regarding a trust's provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding.

"Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

"Trustee," in addition to the definition contained in N.J.S.3B:1-2, includes a corporate entity in its capacity as trustee and a co-trustee where two or more are appointed.

3B:31-4. Knowledge.

3B:31-4. Knowledge.

a. Subject to subsection b. of this section, a person has knowledge of a fact if the person:

(1) has actual knowledge of it;

(2) has received a notice or notification of it; or

(3) from all the facts and circumstances known to the person at the time in question, has reason to know it.

b. An organization that conducts activities through employees has notice or knowledge of a fact involving a trust only from the time the information was received by an employee having responsibility to act for the trust, or would have been brought to the employee's attention if the organization had exercised reasonable diligence. An organization exercises reasonable diligence if it maintains reasonable routines for communicating significant information to the employee having responsibility to act for the trust and there is reasonable compliance with the routines. Reasonable diligence does not require an employee of the organization to communicate information unless the communication is part of the individual's regular duties or the individual knows a matter involving the trust would be materially affected by the information.

3B:31-5. Default and Mandatory Rules.

3B:31-5. Default and Mandatory Rules.

a. Except as otherwise provided in the terms of the trust, this act governs the duties and powers of a trustee, relations among trustees, and the rights and interests of a beneficiary.

b. The terms of a trust prevail over any provision of this act except:

(1) the requirements for creating a trust;

(2) the duty of a trustee to act in good faith and in accordance with the purposes of the trust;

(3) the requirement that a trust and its terms be for the benefit of its beneficiaries, and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;

(4) the power of the court to modify or terminate a trust under N.J.S.3B:31-26 through N.J.S.3B:31-33;

(5) the effect of a spendthrift provision and the rights of certain creditors and assignees to reach a trust as provided in article 4 of this act;

(6) the power of the court under N.J.S.3B:31-47 to require, dispense with, or modify or terminate a bond;

(7) the duty under subsections a. and b. of N.J.S.3B:31-67 to respond to the request of a qualified beneficiary of an irrevocable trust who has attained the age of 35 years for a copy of the trust instrument or for other information reasonably related to the administration of the trust;

(8) the effect of an exculpatory term under N.J.S.3B:31-77;

(9) the rights under N.J.S.3B:31-79 through N.J.S.3B:31-81 of a person other than a trustee or beneficiary;

(10) periods of limitation for commencing a judicial proceeding; and

(11) the power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice.

3B:31-6. Common Law of Trusts; Principles of Equity.

3B:31-6. Common Law of Trusts; Principles of Equity.

The common law of trusts and principles of equity supplement this act, except to the extent modified by this act or another statute of this State.

3B:31-7. Governing Law.

3B:31-7. Governing Law.

The meaning and effect of the terms of a trust are determined by:

a. the law of the jurisdiction designated in the terms unless the designation of that jurisdiction's law is contrary to a strong public policy of the jurisdiction having the most significant relationship to the matter at issue; or

b. in the absence of a controlling designation in the terms of the trust, the law of the jurisdiction having the most significant relationship to the matter at issue.

3B:31-8. Principal Place of Administration.

3B:31-8. Principal Place of Administration.

a. Without precluding other means for establishing a sufficient connection with the designated jurisdiction, terms of a trust designating the principal place of administration are valid and controlling if:

(1) a trustee maintains a place of business located in or a trustee is a resident of the designated jurisdiction; or

(2) all or part of the administration occurs in the designated jurisdiction.

In the absence of terms of a trust designating the principal place of administration, the initial principal place of administration of a nontestamentary trust shall be this State if the trust is governed by the law of this State, and the principal place of administration of a testamentary trust shall be the jurisdiction in which the decedent was domiciled at the time of death.

b. A trustee is under a continuing duty to administer the trust at a place appropriate to its purposes, its administration, and the interests of the beneficiaries.

c. The trustee, in furtherance of the duty prescribed by subsection b. of this section, may transfer the trust's principal place of administration to another State or to a jurisdiction outside of the United States.

d. The trustee shall notify the qualified beneficiaries of a proposed transfer of a trust's principal place of administration not less than 60 days before initiating the transfer. The notice of proposed transfer shall include:

(1) the name of the jurisdiction to which the principal place of administration is to be transferred;

(2) the address and telephone number at the new location at which the trustee can be contacted;

(3) the date on which the proposed transfer is anticipated to occur; and

(4) the date, not less than 60 days after the giving of the notice, by which the qualified beneficiary is required to notify the trustee of an objection to the proposed transfer.

e. The authority of a trustee under this section to transfer a trust's principal place of administration terminates if a qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice, unless the trustee secures judicial approval for the transfer.

f. In connection with a transfer of the trust's principal place of administration, the trustee may transfer some or all of the trust property to a successor trustee designated in the terms of the trust or appointed pursuant to N.J.S.3B:31-49.

3B:31-9. Methods and Waiver of Notice.

3B:31-9. Methods and Waiver of Notice.

a. Notice to a person under this act or the sending of a document to a person under this act shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document. Permissible methods of notice or for sending a document include first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, or a properly directed textual electronic message.

b. Notice otherwise required under this act or a document otherwise required to be sent under this act need not be provided to a person whose identity or location is unknown to and not reasonably ascertainable by the trustee.

c. Notice under this act or the sending of a document under this act may be waived by the person to be notified or sent the document.

d. Notice of a judicial proceeding shall be given as provided in the applicable New Jersey Rules of Court.

3B:31-10. Others Treated as Qualified Beneficiaries.

3B:31-10. Others Treated as Qualified Beneficiaries.

a. Whenever notice to qualified beneficiaries of a trust is required under this act, the trustee shall also give notice to any other beneficiary who has sent the trustee a request for notice.

b. A charitable organization expressly designated to receive distributions under the terms of a charitable trust or a person appointed to enforce a trust created for the care of an animal or another noncharitable purpose as provided in N.J.S.3B:31-24 or N.J.S.3B:31-25 has the rights of a qualified beneficiary under this act.

c. The Attorney General of this State has the rights of a qualified beneficiary with respect to a charitable trust having its principal place of administration in this State.

3B:31-11. Nonjudicial Settlement Agreements.

3B:31-11. Nonjudicial Settlement Agreements.

a. For purposes of this section, "interested persons" means persons whose consent would be required in order to achieve a binding settlement were the settlement to be approved by the court.

b. Except as otherwise provided in subsection c. of this section or any other provision of this chapter, interested persons may enter into a binding nonjudicial settlement agreement with respect to any matter involving a trust.

c. A nonjudicial settlement agreement is valid only to the extent it does not violate a material purpose of the trust and includes terms and conditions that could be properly approved by the court under this act or other applicable law.

d. Matters that may be resolved by a nonjudicial settlement agreement include:

(1) the interpretation or construction of the terms of the trust;

(2) the approval of a trustee's report or accounting;

(3) direction to a trustee to refrain from performing a particular act or the grant to a trustee of any necessary or desirable power;

(4) the resignation or appointment of a trustee and the determination of a trustee's compensation;

(5) transfer of a trust's principal place of administration; and

(6) liability of a trustee for an action relating to the trust.

e. Any interested person may request the court to approve a nonjudicial settlement agreement, to determine whether the representation as provided in article 2 was adequate, and to determine whether the agreement contains terms and conditions the court could have properly approved.

f. A nonjudicial settlement may not be used to produce a result that is contrary to other sections of Title 3B of the New Jersey Statutes, including, but not limited to, terminating or modifying a trust in an impermissible manner.

3B:31-12. Rules of Construction.

3B:31-12. Rules of Construction.

The rules of construction that apply in this State to the interpretation of and disposition of property by will also apply as appropriate to the interpretation of the terms of a trust and the disposition of the trust property.

ARTICLE 2
REPRESENTATION

3B:31-13. Representation: Basic Effect.

3B:31-13. Representation: Basic Effect.

a. Notice to a person who may represent and bind another person under this article has the same effect as if notice were given directly to the other person.

b. The consent of a person who may represent and bind another person under this article is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.

c. Except as otherwise provided in N.J.S.3B:31-27 and N.J.S.3B:31-43, a person who under this article may represent a settlor who lacks capacity may receive notice and give a binding consent on the settlor's behalf.

d. A settlor may not represent and bind a beneficiary under this article with respect to the termination or modification of a trust under subsection a. of N.J.S.3B:31-27.

3B:31-14. Representation by Holder of General Testamentary Power of Appointment.

3B:31-14. Representation by Holder of General Testamentary Power of Appointment.

a. To the extent there is no conflict of interest between the holder of a general testamentary power of appointment and the persons represented with respect to the particular question or dispute, the holder may represent

and bind persons whose interests, as permissible appointees, takers in default, or otherwise, are subject to the power.

b. A holder of a general power of appointment in favor of the holder or holder's estate shall not be deemed to have a conflict with permissible appointees and takers in default.

3B:31-15. Representation by Fiduciaries and Parents.

3B:31-15. Representation by Fiduciaries and Parents.

To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to a particular question or dispute:

a. a guardian of the property may represent and bind the estate that the guardian of the property controls;

b. a guardian of the person may represent and bind the ward if no guardian of the property has been appointed;

c. an agent having authority to act with respect to the particular question or dispute may represent and bind the principal;

d. a trustee may represent and bind the beneficiaries of the trust;

e. a personal representative of a decedent's estate may represent and bind persons interested in the estate; and

f. a parent may represent and bind the parent's minor or unborn child if a guardian for the child has not been appointed.

3B:31-16. Representation by Person Having Substantially Identical Interest.

3B:31-16. Representation by Person Having Substantially Identical Interest.

Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented.

3B:31-17. Appointment of Representative.

3B:31-17. Appointment of Representative.

a. If the court determines that an interest is not represented under this article or that the otherwise available representation might be inadequate, the court may appoint a guardian ad litem or other representative to receive notice, give consent, and otherwise represent, bind, and act on behalf of a minor, incapacitated, or unborn individual, or a person whose identity or

location is unknown. A guardian ad litem or other representative may be appointed to represent several persons or interests.

b. A guardian ad litem or other representative may act on behalf of the individual or person represented with respect to any matter arising under this act, whether or not a judicial proceeding concerning the trust is pending.

c. A guardian ad litem or other representative may consider the benefit accruing to the living members of the individual's family.

ARTICLE 3
CREATION, VALIDITY, MODIFICATION AND TERMINATION OF TRUST

3B:31-18. Methods of Creating Trust.

3B:31-18. Methods of Creating Trust.

A trust may be created by:

a. transfer of property under a written instrument to another person as trustee during the settlor's lifetime or by will or other written disposition taking effect upon the settlor's death;

b. written declaration by the owner of property that the owner holds identifiable property as trustee; or

c. written exercise of a power of appointment in favor of a trustee.

3B:31-19. Requirements for Creation.

3B:31-19. Requirements for Creation.

a. A trust is created only if:

(1) the settlor has capacity to create a trust;

(2) the settlor indicates an intention to create the trust;

(3) the trust has a definite beneficiary or is:

(a) a charitable trust;

(b) a trust for the care of an animal, as provided in N.J.S.3B:31-24; or

(c) a trust for a noncharitable purpose, as provided in N.J.S.3B:31-25;

(4) the trustee has duties to perform; and

(5) the same person is not the sole trustee and sole beneficiary of all beneficial interests.

b. A beneficiary is definite if the beneficiary can be ascertained now or in the future, subject to the provisions of section 14 of P.L.1999, c.159 (C.46:2F-10) or any other applicable rule against perpetuities.

c. A power in a trustee to select a beneficiary from an indefinite class is valid if exercised within a reasonable time and is not void as provided in

section 14 of P.L.1999, c.159 (C.46:2F-10) or any other applicable rule against perpetuities or restraint on alienation. If invalid, the power fails and the property subject to the power passes to the persons who would have taken the property had the power not been conferred.

d. A written instrument which creates a trust or transfers property to a trust shall not be invalid or ineffective because the transferee is identified as the trust rather than the trustee thereof.

3B:31-20. Written Trusts Created in Other Jurisdictions.

3B:31-20. Written Trusts Created in Other Jurisdictions.

A written trust not created by will is validly created if its creation complies with the law of the jurisdiction in which:

a. the trust instrument was executed;

b. at the time the trust was created, the settlor was domiciled, had a place of abode, or was a national;

c. at the time the trust was created, a trustee was domiciled or had a place of business; or

d. at the time the trust was created, any trust property was located.

3B:31-21. Trust Purposes.

3B:31-21. Trust Purposes.

A trust may be enforced only to the extent its purposes are lawful, not contrary to public policy, and possible to achieve. A trust and its terms shall be for the benefit of its beneficiaries.

3B:31-22. Charitable Purposes; Enforcement.

3B:31-22. Charitable Purposes; Enforcement.

a. A charitable trust is one that is created for the relief of poverty, the advancement of education or religion, the promotion of health, governmental or municipal purposes, or other purpose the achievement of which is beneficial to the community.

b. If the terms of a charitable trust do not state a particular charitable purpose or beneficiary, and the trustee or other person authorized to state a particular charitable purpose or name a particular charitable beneficiary fails to make a selection, the court may select one or more charitable purposes or beneficiaries. The selection shall be consistent with the settlor's intention to the extent it can be ascertained.

c. A proceeding to enforce a charitable trust may be brought by the settlor, by the Attorney General, by the trust's beneficiaries or by other persons who have standing.

3B:31-23. Creation of Trust Induced by Fraud, Duress, or Undue Influence.

3B:31-23. Creation of Trust Induced by Fraud, Duress, or Undue Influence.

A trust is void to the extent its creation was induced by fraud, duress, or undue influence.

3B:31-24. Trust for Care of Animal.

3B:31-24. Trust for Care of Animal.

a. A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal or, if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime, upon the death of the last surviving animal.

b. A trust authorized by this section may be enforced by the settlor or by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.

c. Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use shall be distributed to the settlor, if then living, otherwise to the settlor's estate.

3B:31-25. Noncharitable Trust Without Ascertainable Beneficiary.

3B:31-25. Noncharitable Trust Without Ascertainable Beneficiary.

Except as otherwise provided in N.J.S.3B:31-24 or by another statute, the following rules apply:

a. A trust may be created for a noncharitable but otherwise valid purpose without a definite or definitely ascertainable beneficiary or for a noncharitable but otherwise valid purpose to be selected by the trustee.

b. A trust authorized by this section may be enforced by the settlor or by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court.

c. Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the

intended use shall be distributed to the settlor, if then living, otherwise to the settlor's estate.

3B:31-26. Modification or Termination of Trust; Proceedings for Approval or Disapproval.

3B:31-26. Modification or Termination of Trust; Proceedings for Approval or Disapproval.

a. In addition to the methods of termination prescribed by N.J.S.3B:31-27 through N.J.S.3B:31-33, a trust terminates to the extent the trust is revoked or expires pursuant to its terms, no purpose of the trust remains to be achieved, or the purposes of the trust have become unlawful, contrary to public policy of this State, or impossible to achieve.

b. A proceeding to approve or disapprove a proposed modification or termination under N.J.S.3B:31-27 through N.J.S.3B:31-33, or trust combination or division under N.J.S.3B:31-34, may be commenced by a trustee or beneficiary. The settlor of a charitable trust may maintain a proceeding to modify the trust under N.J.S.3B:31-29.

3B:31-27. Modification or Termination of Noncharitable Irrevocable Trust by Consent.

3B:31-27. Modification or Termination of Noncharitable Irrevocable Trust by Consent.

a. A noncharitable irrevocable trust may be modified or terminated upon consent of the trustee and all beneficiaries, if the modification or termination is not inconsistent with a material purpose of the trust.

b. A noncharitable irrevocable trust may be terminated upon consent of all of the beneficiaries if the court concludes that continuance of the trust is not necessary to achieve any material purpose of the trust. A noncharitable irrevocable trust may be modified upon consent of all of the beneficiaries if the court concludes that modification is not inconsistent with a material purpose of the trust.

c. A spendthrift provision in the terms of the trust is not presumed to constitute a material purpose of the trust.

d. Upon termination of a trust under subsection a. or b. of this section, the trustee shall distribute the trust property as agreed by the beneficiaries.

e. If not all of the beneficiaries consent to a proposed modification or termination of the trust under subsection a. or b. of this section, the modification or termination may be approved by the court if the court is satisfied that:

(1) if all of the beneficiaries had consented, the trust could have been modified or terminated under this section; and

(2) the interests of a beneficiary who does not consent will be adequately protected.

3B:31-28. Modification or Termination Because of Unanticipated Circumstances or Inability to Administer Trust Effectively.

3B:31-28. Modification or Termination Because of Unanticipated Circumstances or Inability to Administer Trust Effectively.

a. The court may modify the administrative or dispositive terms of a trust or terminate the trust if, because of circumstances not anticipated by the settlor, modification or termination will further the purposes of the trust. To the extent practicable, the modification shall be made in accordance with the settlor's probable intent.

b. The court may modify the administrative terms of a trust if continuation of the trust on its existing terms would be impracticable or wasteful or impair the trust's administration.

c. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

3B:31-29. Modification or Termination of Charitable Trust (Cy Pres).

3B:31-29. Modification or Termination of Charitable Trust (Cy Pres).

a. Except as otherwise provided in subsection b. of this section, if a particular charitable purpose becomes unlawful, impracticable, impossible to achieve, or wasteful:

(1) the trust does not fail, in whole or in part;

(2) the trust property does not revert to the settlor or the settlor's estate; and

(3) the court may modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a manner consistent with the settlor's charitable purposes.

b. A provision in the terms of a charitable trust that would result in distribution of the trust property to a noncharitable beneficiary prevails over the power of the court under subsection a. of this section.

3B:31-30. Modification or Termination of Uneconomic Trust.

3B:31-30. Modification or Termination of Uneconomic Trust.

a. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than $100,000 may termi-

nate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration.

b. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

c. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

d. This section does not apply to an easement for conservation or preservation.

3B:31-31. Reformation to Correct Mistakes.

3B:31-31. Reformation to Correct Mistakes.

The court may reform the terms of a trust, even if unambiguous, to conform the terms to the settlor's probable intent if it is proved by clear and convincing evidence that there was a mistake of fact or law, whether in expression or inducement.

3B:31-32. Construction to Conform Trust Terms to Probable Intent of Settlor.

3B:31-32. Construction to Conform Trust Terms to Probable Intent of Settlor.

Nothing in this act shall prevent the court from construing the terms of a trust, even if unambiguous, to conform to the settlor's probable intent.

3B:31-33. Modification to Achieve Settlor's Tax Objectives.

3B:31-33. Modification to Achieve Settlor's Tax Objectives.

To achieve the settlor's tax objectives, the court may modify the terms of a trust in a manner that is not contrary to the settlor's probable intent. The court may provide that the modification has retroactive effect.

3B:31-34. Combination and Division of Trusts.

3B:31-34. Combination and Division of Trusts.

a. Subject to subsection b. of this section,

(1) the trustees of two or more trusts or parts of trusts may combine the trusts or parts thereof into a single trust, even if such trusts or parts thereof are created by different settlors or under different instruments, and even if the trusts have different trustees; and

(2) the trustees of a single trust may divide the trust into two or more separate trusts, in which case distributions provided by the governing instrument may be made from one or more of the separate trusts.

b. A combination or division under this section may be effected only if the result does not impair rights of any beneficiary or adversely affect the achievement of the purposes of the trust.

ARTICLE 4
CREDITOR'S CLAIMS; SPENDTHRIFT AND DISCRETIONARY TRUSTS

3B:31-35. Rights of Beneficiary's Creditor or Assignee.

3B:31-35. Rights of Beneficiary's Creditor or Assignee.

Except as otherwise provided by law, to the extent a beneficiary's interest is not protected by a spendthrift provision, a creditor or assignee of the beneficiary may reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary, subject to N.J.S.2A:17-50 through N.J.S.2A:17-56 and sections 3 and 4 of P.L.1981, c.203 (C.2A:17-56.1a and C.2A:17-56.6) or other applicable law. The court may limit the award to such relief as is appropriate under the circumstances.

3B:31-36. Spendthrift Provision.

3B:31-36. Spendthrift Provision.

a. A spendthrift provision is valid only if it restrains both voluntary and involuntary transfer of a beneficiary's interest.

b. A term of the trust providing that the interest of a beneficiary is held subject to a "spendthrift trust," or words of similar import, is sufficient to restrain both voluntary and involuntary transfer of the beneficiary's interest.

c. A beneficiary may not transfer an interest in a trust in violation of a valid spendthrift provision and, except as otherwise provided in this article, a creditor or assignee of the beneficiary may not reach the interest or a distribution by the trustee before its receipt by the beneficiary.

d. A spendthrift provision is valid even though a beneficiary is named as the sole trustee or as a co-trustee of the trust.

e. A valid spendthrift provision does not prevent the appointment of interests through the exercise of a power of appointment.

3B:31-37. Special Needs Trusts.

3B:31-37. Special Needs Trusts.

Even if a trust contains a spendthrift provision, the following shall apply:

a. Special Needs

(1) "Protected person" means a person who is:

(a) an aged, blind, or disabled individual as defined at 42 U.S.C. s.1382c;

(b) developmentally disabled as defined in section 2 of P.L.1979, c.105 (C.30:1AA-2); or

(c) under age 18, or over age 18 and a full-time student, with serious disabilities that reasonably may prevent the individual from being self sufficient as an adult.

(2) "Special needs trust" means an OBRA '93 trust, as defined in subsection a. of section 3 of P.L.2000, c.96 (C.3B:11-37), or trust governed by a written instrument which:

(a) grants a trustee broad discretion to determine whether and when to distribute;

(b) limits distributions during the trust term to distributions to benefit one or more protected persons, although the trust shall have at least one protected person as beneficiary;

(c) provides that the trustee does not have any obligation to pay the protected person's obligations or fund his support;

(d) does not give the protected person any right to require the trustee to distribute at a specific time or for a particular purpose or to assign or encumber interests in the trust; and

(e) evidences the grantor's intent to supplement rather than replace or impair government assistance that the protected person receives or for which he otherwise may be eligible.

b. Notwithstanding any other provision of this act or other law:

(1) trustees of a special needs trust have broad discretion over distributions;

(2) no creditor of a protected person may reach or attach a protected person's interest in a special needs trust and no creditor may require the trustees to distribute to satisfy a protected person's creditor's claim; and

(3) a special needs trust shall terminate at such time as provided in its governing instrument.

c. A special needs trust shall not be required to repay government aid provided to a protected person unless the aid was provided on the basis that the special needs trust would repay the aid when the protected person dies, or the special needs trust terminates sooner and the special needs trust instrument expressly calls for such repayment. This provision does not apply to a first-party, self-settled OBRA '93 trust as defined in subsection a. of section 3 of P.L.2000, c.96 (C.3B:11-37).

d. Notwithstanding N.J.S.3B:31-35 and N.J.S.3B:31-36, trustees of a special needs trust shall exercise their discretion in good faith to further

trust purposes and courts may exercise their equity authority to remedy trustee abuses of discretion.

3B:31-38. Discretionary Trusts; Effect of Standard.

3B:31-38. Discretionary Trusts; Effect of Standard.

a. Whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution that is subject to the trustee's discretion, even if:

(1) The discretion is expressed in the form of a standard of distribution; or

(2) The trustee has abused the discretion.

b. This section does not limit the right of a beneficiary to maintain a judicial proceeding against a trustee for an abuse of discretion or failure to comply with a standard for distribution.

c. With respect to the powers set forth in section 1 of P.L.1996, c.41 (C.3B:11-4.1), the provisions of this section shall apply even though the beneficiary is the sole trustee or a co-trustee of the trust.

3B:31-39. Creditor's Claim Against Settlor.

3B:31-39. Creditor's Claim Against Settlor.

a. Whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's creditors.

(2) With respect to an irrevocable trust, a creditor or assignee of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities will be paid, the property of a trust that was revocable at the settlor's death is subject to claims of the settlor's creditors, costs of administration of the settlor's estate, the expenses of the settlor's funeral and disposal of remains, and to a surviving spouse or partner in a civil union and children to the extent the settlor's probate estate is inadequate to satisfy those claims, costs, expenses.

b. For purposes of this section:

(1) during the period the power may be exercised, the holder of a power of withdrawal is treated in the same manner as the settlor of a revocable trust to the extent of the property subject to the power; and

(2) upon the lapse, release, or waiver of the power, the holder is treated as the settlor of the trust only to the extent the value of the property affected by the lapse, release, or waiver exceeds the greater of the amount specified in section 2041(b)(2) or 2514(e) of the federal Internal Revenue Code of 1986 (26 U.S.C. s.2041(b)(2) or 26 U.S.C. s.2514(e)), or section 2503(b) of the federal Internal Revenue Code of 1986 (26 U.S.C. s.2503(b)), in each case as in effect on the effective date of this act, or as later amended.

3B:31-40. Overdue Distribution.

3B:31-40. Overdue Distribution.

a. For the purposes of this section, "mandatory distribution" means a distribution of income or principal that the trustee is required to make to a beneficiary under the terms of the trust, including a distribution upon termination of the trust. The term excludes a distribution subject to the exercise of the trustee's discretion, regardless of whether the terms of the trust (1) include a support or other standard to guide the trustee in making distribution decisions, or (2) provide that the trustee "may" or "shall" make discretionary distributions, including distributions pursuant to a support or other standard.

b. Except as otherwise provided in section 1 of P.L.1996, c.41 (C.3B:11-4.1), whether or not a trust contains a spendthrift provision, a creditor or assignee of a beneficiary may reach a mandatory distribution of income or principal, including a distribution upon termination of the trust, if the trustee has not made the distribution to the beneficiary within a reasonable time after the mandated distribution date.

3B:31-41. Personal Obligations of Trustee.

3B:31-41. Personal Obligations of Trustee.

Trust property is not subject to personal obligations of the trustee, even if the trustee becomes insolvent.

ARTICLE 5
REVOCABLE TRUSTS

3B:31-42. Capacity of Settlor of Revocable Trust.

3B:31-42. Capacity of Settlor of Revocable Trust.

The capacity required to create, amend, revoke, or add property to a revocable trust, or to direct the actions of the trustee of a revocable trust, is the same as that required to make a will.

3B:31-43. Revocation or Amendment of Revocable Trust.

3B:31-43. Revocation or Amendment of Revocable Trust.

a. Unless the terms of a trust expressly provide that the trust is irrevocable, or that it is proved by clear and convincing evidence that the settlor intended for it to be irrevocable, the settlor may revoke or amend the trust. This subsection does not apply to a trust created under an instrument executed before the effective date of this act.

b. If a revocable trust is created or funded by more than one settlor:

(1) to the extent the trust consists of community property, the trust may be revoked by either spouse or partner in a civil union acting alone but may be amended only by joint action of both spouses or partners; and

(2) to the extent the trust consists of property other than community property, each settlor may revoke or amend the trust with regard to the portion of the trust property attributable to that settlor's contribution.

c. The settlor may revoke or amend a revocable trust:

(1) by substantial compliance with a method provided in the terms of the trust; or

(2) if the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(a) executing a later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(b) any other writing manifesting clear and convincing evidence of the settlor's intent.

d. Upon revocation of a revocable trust, the trustee shall deliver the trust property to the settlor as the settlor directs.

e. A settlor's powers with respect to revocation, amendment, or distribution of trust property may be exercised by an agent under a power of attorney only to the extent expressly authorized by the terms of the trust and the power.

f. A guardian of the property of the settlor may exercise a settlor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship.

g. A trustee who does not know that a trust has been revoked or amended is not liable to the settlor or settlor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

3B:31-44. Settlor's Powers.

3B:31-44. Settlor's Powers.

While a trust is revocable, rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.

3B:31-45. Limitation on Action Contesting Validity of Revocable Trust; Distribution of Trust Property.

3B:31-45. Limitation on Action Contesting Validity of Revocable Trust; Distribution of Trust Property.

a. A person may commence a judicial proceeding to contest the validity of a trust that was revocable at the settlor's death within the earlier of:

(1) Three years after the settlor's death; or

(2) Four months, in the case of a resident, or six months, in the case of a nonresident, after the trustee sent the person a copy of the trust instrument and a notice informing the person of the trust's existence, of the trustee's name and address, and of the time allowed for commencing a proceeding.

b. Upon the death of the settlor of a trust that was revocable at the settlor's death, the trustee may proceed to distribute the trust property in accordance with the terms of the trust. The trustee is not subject to liability for doing so unless:

(1) the trustee knows of a pending judicial proceeding contesting the validity of the trust; or

(2) a potential contestant has notified the trustee in writing of a possible judicial proceeding to contest the validity of the trust and the trustee has received written notice of a judicial proceeding commenced within 90 days after the contestant sent the notification.

c. A beneficiary of a trust that is determined to have been invalid is liable to return any distribution received.

ARTICLE 6
OFFICE OF TRUSTEE

3B:31-46. Accepting or Declining Trusteeship.

3B:31-46. Accepting or Declining Trusteeship.

a. Except as otherwise provided in subsection c. of this section, a person designated as trustee accepts the trusteeship:

(1) in the case of a testamentary trustee or substituted testamentary trustee, as provided in N.J.S.3B:11-2, and

(2) in the case of any other trustee,

(a) by substantially complying with a method of acceptance provided in the terms of the trust; or

(b) if the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by accepting delivery of the trust property, exercising powers or performing duties as trustee, or otherwise indicating acceptance of the trusteeship.

b. A person designated as trustee who has not yet accepted the trusteeship may renounce the trusteeship. A designated trustee who does not accept the trusteeship within a reasonable time after knowing of the designation is deemed to have renounced the trusteeship.

c. A person designated as trustee, without accepting the trusteeship, may:

(1) act to preserve the trust property if, within a reasonable time after acting, the person sends a renunciation of the trusteeship to the settlor or, if the settlor is dead or lacks capacity, to the qualified beneficiaries and to any designated successor trustee; and

(2) inspect or investigate trust property to determine potential liability under environmental or other law or for any other purpose.

3B:31-47. Trustee's Bond.

3B:31-47. Trustee's Bond.

a. A trustee shall give bond to secure performance of the trustee's duties as prescribed by N.J.S.3B:15-1 et seq. if the court finds that a bond is needed to protect the interests of the beneficiaries or is required by the terms of the trust and the court has not dispensed with that requirement.

b. Unless otherwise directed by the court, the cost of the bond is an expense of the trust.

3B:31-48. Co-trustees.

3B:31-48. Co-trustees.

a. Co-trustees who are unable to reach a unanimous decision may act by majority decision. A dissenting trustee who joins in carrying out a decision of the majority but expresses his dissent in writing promptly to his co-trustees shall not be liable for the act of the majority.

b. If a vacancy occurs in a co-trusteeship, the remaining co-trustees shall act for the trust unless the trust instrument provides otherwise.

c. A co-trustee shall participate in the performance of a trustee's function unless the co-trustee is unavailable to perform the function because of absence, illness, disqualification under other law, or other temporary incapacity or the co-trustee has properly delegated the performance of the function to another trustee.

d. If a co-trustee is unavailable to perform duties because of absence, illness, disqualification under other law, other temporary incapacity, or a vacancy remains unfilled and prompt action is necessary to achieve the purposes of the trust or to avoid injury to the trust property, the remaining co-trustee or a majority of the remaining co-trustees shall act for the trust.

e. A trustee may not delegate to a co-trustee the performance of a function the settlor reasonably expected the trustees to perform jointly. Unless a delegation was irrevocable, a trustee may revoke a delegation previously made.

f. A trustee who does not join in an action of a co-trustee or co-trustees because of absence, illness, disqualification or other temporary incapacity shall not be liable for that action.

g. Notwithstanding subsection a. or f. of this section, every trustee shall exercise reasonable care to:

(1) prevent a co-trustee from committing a breach of trust; and

(2) compel a co-trustee to redress a breach of trust.

3B:31-49. Vacancy in Trusteeship; Appointment of Successor.

3B:31-49. Vacancy in Trusteeship; Appointment of Successor.

a. A vacancy in a trusteeship occurs if:

(1) a person designated as trustee renounces the trusteeship;

(2) a person designated as trustee cannot be identified or does not exist;

(3) a trustee resigns or is discharged;

(4) a trustee is disqualified or removed;

(5) a trustee dies; or

(6) a guardian or conservator is appointed for an individual serving as trustee.

b. If one or more co-trustees remain in office, a vacancy in a trusteeship need not be filled unless the trust instrument provides otherwise. A vacancy in a trusteeship shall be filled if the trust has no remaining trustee.

c. A vacancy in a trusteeship of a noncharitable trust that is required to be filled shall be filled in the following order of priority:

(1) by a person designated pursuant to the terms of the trust to act as successor trustee;

(2) by a procedure established pursuant to the terms of the trust to appoint a successor trustee;

(3) by a person appointed by unanimous agreement of the qualified beneficiaries; or

(4) by a person appointed by the court.

d. A vacancy in a trusteeship of a charitable trust that is required to be filled shall be filled in the following order of priority:

(1) by a person designated pursuant to the terms of the trust to act as successor trustee; or

(2) by a person appointed by the court.

e. Whether or not a vacancy in a trusteeship exists or is required to be filled, the court may appoint an additional trustee or special fiduciary whenever the court considers the appointment desirable for the administration of the trust.

f. A person appointed to fill a vacancy in a trusteeship shall have all the powers and discretions of the original trustee.

3B:31-50. Resignation of Trustee.

3B:31-50. Resignation of Trustee.

a. A trustee may resign:

(1) upon at least 30 days' notice to the qualified beneficiaries, the settlor, if living, all co-trustees, and the trustee or trustees, if any, designated pursuant to the terms of the trust to succeed the resigning trustee; or

(2) with the approval of the court.

b. In approving a resignation, the court may issue orders and impose conditions reasonably necessary for the protection of the trust property.

c. Any liability of a resigning trustee or of any sureties on the trustee's bond for acts or omissions of the trustee is not discharged or affected by the trustee's resignation.

3B:31-51. Removal of Trustee.

3B:31-51. Removal of Trustee.

a. The settlor, a co-trustee, or a beneficiary may request the court to remove a trustee, or a trustee may be removed by the court on its own initiative.

b. The court may remove a trustee for any of the reasons stated in N.J.S.3B:14-21.

c. Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order such appropriate relief as may be necessary to protect the trust property or the interests of the beneficiaries.

3B:31-52. Delivery of Property by Former Trustee.

3B:31-52. Delivery of Property by Former Trustee.

a. Unless a co-trustee remains in office or the court otherwise orders, and until the trust property is delivered to a successor trustee or other person entitled to it, a trustee who has resigned or been removed has the duties of a trustee and the powers necessary to protect the trust property.

b. A trustee who has resigned or been removed shall proceed expeditiously to deliver the trust property within the trustee's possession to the co-trustee, successor trustee, or other person entitled to it, but a resigning trus-

tee may retain a reasonable reserve for the costs of finalizing that trustee's administration of the trust.

3B:31-53. Reimbursement of Expenses.

3B:31-53. Reimbursement of Expenses.

a. In addition to the compensation allowed by N.J.S.3B:18-2 et seq., a trustee is entitled to be reimbursed out of the trust property for:

(1) expenses that were properly incurred in the administration of the trust; and

(2) to the extent necessary to prevent unjust enrichment of the trust, expenses that were not properly incurred in the administration of the trust.

b. An advance by a trustee of money or other property for the protection of the trust gives rise to a lien against trust property to secure reimbursement.

ARTICLE 7
DUTIES AND POWERS OF TRUSTEE

3B:31-54. Duty to Administer Trust.

3B:31-54. Duty to Administer Trust.

Upon acceptance of a trusteeship, the trustee shall administer the trust in good faith, in accordance with its terms and purposes and the interests of the beneficiaries, and in accordance with this act and other applicable law.

3B:31-55. Duty of Loyalty.

3B:31-55. Duty of Loyalty.

a. A trustee shall administer the trust with undivided loyalty to and solely in the best interests of the beneficiaries.

b. Subject to the rights of persons dealing with or assisting the trustee as provided in N.J.S.3B:14-37, a sale, encumbrance, or other transaction involving the investment or management of trust property entered into by the trustee for the trustee's own personal account or which is otherwise affected by a conflict between the trustee's fiduciary and personal interests is voidable by a beneficiary affected by the transaction unless:

(1) the transaction was authorized by the terms of the trust;

(2) the transaction was approved by the court;

(3) the beneficiary did not commence a judicial proceeding within the time allowed by N.J.S.3B:31-74;

(4) the beneficiary consented to the trustee's conduct, ratified the transaction, or released the trustee in compliance with N.J.S.3B:31-78; or

(5) the transaction involves a contract entered into or a claim acquired by the trustee before the person became a trustee.

c. A sale, encumbrance, or other transaction involving the investment or management of trust property is presumed to be affected by a conflict between personal and fiduciary interests if it is entered into by the trustee with:

(1) the trustee's spouse or partner in a civil union;

(2) the trustee's parents, parents' descendants, or the spouse or partner in a civil union of any of the foregoing;

(3) an agent, accountant, or attorney of the trustee; or

(4) a corporation or other person or enterprise in which the trustee, or a person that owns a significant interest in the trustee, has an interest that might affect the trustee's judgment.

d. A transaction between a trustee and a beneficiary that does not concern trust property but that occurs during the existence of the trust or while the trustee retains significant influence over the beneficiary and from which the trustee obtains an advantage attributable to the existence of the trust is voidable by the beneficiary if the beneficiary establishes that the transaction was unfair to the beneficiary.

e. A transaction not concerning trust property in which the trustee engages in the trustee's individual capacity involves a conflict between personal and fiduciary interests if the transaction concerns an opportunity properly belonging to the trust.

f. In voting shares of stock of a corporation or in exercising powers of control over similar interests in other forms of enterprise, the trustee shall act in the best interests of the beneficiaries and shall vote to elect or appoint directors or other managers who will manage the corporation or enterprise in the best interests of the beneficiaries.

g. This section does not preclude the following transactions, if fair to the beneficiaries:

(1) an agreement between a trustee and a beneficiary relating to the appointment or compensation of the trustee;

(2) payment of reasonable compensation to the trustee;

(3) a transaction between the trust and another trust, decedent's estate, guardianship, conservatorship, or other fiduciary relationship of which the trustee is a fiduciary or in which a beneficiary has an interest;

(4) a deposit of trust money in a regulated financial-service institution operated by or affiliated with the trustee; or

(5) an advance by the trustee of money for the protection of the trust.

h. The court may appoint a special fiduciary to make decisions with respect to any proposed transaction that might violate this section if entered into by the trustee.

3B:31-56. Duty of Impartiality.

3B:31-56. Duty of Impartiality.

If a trust has two or more beneficiaries, the trustee shall act impartially in investing, managing, and distributing the trust property, giving due regard to the beneficiaries' respective interests.

3B:31-57. Duty of Prudent Administration.

3B:31-57. Duty of Prudent Administration.

A trustee shall administer the trust as a prudent person would, by considering the purposes, terms, distributional requirements, and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.

3B:31-58. Costs of Administration.

3B:31-58. Costs of Administration.

In administering a trust, the trustee may incur only costs that are appropriate and reasonable in relation to the trust property, the purposes of the trust, and the skills of the trustee.

3B:31-59. Duty to Use Special Skills.

3B:31-59. Duty to Use Special Skills.

A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, has a duty to use those special skills or expertise.

3B:31-60. Delegation by Trustee.

3B:31-60. Delegation by Trustee.

a. A trustee may delegate ministerial, administrative and management duties and powers that a prudent trustee of comparable skills could properly delegate under the circumstances.

b. The trustee shall exercise reasonable care, skill, and caution in:

(1) selecting an agent;

(2) establishing in writing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and

(3) periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the terms of the delegation.

c. A trustee shall provide reasonable written notice to the qualified beneficiaries on each occasion upon which the trustee delegates duties pursuant to this section, including the identity of the agent.

d. A trustee who complies with subsections b. and c. of this section is not liable to the beneficiaries or to the trust for an action of the agent to whom the function was delegated.

e. In performing a delegated function, the agent shall owe to the trustee and the beneficiaries the same duties as the fiduciary and shall be held to the same standards as the fiduciary.

f. By accepting a delegation of powers or duties from the trustee of a trust that is subject to the law of this State, an agent submits to the jurisdiction of the courts of this State, even if the delegation agreement provides otherwise.

3B:31-61. Powers to Direct.

3B:31-61. Powers to Direct.

a. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

b. If the terms of a trust confer upon a person other than the settlor of a revocable trust the power to direct certain actions of the trustee, the trustee shall act in accordance with a written exercise of the power unless the attempted exercise is contrary to the terms of the trust or the trustee knows the attempted exercise would constitute a breach of a fiduciary duty that the person holding the power owes to the beneficiaries of the trust.

c. The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

d. A person, other than a beneficiary, who holds a power to direct is required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results from the holder's failure to act in good faith.

3B:31-62. Powers to Direct Investment Functions.

3B:31-62. Powers to Direct Investment Functions.

a. When one or more persons are given authority by the terms of a governing instrument to direct, consent to or disapprove a fiduciary's actual or proposed investment decisions, such persons shall be considered to be investment advisers and fiduciaries when exercising such authority unless the governing instrument otherwise provides.

b. If a governing instrument provides that a fiduciary is to follow the direction of an investment adviser, and the fiduciary acts in accordance

with such a direction, then except in cases of willful misconduct or gross negligence on the part of the fiduciary so directed, the fiduciary shall not be liable for any loss resulting directly or indirectly from any such act.

c. If a governing instrument provides that a fiduciary is to make decisions with the consent of an investment adviser, then except in cases of willful misconduct or gross negligence on the part of the fiduciary, the fiduciary shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of such investment adviser's failure to provide such consent after having been requested to do so by the fiduciary.

d. For purposes of this section, "investment decision" means with respect to any investment, the retention, purchase, sale, exchange, tender or other transaction affecting the ownership thereof or rights therein and with respect to nonpublicly traded investments, the valuation thereof, and an adviser with authority with respect to such decisions is an investment adviser.

e. Whenever a governing instrument provides that a fiduciary is to follow the direction of an investment adviser with respect to investment decisions, then, except to the extent that the governing instrument provides otherwise, the fiduciary shall have no duty to:

(1) Monitor the conduct of the investment adviser;

(2) Provide advice to the investment adviser or consult with the investment adviser; or

(3) Communicate with or warn or apprise any beneficiary or third party concerning instances in which the fiduciary would or might have exercised the fiduciary's own discretion in a manner different from the manner directed by the investment adviser.

Absent clear and convincing evidence to the contrary, the actions of the fiduciary pertaining to matters within the scope of the investment adviser's authority, such as confirming that the investment adviser's directions have been carried out and recording and reporting actions taken at the investment adviser's direction, shall be presumed to be administrative actions taken by the fiduciary solely to allow the fiduciary to perform those duties assigned to the fiduciary under the governing instrument. Such administrative actions shall not be deemed to constitute an undertaking by the fiduciary to monitor the investment adviser or otherwise participate in actions within the scope of the investment adviser's authority.

3B:31-63. Control and Protection of Trust Property.

3B:31-63. Control and Protection of Trust Property.

A trustee shall take reasonable steps to take control of and protect the trust property.

3B:31-64. Recordkeeping and Identification of Trust Property.

3B:31-64. Recordkeeping and Identification of Trust Property.

a. A trustee shall keep adequate records of the administration of the trust.

b. A trustee shall keep trust property separate from the trustee's own property.

c. Except as otherwise provided in subsection d. of this section, a trustee shall cause the trust property to be designated so that the interest of the trust, to the extent feasible, appears in records maintained by a party other than a trustee or beneficiary.

d. If the trustee maintains records clearly indicating the respective interests, a trustee may invest as a whole the property of the trust with other fiduciary accounts maintained by the trustee.

3B:31-65. Duty to Enforce and Defend Claims.

3B:31-65. Duty to Enforce and Defend Claims.

A trustee shall take reasonable steps to enforce claims of the trust and to defend claims against the trust.

3B:31-66. Duty to Collect Trust Property and Redress Breaches of Trust.

3B:31-66. Duty to Collect Trust Property and Redress Breaches of Trust.

a. A trustee shall take reasonable steps to compel a former trustee or other person to deliver trust property to the trustee.

b. A trustee shall take reasonable steps to redress a breach of trust known to the trustee to have been committed by a former trustee.

3B:31-67. Duty to Disclose and Discretion to Periodically Report.

3B:31-67. Duty to Disclose and Discretion to Periodically Report.

a. A trustee shall keep the qualified beneficiaries of the trust reasonably informed about the administration of the trust and of the material facts necessary for them to protect their interests. Unless unreasonable under the circumstances, a trustee shall promptly respond to a beneficiary's request for information related to the administration of a trust.

b. A trustee, upon request of a beneficiary, shall promptly furnish to the beneficiary a copy of the trust instrument.

c. A trustee seeking the protection of N.J.S.3B:31-74 may provide the beneficiaries with a report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the trustee's compensation, a listing of the trust assets, and, if feasible, their respective market values.

3B:31-68. Discretionary Powers.

3B:31-68. Discretionary Powers.

Notwithstanding the breadth of discretion granted to a trustee in the terms of the trust, including the use of such terms as "absolute," "sole," or "uncontrolled," the trustee shall exercise a discretionary power in good faith and in accordance with the terms and purposes of the trust and the interests of the beneficiaries.

3B:31-69. General Powers of Trustee.

3B:31-69. General Powers of Trustee.

a. Except as limited by section 1 of P.L.1996, c.41 (C.3B:11-4.1) and other express statutory restrictions, a trustee, without authorization by the court, may exercise:

(1) powers conferred by the terms of the trust; or

(2) except as limited by the terms of the trust:

(a) all powers over the trust property which an unmarried competent owner has over individually owned property;

(b) any other powers appropriate to achieve the proper investment, management, and distribution of the trust property; and

(c) any other powers conferred by this act and by Title 3B of the New Jersey Statutes.

b. The exercise of a power is subject to the fiduciary duties prescribed by this act and by Title 3B of the New Jersey Statutes.

3B:31-70. Distribution Upon Termination.

3B:31-70. Distribution Upon Termination.

a. Upon the occurrence of an event terminating or partially terminating a trust, the trustee shall proceed expeditiously to distribute the trust property to the persons entitled to it, subject to the right of the trustee to retain a reasonable reserve for the payment of debts, expenses, and taxes.

b. Upon termination or partial termination of a trust, the trustee may mail or deliver a proposal for distribution to all persons who have a right to object to the proposed distribution. The proposal shall notify all persons who have a right to object to the proposal of their right to object and that their objection is required to be in writing and received by the trustee within 30 days after the mailing or delivery of the proposal. The right of any person to object to the proposed distribution on the basis of the kind or value of asset he or another beneficiary is to receive, if not waived earlier in writing, terminates if he fails to object in writing received by the trustee within 30 days after mailing or delivery of the proposal.

ARTICLE 8
LIABILITY OF TRUSTEES AND RIGHTS OF PERSONS DEALING WITH TRUSTEE

3B:31-71. Remedies for Breach of Trust.

3B:31-71. Remedies for Breach of Trust.

a. A violation by a trustee of a duty the trustee owes to a beneficiary is a breach of trust.

b. To remedy a breach of trust that has occurred or may occur, the court may:

(1) compel the trustee to perform the trustee's duties;

(2) enjoin the trustee from committing a breach of trust;

(3) compel the trustee to redress a breach of trust by paying money, restoring property, or other means;

(4) order a trustee to account;

(5) appoint a special fiduciary to take possession of the trust property and administer the trust;

(6) suspend the trustee;

(7) remove the trustee as provided in N.J.S.3B:31-51;

(8) reduce or deny compensation to the trustee;

(9) subject to N.J.S.3B:14-37, void an act of the trustee, impose a lien or a constructive trust on trust property, or trace trust property wrongfully disposed of and recover the property or its proceeds; or

(10) order any other appropriate relief.

3B:31-72. Damages for Breach of Trust.

3B:31-72. Damages for Breach of Trust.

a. A trustee who commits a breach of trust is liable to the beneficiaries affected for the greater of:

(1) the amount required to restore the value of the trust property and trust distributions to what they would have been had the breach not occurred; or

(2) the profit the trustee made by reason of the breach.

b. Except as otherwise provided in this subsection, if more than one trustee is liable to the beneficiaries for a breach of trust, a trustee is entitled to contribution from the other trustee or trustees based on the comparative degree of culpability for the breach. However, a trustee who committed the breach in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries is not entitled to contribution from a trustee who was not guilty of such conduct. A trustee who received a bene-

fit from the breach of trust is not entitled to contribution from another trustee to the extent of the benefit received.

3B:31-73. Damages in Absence of Breach.

3B:31-73. Damages in Absence of Breach.

a. A trustee is accountable to an affected beneficiary for any profit made by the trustee arising from the administration of the trust, even absent a breach of trust, except where the interest in the transaction involved is fully disclosed to the beneficiary and consent is freely given.

b. Absent a breach of trust, a trustee is not liable to a beneficiary for a loss or depreciation in the value of trust property or for not having made a profit.

3B:31-74. Limitation of Action Against Trustee.

3B:31-74. Limitation of Action Against Trustee.

a. A beneficiary may not commence a proceeding against a trustee for breach of trust more than six months after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.

b. A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.

c. If subsection a. of this section does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust may be commenced only within five years after the first to occur of:

(1) the removal, resignation, or death of the trustee;

(2) the termination of the beneficiary's interest in the trust; or

(3) the termination of the trust.

Notwithstanding the foregoing, this subsection shall not operate to bar any proceeding by a beneficiary until five years after such beneficiary: (a) has attained majority; (b) has knowledge of the existence of the trust; and (c) has knowledge that such beneficiary is or was a beneficiary of the trust.

d. For purposes of subsection a. of this section, a beneficiary is deemed to have been sent a report if:

(1) in the case of a beneficiary having capacity, it is sent to the beneficiary; or

(2) in the case of a beneficiary who under article 2 of this act may be represented and bound by another person, if it is received by his representative.

e. This section does not preclude an action to recover for fraud or misrepresentation related to the report.

3B:31-75. Reliance on Trust Instrument.

3B:31-75. Reliance on Trust Instrument.

A trustee who acts in reasonable reliance on the terms of the trust as expressed in the trust instrument is not liable to a beneficiary for a breach of trust to the extent the breach resulted from the reliance.

3B:31-76. Event Affecting Administration or Distribution.

3B:31-76. Event Affecting Administration or Distribution.

If the happening of an event, including marriage, divorce, performance of educational requirements, or death, affects the administration or distribution of a trust, a trustee who has exercised reasonable care to ascertain the happening of the event is not liable for a loss resulting from the trustee's lack of knowledge.

3B:31-77. Exculpation of Trustee.

3B:31-77. Exculpation of Trustee.

a. A term of a trust relieving a trustee of liability for breach of trust is unenforceable to the extent that it:

(1) relieves the trustee of liability for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries; or

(2) was inserted as the result of an abuse by the trustee of a fiduciary or confidential relationship to the settlor.

b. An exculpatory term drafted or caused to be drafted by the trustee is invalid as an abuse of a fiduciary or confidential relationship unless the trustee proves that the exculpatory term is fair under the circumstances and that its existence and contents were adequately communicated to the settlor.

3B:31-78. Beneficiary's Consent, Release, or Ratification.

3B:31-78. Beneficiary's Consent, Release, or Ratification.

A trustee is not liable to a beneficiary for breach of trust if the beneficiary, while having capacity, consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

a. the consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or

b. at the time of the consent, release, or ratification, the beneficiary did not know of the beneficiary's rights or of the material facts relating to the breach.

3B:31-79. Limitation on Personal Liability of Trustee.

3B:31-79. Limitation on Personal Liability of Trustee.

a. Except as otherwise provided in the contract, a trustee is not personally liable on a contract properly entered into in the trustee's fiduciary capacity in the course of administering the trust if the trustee in the contract disclosed the fiduciary capacity.

b. A trustee is personally liable for torts committed in the course of administering a trust, or for obligations arising from ownership or control of trust property, including liability for violation of environmental law, only if the trustee is personally at fault.

c. A claim based on a contract entered into by a trustee in the trustee's fiduciary capacity, on an obligation arising from ownership or control of trust property, or on a tort committed in the course of administering a trust, may be asserted in a judicial proceeding against the trustee in the trustee's fiduciary capacity, whether or not the trustee is personally liable for the claim.

3B:31-80. Interest as General Partner.

3B:31-80. Interest as General Partner.

a. Except as otherwise provided in subsection c. of this section or unless personal liability is imposed in the contract, a trustee who holds an interest as a general partner in a general or limited partnership is not personally liable on a contract entered into by the partnership after the trust's acquisition of the interest if the fiduciary capacity was disclosed in the contract or in a statement previously filed pursuant to the "Uniform Partnership Act (1996)," P.L.2000, c.161 (C.42:1A-1 et seq.) or the "Uniform Limited Partnership Law (1976)," P.L.1983, c.489 (C.42:2A-1 et seq.).

b. Except as otherwise provided in subsection c. of this section, a trustee who holds an interest as a general partner is not personally liable for torts committed by the partnership or for obligations arising from ownership or control of the interest unless the trustee is personally at fault.

c. The immunity provided by this section does not apply if an interest in the partnership is held by the trustee in a capacity other than that of trustee or is held by the trustee's spouse or partner in a civil union or one or

more of the trustee's descendants, siblings, or parents, or the spouse or partner in a civil union of any of them.

d. If the trustee of a revocable trust holds an interest as a general partner, the settlor is personally liable for contracts and other obligations of the partnership as if the settlor were a general partner.

3B:31-81. Certification of Trust.

3B:31-81. Certification of Trust.

a. Instead of furnishing a copy of the trust instrument to a person other than a beneficiary, the trustee may furnish to the person a certification of trust containing the following information:

(1) that the trust exists and the date the trust instrument was executed;

(2) the identity of the settlor;

(3) the identity and address of the currently acting trustee;

(4) the powers of the trustee;

(5) the revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust;

(6) the authority of co-trustees to sign and whether all or less than all are required in order to exercise powers of the trustee; and

(7) the name in which title to trust property may be taken.

b. A certification of trust shall be signed by all persons identified as currently acting as trustee.

c. A certification of trust shall state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification of trust to be incorrect.

d. A certification of trust need not contain the dispositive terms of a trust.

e. A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments which designate the trustee and confer upon the trustee the power to act in the pending transaction.

f. A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. Knowledge of the terms of the trust may not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the certification.

g. A person making a demand for the trust instrument in addition to a certification of trust or excerpts is liable for damages if the court determines that the person did not act in good faith in demanding the trust instrument.

h. This section does not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust.

ARTICLE 9
MISCELLANEOUS PROVISIONS

3B:31-82. Electronic Records and Signatures.

3B:31-82. Electronic Records and Signatures.

The provisions of this act governing the legal effect, validity, or enforceability of electronic records or electronic signatures, and of contracts formed or performed with the use of such records or signatures, conform to the requirements of section 102 of the "Electronic Signatures in Global and National Commerce Act" (15 U.S.C. s.7002), and supersede, modify, and limit the requirements of that act.

3B:31-83. Severability Clause.

3B:31-83. Severability Clause.

If any provision of this act or its application to any person or circumstances 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.

3B:31-84. Application to Existing Relationships.

3B:31-84. Application to Existing Relationships.

a. Except as otherwise provided in this act:

(1) this act applies to all trusts created before, on, or after its effective date;

(2) this act applies to all judicial proceedings concerning trusts commenced on or after its effective date;

(3) this act applies to judicial proceedings concerning trusts commenced before its effective date unless the court finds that application of a particular provision of this act would substantially interfere with the effective conduct of the judicial proceedings or prejudice the rights of the parties, in which case the particular provision of this act does not apply and the superseded law applies;

(4) any rule of construction or presumption provided in this act applies to trust instruments executed before the effective date of the act unless there is clear indication of a contrary intent in the terms of the trust; and

(5) an act done before the effective date is not affected by this act.

b. If a right is acquired, extinguished, or barred upon expiration of a prescribed period that has commenced to run under any other statute before the effective date of the act, that statute continues to apply to the right even if that statute has been repealed or superseded by this act.

2. N.J.S.3B:14-37 is amended to read as follows:

Protection of persons assisting or dealing with fiduciary.

3B:14-37. Protection of persons assisting or dealing with fiduciary.

a. A person other than a beneficiary who in good faith either assists a fiduciary or deals with him for value is protected as if the fiduciary properly exercised his power.

b. The fact that a person knowingly deals with a fiduciary does not alone require the person to inquire into the existence of a power or the propriety of its exercise.

c. Except as to real property specifically devised by will, no provision in any will, trust or order of court purporting to limit the power of a fiduciary is effective except as to persons with actual knowledge thereof.

d. A person who in good faith pays, transfers or delivers to a fiduciary money or other property is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of the payment, transfer or delivery is not invalid in consequence of a misapplication by the fiduciary.

e. A person other than a beneficiary who in good faith assists a former trustee, or who in good faith and for value deals with a former trustee, without knowledge that the trusteeship has terminated is protected from liability as if the former trustee were still a trustee.

f. The protection here expressed extends to instances in which some procedural irregularity or jurisdictional defect occurred in proceedings leading to the issuance of letters, including a case in which the alleged decedent is found to be alive.

g. The protection here expressed is in addition to that provided by comparable provisions of the laws relating to commercial transactions and laws simplifying transfers of securities by fiduciaries.

Repealer.

3. The following sections are repealed:

N.J.S.3B:11-5;

N.J.S.3B:11-6;

N.J.S.3B:11-7; and

Section 1 of P.L.2001, c.144 (C.3B:11-38).

4. This act shall take effect on the 180th day following enactment.

Approved January 19, 2016.

CHAPTER 277

AN ACT concerning property tax deferment under certain circumstances and supplementing chapter 4 of Title 54 of the New Jersey Statutes.

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

C.54:4-8.25 Property tax deferment for residents deployed for wartime active 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. The deferment shall commence on the tax due date, and shall end 90 days after the last date of deployment. 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.

C.54:4-8.26 Written application for tax deferral; rules, regulations.

2. a. No deferment of any tax amount assessed against real and personal property pursuant to section 1 of P.L.2015, c.277 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.

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, 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.

C.54:4-8.27 State payment to municipality, refund upon payment.

3. The State shall annually pay to the tax collector of each municipality the total amount of property tax deferred pursuant to section 1 of P.L.2015, c.277 (C.54:4-8.25) plus 2%, in the same manner as veteran's property tax deductions are reimbursed pursuant to section 5 of P.L.1997, c.30 (C.54:4-8.24). The tax collector of each municipality shall refund this amount to the State in installments upon collection of the deferred payments from the individual taxpayers along with any interest collected for payments made after the expiration of a taxpayer's grace period.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 278

AN ACT concerning voluntary contributions through gross income tax returns for active duty members of the United States Armed Forces, the Reserve components thereof, and the National Guard from New Jersey and their families, and supplementing chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.40 "New Jersey Yellow Ribbon Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "New Jersey Yellow Ribbon Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts

collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "New Jersey Yellow Ribbon Fund."

d. The Legislature shall annually appropriate all funds deposited in the "New Jersey Yellow Ribbon Fund" established pursuant to this section to the Department of Military and Veterans' Affairs for the purposes of providing support that shall include, but not be limited to, support to defray the costs of food, housing, medical services, and other expenses to active duty members of the United States Armed Forces, the Reserve components thereof, and the National Guard from New Jersey and their families affected by extended deployment during Operations Enduring Freedom and Iraqi Freedom or their successor operations.

2. This act shall take effect immediately and shall apply to the taxable years beginning thereafter.

Approved January 19, 2016.

CHAPTER 279

AN ACT concerning the consolidation of fire districts, supplementing Title 40A of the New Jersey Statutes, and amending N.J.S.40A:14-90.

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

1. N.J.S.40A:14-90 is amended to read as follows:

Enlargement of fire district.

40A:14-90. Except as provided in a consolidation plan prepared in accordance with P.L.2015, c.279 (C.40A:14-90.1 et al.) the governing body of a municipality having a fire district therein, by ordinance, may enlarge such fire district by extending the boundaries thereof to include additional territory in such municipality but not included in another fire district, or to include additional territory in another municipality not included in another fire district upon adoption of a parallel ordinance.

Upon the adoption of any such ordinance and publication thereof as required by law the additional territory shall become part of said fire district.

One or more municipalities may adopt an ordinance or parallel ordinances petitioning the Local Finance Board to dissolve a fire district created by extending the boundaries of an existing fire district to include additional territory in another municipality pursuant to this section. Such applications shall be approved by the Local Finance Board pursuant to section 20 of P.L.1983, c.313 (C.40A:5A-20).

Nothing contained herein shall affect the terms or tenure of members of the board of fire commissioners or officers or personnel thereof, nor the bonds and obligations, if any, of such fire district.

C.40A:14-90.1 Consolidation of fire districts by two or more municipalities.

2. a. The governing bodies of two or more municipalities may consider consolidating fire districts operating within each municipality upon receipt of parallel resolutions adopted by the commissioners of each of the fire districts requesting the development of a consolidation plan. The governing body of each municipality shall work with the fire district commissioners to prepare and implement the consolidation plan. The plan may be prepared in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs, or his designee. The consolidation plan shall include a first-year budget for the consolidated district, a table of organization, personnel requirements for operating the consolidated district, the apportionment of existing debt between the taxpayers of the consolidating fire districts, including whether such debt should be apportioned within special taxing districts as permitted in paragraph (7) of subsection b. of section 26 of P.L.2007, c.63 (C.40A:65-26) for municipal consolidation plans, as well as any other information required by the Local Finance Board.

b. Upon completion of the consolidation plan, the governing body of each municipality shall fix a time and place for a hearing to discuss the proposed consolidation. Notice of the hearing shall be provided in accordance with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and copies of the proposed consolidation plan shall be made available for public inspection by the municipal clerk, in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. Following the hearing, the governing body of each municipality shall vote on parallel resolutions to consolidate the fire districts pursuant to the consolidation plan.

Upon approval by the governing body of each municipality, the governing bodies shall jointly apply to the Local Finance Board for approval to consolidate the fire districts pursuant to the consolidation plan. Notice of

the impending consolidation, the governing body resolutions authorizing consolidation, and a copy of the consolidation plan shall be submitted to the Local Finance Board, which shall schedule a hearing on the application within 60 days of receipt thereof. The Local Finance Board may require the production of papers, documents, witnesses, or information, and may take any other action it may deem necessary to its review of the submission. The Local Finance Board shall approve the application if it determines the consolidation is an efficient and feasible means of providing and financing the service.

Upon approval of the consolidation plan by the Local Finance Board, or upon the governing body of each municipality adopting the Local Finance Board's conditions to approving the plan, the consolidation plan shall be considered finally adopted, and the assets and debts of the fire districts to be consolidated shall be reapportioned pursuant to the consolidation plan.

The consolidation shall become operative after the next fire district election following the final adoption of the consolidation plan by at least 29 days, during which new commissioners for the consolidated district shall be elected.

d. One or more municipalities may approve a resolution or parallel resolutions petitioning the Local Finance Board to dissolve a fire district consolidated pursuant to this section. Such applications shall be approved by the Local Finance Board pursuant to section 20 of P.L.1983, c.313 (C.40A:5A-20).

C.40A:14-90.2 Consolidation of fire districts within municipality.

3. a. A municipal governing body may consider the consolidation of two or more fire districts within that municipality, upon receipt of parallel resolutions adopted by the commissioners of those fire districts consenting to the development of a consolidation plan. If the municipal governing body approves the development of a consolidation plan, it shall work with the fire district commissioners to prepare the plan. The plan may be prepared in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs, or his designee. The consolidation plan shall include a first-year budget for the consolidated district, a table of organization, personnel requirements for operating the consolidated district, the apportionment of existing debt between the taxpayers of the consolidating fire districts, including whether such debt should be apportioned within special taxing districts as permitted in paragraph (7) of subsection b. of section 26 of P.L.2007, c.63 (C.40A:65-26) for

municipal consolidation plans, as well as any other information required by the Local Finance Board.

b. Upon completion of the consolidation plan, the governing body of the municipality shall fix a time and place for a hearing to discuss the proposed consolidation. Notice of the hearing shall be provided in accordance with the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), and copies of the proposed consolidation plan shall be made available for public inspection by the municipal clerk, in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.).

c. Following the hearing, the governing body of the municipality shall vote on a resolution to consolidate the fire districts pursuant to the consolidation plan.

If a resolution is adopted by the municipal governing body to consolidate the fire districts, the governing body shall apply to the Local Finance Board for approval to consolidate the fire districts pursuant to the consolidation plan. Notice of the impending consolidation, the governing body resolutions authorizing consolidation, and a copy of the proposed consolidation plan, shall be sent to the Local Finance Board, which shall schedule a hearing on the application within 60 days of receipt thereof. The Local Finance Board may require the production of papers, documents, witnesses, or information, and may take any other action it may deem necessary to its review of the submission. The Local Finance Board shall approve the application if it determines that the consolidation is an efficient and feasible means of providing and financing the service.

Upon approval of the consolidation plan by the Local Finance Board, or upon the municipal governing body adopting the Local Finance Board's conditions to approving the consolidation plan shall be considered finally adopted by the municipal governing body, and the assets and debts of the fire districts to be consolidated shall be reapportioned pursuant to the consolidation plan.

The consolidation shall become operative after the next fire district election following the final adoption of the consolidation plan by at least 29 days, during which new commissioners for the consolidated district shall be elected.

4. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 280

AN ACT concerning State workforce needs and supplementing P.L.1989, c.293 (C.34:15C-1 et al.).

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

C.34:15C-6.1 Report evaluating, projecting State's workforce needs.

1. The commission shall, at least annually, prepare a report that evaluates and projects the State's workforce needs.

a. The report, at a minimum, shall include information that describes the following:

(1) the demand for various kinds of trained workers across all industry sectors or categories of occupations;

(2) the number of individuals receiving the credentials necessary to meet the demand for workers as described in paragraph (1) of this subsection;

(3) the absence or shortages of workforce training and educational programs available for individuals to receive the necessary credentials to meet the demand described in paragraph (1) of this subsection; and

(4) the public or private institutions or organizations that are capable of addressing the absence or shortages of training and educational programs, as described in paragraph (3) of this subsection, through the expansion of existing programs or the creation of new programs.

b. The commission shall encourage the use of the report by public and private institutions and organizations to evaluate, develop, and plan new and existing workforce training and educational programs.

c. The commission shall avail itself of the resources and data of the Department of Labor and Workforce Development and the Office of the Secretary of Higher Education in order to create the report.

d. The commission shall submit the report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and shall make the report available to the public by posting it on the commission's official website.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 281

AN ACT concerning inspection of prevailing wage public work and amending P.L.1963, c.150.

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

1. Section 7 of P.L.1963, c.150 (C.34:11-56.31) is amended to read as follows:

C.34:11-56.31 Powers of commissioner.

7. The commissioner shall have the authority to:

(a) investigate and ascertain the wages of workmen employed in any public work in the State;

(b) enter and inspect the place of business or employment of any employer or workmen in any public work in the State, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such workmen; copy any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; obtain proof of, and question, any worker's identity to determine whether the worker's identity is accurately and truthfully included or reported in any or all books, registers, payrolls, and other records of the employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment in the public work; and question such workmen for the purpose of ascertaining whether the provisions of this act have been and are being complied with;

(c) require from such employer full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and such other information pertaining to his workmen and their employment as the commissioner, or his authorized representative may deem necessary or appropriate; and

(d) require any employer to file, within 10 days of receipt of a request, any records enumerated in subsections (b) and (c) of this section, sworn to as to their validity and accuracy. If the employer fails to provide the requested records within 10 days, the commissioner may direct within 15 days the fiscal or financial officer charged with the custody and disbursements of the funds of the public body which contracted for the public work

immediately to withhold from payment to the employer up to 25% of the amount, not to exceed $100,000.00, to be paid to the employer under the terms of the contract pursuant to which the public work is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records has been satisfied.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 282

AN ACT concerning the dissemination of information to contractors who bid on or perform prevailing wage public work and amending P.L.1963, c.150.

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

1. Section 13 of P.L.1963, c.150 (C.34:11-56.37) is amended to read as follows:

C.34:11-56.37 Lists relative to contractors performing prevailing wage public work.

13. a. In the event that the commissioner shall determine, after investigation, that any contractor or subcontractor has failed to pay the prevailing wage he shall thereupon list and keep on record the name of such contractor or subcontractor and forthwith give notice by mail of such list to any public body who shall request the commissioner so to do. Where the person responsible denies that a failure to pay the prevailing wage has occurred, he shall have the right to apply to the commissioner for a hearing which must be afforded and a decision rendered within 48 hours of the request for a hearing. If the commissioner rules against the petitioning party he shall have the right to apply for injunctive relief in the Superior Court against the listing by the commissioner.

b. The commissioner shall create, maintain, and distribute an informational list for contractors and subcontractors who bid on and perform public work, which includes but need not be limited to wage payment, recordkeeping, and registration requirements, and applicable penalties, pursuant to the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.)

and "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.). The commissioner shall prominently display the informational list on a website maintained by the Department of Labor and Workforce Development and shall distribute to any contractor, subcontractor, or public body, upon request, the informational list, as well as the list of the names of contractors and subcontractors who have failed to pay prevailing wages as determined
pursuant to subsection a. of this section, or who have failed to pay any State employer payroll tax.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 283

AN ACT concerning chiropractic assistants, amending P.L.2009, c.322 and amending and supplementing P.L.1989, c.153.

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

1. Section 3 of P.L.1989, c.153 (C.45:9-41.19) is amended to read as follows:

C.45:9-41.19 Definitions.

3. As used in P.L.1989, c.153 (C.45:9-41.17 et al.), sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.) and sections 7 through 14 and sections 19 and 20 of P.L.1953, c.233 (C.45:9-41.4 through C.45:9-41.13 inclusive):

a. "Board" means the State Board of Chiropractic Examiners created pursuant to section 4 of P.L.1989, c.153 (C.45:9-41.20).

b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic Physician" means a person trained and qualified in the discipline of chiropractic whose license is in force and not suspended or revoked at the time in question.

A person licensed to practice chiropractic may use the title doctor, or its abbreviation, in the practice of chiropractic, however, it must be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician, or its abbreviation, D.C. The use of the title doctor of chiropractic, chiro-

practor, chiropractic physician, or its abbreviation, D.C., may be used interchangeably.

c. "Chiropractic assistance" means assisting a chiropractor with providing certain clinical procedures common and customary to the chiropractic setting including:

(1) collecting general health data, such as the taking of an oral history or vital sign measurement;

(2) applying thermal, sound, light, mechanical and electrical modalities and hydrotherapy; and

(3) instructing and monitoring prescribed rehabilitative activities.

Chiropractic assistance shall not include administrative activities of a non-clinical nature, chiropractic adjustment, manual therapy, nutritional instruction, counseling or other therapeutic service or procedure which requires individual licensure in the State.

d. "Licensed chiropractic assistant" means a person who is licensed pursuant to the provisions of sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.) to practice chiropractic assistance under the supervision of a chiropractor.

e. "Supervision" means the oversight provided by a licensed chiropractor of the clinical services performed by a licensed chiropractic assistant, and for which the chiropractor shall be on the premises at all times and readily available to instruct the licensed chiropractic assistant throughout the performance of the clinical services.

2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to read as follows:

C.45:9-41.23 Duties of the board.

7. The board shall:

a. Appoint and prescribe the duties of an executive secretary. The executive secretary shall serve at its pleasure;

b. Review the qualifications of applicants for licensure;

c. Insure the proper conduct and standards of examinations;

d. Issue and renew licenses for chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

e. Refuse to admit a person to an examination, or refuse to issue a license, or suspend, revoke or fail to renew the license of a chiropractor or

chiropractic assistant pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

f. Maintain a record of chiropractors and chiropractic assistants licensed in this State, their places of business, places of residence and the date and number of their licenses;

g. Prescribe or change the charges for examinations, licensures, renewals and other services it performs pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

h. Establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth in regulations;

i. Adopt and promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-41.5 et al.).

3. Section 6 of P.L.2009, c.322 (C.45:9-41.29) is amended to read as follows:

C.45:9-41.29 Duties of board relative to continuing education.

6. a. The board:

(1) Shall establish standards for continuing chiropractic and chiropractic assistant education, including, but not limited to, the subject matter and content of courses of study that are taught by chiropractic schools, colleges, institutions and universities or tested on for licensure;

(2) May accredit educational programs offering credit towards the continuing chiropractic and chiropractic assistant education requirements;

(3) May accredit other educational programs, including, but not limited to educational programs offered by professional organizations or societies, health care professions, schools, colleges, institutions, universities or healthcare facilities;

(4) May allow satisfactory completion of continuing chiropractic and chiropractic assistant education requirements through equivalent education programs such as examinations, papers, publications, scientific presentations, teaching and research appointments, scientific exhibits and independent study or Internet courses such as distance learning, including, but not limited to, video and audio tapes or Internet education programs; and

(5) Shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. Each 50 minutes of instruction in a board approved education course or program shall be equivalent to one credit.

4. Section 8 of P.L.2009, c.322 (C.45:9-41.31) is amended to read as follows:

C.45:9-41.31 Waiver of requirements.

8. The board may, in its discretion, waive requirements for continuing chiropractic and chiropractic assistant education on an individual basis for reasons of hardship, such as illness or disability, retirement of the license, or other good cause.

C.45:9-41.33 License necessary to practice as chiropractic assistant; exceptions.

5. a. No person shall practice as a chiropractic assistant unless the person holds a valid license to practice as a chiropractic assistant in this State pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), except any student enrolled in an educational program recognized by the board that leads to a diploma or certification as a chiropractic assistant shall be permitted to provide clinical services under the supervision of a chiropractor to gain the necessary practical clinical experience. A licensed chiropractic assistant shall be considered a licensed healthcare professional and the chiropractic assistance services delegated to the assistant by a supervising chiropractor shall be considered performed incident to the license of the supervising chiropractor.

b. No person, business entity or its employees, agents, or representatives shall use the title "chiropractic assistant" or any other title, designation, words, letters, abbreviations, or insignia indicating the practice of chiropractic assistance unless licensed to practice chiropractic assistance under the provisions of P.L.2015, c.283 (C.45:9-41.33 et al.).

C.45:9-41.34 Qualifications for licensure.

6. To qualify for licensure as a chiropractic assistant by the board, an applicant shall:

a. Be at least 18 years of age;

b. Have received a high school diploma or a certificate of high school equivalency;

c. Be of good moral character;

d. Have completed an application in a manner and form prescribed by the board and paid all applicable fees required by the board;

e. Have completed an education program suitable for licensed chiropractic assistants, as determined by the board;

f. Have passed a competency examination approved by the board; and

g. Have completed practical clinical training, as determined by the board.

C.45:9-41.35 Issuance of license; renewal; fee.

7. The board shall issue a license to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.).

All licenses shall be issued for a two-year period upon the payment of the licensure fee prescribed by the board, and shall be renewed upon filing of a renewal application, the payment of a licensure fee, and presentation of satisfactory evidence that the renewal applicant has successfully completed 15 credit hours of continuing education, to be completed during each biennial period.

C.45:9-41.36 Conditions for issuance of license.

8. The board shall issue a license to any applicant who has:

a. complied with subsections a. through d. of section 6 of P.L.2015, c.283 (C.45:9-41.34);

b. a current chiropractic assistant license, registration, certification, or equivalent, in good standing, in another state whose requirements are substantially similar to or greater than the requirements under sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), as determined by the board; and

c. presented documentation to the board that the license in another jurisdiction has not been suspended, revoked, or otherwise restricted for any reason except non-renewal.

9. This act shall take effect on the 180th day next following the date of enactment; but the board may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 284

AN ACT concerning next-of-kin notifications upon a patient's release from a sober living home or other substance abuse aftercare treatment facility, designated as "Nick Rohdes' Law," and amending P.L.1970, c.334, P.L.1975, c.305 and P.L.1982, c.149.

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

1. Section 9 of P.L.1975, c.305 (C.26:2B-15) is amended to read as follows:

C.26:2B-15 Intoxicated persons or alcoholics; admission to treatment facility; notice to family, emergency contact.

9. Any person who is intoxicated and who voluntarily applies for treatment or is brought to a facility by a police officer or other authorized person in accordance with section 10 of P.L.1975, c.305 (C.26:2B-16) may be afforded treatment at an intoxication treatment center or other facility. Any person who is an alcoholic and who voluntarily applies for treatment may be afforded treatment at an intoxication center or other facility.

As soon as possible after the admission of any person, the administrator of the facility shall cause such person to be examined by a physician or by a medically competent individual designated by the department and under the supervision of a physician. If, upon examination, a determination is made that the person is intoxicated or is an alcoholic, and adequate and appropriate treatment is available, he shall be admitted. If any person is not admitted for the reason that adequate and appropriate treatment is not available at the facility, the administrator of the facility, acting whenever possible with the assistance of the director, shall refer the person to a facility at which adequate and appropriate treatment is available. In the event that a person is not admitted to a facility, and has no funds, the administrator shall arrange for the person to be assisted to his residence, or, if he has no residence, to a place where shelter will be provided him.

Any person admitted to a facility may receive treatment at the facility for as long as he wishes to remain at the facility or until the administrator determines that treatment will no longer benefit him; provided, however, that any person who at the time of admission is intoxicated and is incapacitated, shall remain at the facility until he is no longer incapacitated, but in no event shall he be required to remain for a period greater than 48 hours.

When a person is admitted to a facility, the facility shall provide notice of admission to the person's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, as soon thereafter as possible, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that

notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

The manner in which any person is transported from one facility to another, or from a facility to his residence, and the financing thereof, shall be determined by the director in accordance with rules and regulations promulgated by the department.

When a patient is discharged or otherwise released from treatment at a facility, the patient shall be encouraged to consent to appropriate outpatient or residential aftercare treatment.

When a patient voluntarily withdraws, or is involuntarily evicted from a transitional sober living home, halfway house, or other residential aftercare facility, the facility shall provide notice of the patient's release from care to the patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice, or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

2. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to read as follows:

C.26:2G-25 Rules, regulations, standards of treatment; classification of treatment facilities; notifications.

5. The commissioner shall adopt, amend, promulgate and enforce such rules, regulations and minimum standards for the treatment of patients of narcotic and drug abuse treatment centers as may be reasonably neces-

sary to accomplish the purposes of P.L.1970, c.334 (C.26:2G-21 et seq.). Such narcotic and drug abuse treatment centers may be classified into two or more classes with appropriate rules, regulations and minimum standards for each such class.

The rules and regulations adopted pursuant to this section shall, at a minimum, require a transitional sober living home, halfway house, or other residential aftercare facility to provide notice to a patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, whenever the patient voluntarily withdraws, or is involuntarily evicted from, such facility, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the department shall require the patient's wishes to be respected unless the patient is a minor child or adolescent, in which case, the department shall require the minor's parent, legal guardian, designated next of kin, or other designated emergency contact to be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

3. This act shall take effect on the 60th day after the date of enactment, but the Department of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 285

AN ACT concerning low intensity recreational use of agricultural production areas within the pinelands area and supplementing P.L.1979, c.111 (C.13:18A-1 et seq.).

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

C.13:18A-8.1 Certain field sports conducted in pinelands area deemed low intensity recreational use.

1. Field sports, including but not limited to soccer and soccer tournaments, conducted or occurring in an agricultural production area within the pinelands area, shall constitute a low intensity recreational use under the comprehensive management plan adopted pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), provided that no permanent structure is established to accommodate the use.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 286

AN ACT concerning distribution of information on graduated driver's license laws, and supplementing P.L.2003, c.13 (C.39:2A-1 et seq.).

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

C.39:2A-43 "Mainland Memoriam Act."

1. a. This act shall be known and may be cited as the "Mainland Memoriam Act."

b. As used in this section:

"Dealer" means any person engaged in the business of selling or leasing motor vehicles to consumers or other end users and licensed pursuant to R.S.39:10-19.

"Motor vehicle" means the same as that term is defined in R.S.39:1-1.

c. (1) The Chief Administrator of the New Jersey Motor Vehicle Commission shall create written informational material detailing the laws and conditions applicable to holders of special learner's permits, examination permits, and probationary driver's licenses and post the informational material on the official website of the commission.

(2) At the time of purchase or lease of a motor vehicle, a dealer shall provide, in a manner prescribed by the chief administrator, the written informational material created pursuant to paragraph (1) of this subsection to a person purchasing or leasing a motor vehicle from the dealer.

2. This act shall take effect on the first day of the seventh month after enactment but the Chief Administrator of the New Jersey Motor Vehicle Commission may take any anticipatory action in advance as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 287

AN ACT concerning minor's consent for behavioral health care, designated as "Boys & Girls Clubs Keystone Law," and amending, and supplementing P.L.1968, c.230.

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

1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as follows:

C.9:17A-4 Consent by minor to treatment.

1. a. (1) The consent to the provision of medical or surgical care or services or a forensic sexual assault examination by a hospital or public clinic, or consent to the performance of medical or surgical care or services or a forensic sexual assault examination by a health care professional, when executed by a minor who is or believes that he or she may be afflicted with a venereal disease, or who is at least 13 years of age and is or believes that he or she may be infected with the human immunodeficiency virus or have acquired immune deficiency syndrome, or by a minor who, in the judgment of the treating health care professional, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the treating healthcare professional believes that it is in the best interests of the patient not to do so. Inability of the treating health care professional, hospital, or clinic to locate or notify the parents or guardian shall not preclude the provision of any emergency or medical or surgical care to the minor or the performance of a forensic sexual assault examination on the minor.

(2) As used in this subsection, "health care professional" means a physician, physician assistant, nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes.

b. When a minor believes that he or she is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2) or is suffering from alcohol dependency or is an alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for alcoholism, or in a facility licensed by the State to provide for the treatment of alcoholism, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use, drug abuse, alcohol use, or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider, or the treatment facility, as appropriate, and the patient, and neither the minor nor the minor's physician, treatment provider, or treatment facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

When a minor who is sixteen years of age or older believes that he or she is in need of behavioral health care services for the treatment of mental illness or emotional disorders, the minor's consent to temporary outpatient treatment, excluding the use or administration of medication, under the supervision of a physician licensed to practice medicine, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, including, but not limited to, a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or licensed psychologist, or in an outpatient health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for behavioral health care services for mental illness or emotional disorders that is consented to by a minor shall be considered confidential information between the physician, the individual licensed to provide professional counseling, the advanced practice nurse, or the health care facility, as appropriate, and the patient, and neither the minor nor the minor's physician, professional counselor, nurse, or outpatient health care facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent.

The consent of no other person or persons, including but not limited to, a spouse, parent, custodian, or guardian, shall be necessary in order to authorize a minor to receive such hospital services, facility, or clinical care or services, medical or surgical care or services, or counseling services from a physician licensed to practice medicine, an individual licensed or certified to provide treatment for alcoholism, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, as appropriate, except that behavioral health care services for the treatment of mental illness or emotional disorders shall be limited to temporary outpatient services only.

C.9:17A-4.2 Information provided relative to certain behavioral health provisions.

2. The Department of Children and Families shall prepare and make available on the department's Internet website, in an easily printable format, information on the behavioral health provisions of section 1 of P.L.1968, c.230 (C.9:17A-4), including, but not limited to, the provisions which specify that a minor's consent to treatment under the supervision of a licensed physician, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes is to be considered valid and binding as if the minor had achieved the age of majority, and the provisions which specify that treatment consented to by a minor is to be considered confidential information.

C.9:17A-4.3 Construction.

3. Nothing in section 1 of P.L.1968, c.230 (C.9:17A-4) shall be construed to:

a. require a provider to continue to provide behavioral or mental health treatment to a minor if, in the provider's professional judgment, the consent or participation of the minor's parents is necessary for the proper care of the minor; or

b. allow a minor to refuse consent to mental or behavioral health treatment, except as may be otherwise authorized by law, when both the minor's provider and the minor's parents deem such treatment to be necessary.

C.9:17A-4.4 Rules, regulations.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Commissioner of the Department of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations necessary to implement the provisions of this act.

5. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 288

AN ACT creating a financial planning assistance program for disabled veterans and their caregivers and supplementing chapter 3 of Title 38A of the New Jersey Statues.

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

C.38A:3-2b6 Financial planning assistance program for disabled veterans and their caregivers.

1. The New Jersey Department of Military and Veterans' Affairs, through its regional network of Veteran Service Offices, shall establish a financial planning assistance program for disabled veterans and their caregivers. The purpose of the program shall be to assist disabled veterans and their caregivers with planning for the financial burdens that may arise when a veteran is disabled and needs assistance with daily care and activities including, but not limited to, bathing, dressing, meal preparation, assistance with mobility, housekeeping, shopping, and driving or transportation.

"Caregiver" shall mean a spouse, parent, child, relative or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible veteran. "Disabled veteran" shall mean any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States, a Reserve component thereof, or the National Guard and who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability.

The Adjutant General of the Department of Military and Veterans' Affairs shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

2. This act shall take effect six months from the date of enactment, except the Department of Military and Veterans' Affairs may take any antic-

ipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 289

AN ACT concerning respite care and amending P.L.1987, c.119.

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

1. Section 2 of P.L.1987, c.119 (C.30:4F-8) is amended to read as follows:

C.30:4F-8 Definitions.

2. As used in this act:

a. "Caregiver" means a spouse, parent, child, relative or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible person and who does not receive financial remuneration for the care.

b. "Commissioner" means the Commissioner of the State Department of Human Services.

c. "Co-payment" means financial participation in service costs by the eligible person according to a sliding fee schedule promulgated by the commissioner.

d. "Department" means the State Department of Human Services.

e. "Eligible person" means a functionally impaired person 18 years of age or older who would become at risk of long-term institutional placement if his regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care. The term includes an eligible veteran as defined in this section.

f. "Functionally impaired" means the presence of a chronic physical or mental disease, illness, or disability as certified by the physician or a sponsor-provided assessment team, which causes physical dependence on others, and which leaves a person unable to attend to his basic daily needs without the substantial assistance or continuous supervision of a caregiver.

g. "Provider" means a person, public agency, private nonprofit agency or proprietary agency which is licensed, certified, or otherwise approved by

the commissioner to supply any service or combination of services described in subsection h. of this section.

h. "Respite" or "respite care" means the provision of temporary, short-term care for, or the supervision of, an eligible person on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for the functionally impaired adult. Respite may be provided hourly, daily, overnight or on weekends, may be paid or volunteer, but may not exceed service and cost limitations as determined by the commissioner. Respite includes, but is not limited to, the following services:

(1) companion or sitter services;

(2) homemaker and personal care services;

(3) adult day care;

(4) short-term inpatient care in a facility meeting standards which the commissioner determines to be appropriate to provide the care;

(5) emergency care; and

(6) peer support and training for caregivers.

i. "Service plan" means a written document agreed upon by the eligible person, the caregiver, and the sponsor. The service plan shall take into account other services and resources available to the eligible person and his caregiver. Services provided pursuant to this act shall not be used to duplicate or supplant existing services or resources available to the eligible person and his caregiver. The plan shall:

(1) Document the needs of the eligible person and caregiver for respite care services, using a needs assessment procedure provided or approved by the department;

(2) Identify the outcomes to be achieved and the specific respite care services to be provided to the eligible person and the caregiver to meet their identified needs;

(3) Estimate the frequency and duration of the respite care services;

(4) Estimate the total cost of the plan and the co-payment an eligible person is required to contribute toward the cost of services provided under the plan.

j. "Sponsor" means the county or regional agency, either public or private nonprofit, which contracts with the department to administer the local respite program, and which is responsible for the recruitment of and payment to providers, the general supervision of the local programs, and the submission of information or reports which may be required by the commissioner. Sponsors shall be selected according to criteria established by the commissioner which shall include demonstrated support from the

county government. Criteria shall also include the potential sponsor's demonstrated ability to coordinate the funds available for this program with other funding sources and to obtain matching or in kind contributions.

k. "Eligible veteran" means a person with a functional impairment arising out of service in the active military or naval service of the United States in any war or conflict on or after September 11, 2001 who has been honorably discharged or released from that service under conditions other than dishonorable, and meets the requirements for total disability ratings for compensation based upon unemployability of the individual as determined by the United States Department of Veterans Affairs.

2. Section 4 of P.L.1987, c.119 (C.30:4F-10) is amended to read as follows:

C.30:4F-10 Eligibility.

4. A sponsor shall annually determine the maximum number of eligible persons to be served in each county or region, based upon the service and cost limitations promulgated by the commissioner and the county allocation and other funds which may be available for the purposes of this act, and shall not admit or serve more eligible persons than can be afforded with available resources. Each sponsor shall maintain a waiting list of those eligible persons awaiting receipt of respite care, according to standards promulgated by the commissioner.

Notwithstanding any other provision of law to the contrary, an eligible veteran shall not be found to be ineligible to receive respite care based on the veteran's income or liquid resources if they do not exceed $80,000 for a couple or $60,000 for a single person.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 290

AN ACT concerning information for women veterans and amending N.J.S.38A:3-6.

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

1. N.J.S.38A:3-6 is amended to read as follows:

Powers, duties.

38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Military and Veterans' Affairs and in connection therewith make and issue such regulations governing the work of the Department of Military and Veterans' Affairs and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Military and Veterans' Affairs within the meaning of such term as defined in section 1 of P.L.1944, c.112 (C.52:27B-1).

(c) (Deleted by amendment, P.L.1988, c.138.)

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Military and Veterans' Affairs.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) Exercise all of the functions, powers and duties heretofore vested in the Director of the Division on Veterans' Programs and Special Services.

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S.38A:3-8 and Title 11A of

the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration and oversight of equal opportunity programs.

(m)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.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

(o) Adopt, issue and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be authorized by law.

(p) Institute, or cause to be instituted, legal proceedings or processes as necessary to properly enforce and give effect to any of the Adjutant General's powers or duties.

(q) Make an annual report to the Governor and to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law.

(r) Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions.

(s) Integrate within the department, so far as practicable, all staff services of the department and of several divisions and other agencies therein.

(t) Request access to all relevant files and records of other State agencies, which may be made available to the Adjutant General by the head of a State agency, and request, subject to the permission of the head of the State agency, any officer or employee therein to provide information as necessary to assist in the performance of the functions of the department.

(u) Supervise and operate the New Jersey Veterans' Memorial Home-Menlo Park, the New Jersey Veterans' Memorial Home-Vineland, the New Jersey Veterans' Memorial Home-Paramus and the New Jersey Veterans' Memorial Cemetery-Arneytown.

(v) Supervise and operate the liaison office and the field offices which serve the federal Veterans' Affairs Medical Centers.

(w) Make application for federal grants and programs, other than education grants or funds.

(x) Administer the federally-funded training and rehabilitation programs, except for the administration of federally-funded education and training programs set forth in 38 U.S.C. s.36 et seq.

(y) Provide current information to the general public on State and federal veterans' programs and benefits; create a comprehensive public webpage for women veterans that includes, but is not limited to, the following information: veterans' legal rights, benefits, medical and insurance issues, education, the transition from active service to civilian life, and other resources available to veterans.

(z) Develop and administer the New Jersey Homeless Veterans Grant Program established pursuant to section 3 of P.L.2013, c.239 (C.38A:3-6.2b).

(aa) Encourage and facilitate the registration of each service member residing in New Jersey with the United States Department of Veterans Affairs, or its successor agency. Registration shall take place, as appropriate, when the service member returns from deployment on federal active duty or is discharged or as soon as possible thereafter. The term "service member" shall mean members of the New Jersey National Guard and members of the United States Armed Forces, or a Reserve component thereof, when the information on each member is made available to the department.

(bb) Develop and coordinate a volunteer-based program comprised of former service members to assist and mentor veterans who become involved with the criminal justice system, while the case is pending and afterward, in accessing assistance to resolve the underlying problems that led or contributed to the veteran's involvement with the criminal justice system including, but not limited to, offering support and guidance, securing housing, employment linkages, job training, education, transportation, disability compensation claims, discharge status, health care and other linkages available at the local State and federal level that can ease the challenge of reentry into civilian life.

2. This act shall take effect on the 180th day 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 January 19, 2016.

CHAPTER 291

AN ACT concerning third-party electric power and gas supplier customer contracts, 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.48:3-98.5 Switching between certain providers.

1. a. A customer shall be permitted to switch between an electric power supplier and a basic generation service provider or between electric power suppliers, provided the electric public utility receives an electronic enrollment notice from the electric power supplier no later than 20 days prior to the next scheduled meter reading date for the switch to be effective on that date. A switch between an electric power supplier and a basic generation service provider, or between electric power suppliers, shall become effective on the customer's scheduled meter reading date, which shall occur at least monthly for the purpose of enabling customers to switch suppliers. The board may establish a shorter timeframe for switching between an electric power supplier and a basic generation service provider, or between electric power suppliers.

b. A customer shall be permitted to switch between a gas supplier and gas public utility or between gas suppliers, provided the gas public utility receives an electronic enrollment notice from a gas supplier on or before the first business day of the month for a switch to be effective on the following month's scheduled meter reading date. A switch between a gas supplier and gas public utility, or between gas suppliers, shall become effective on the customer's scheduled meter reading date, which shall occur at least monthly for the purpose of enabling customers to switch suppliers. The board may establish a shorter timeframe for switching between a gas supplier and a gas public utility, or between gas suppliers.

2. This act shall take effect on the 60th day after the date of enactment and shall apply to contracts formed or renewed on or after the effective date of this act.

Approved January 19, 2016.

CHAPTER 292

AN ACT concerning farm vehicles and farm equipment, 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. R.S.39:3-24 is amended to read as follows:

Farm tractors, traction equipment; registration; operation; emblem; fee.

39:3-24. (a) The chief administrator shall register farm tractors and traction equipment used for farm operation to travel upon the public highways. The fee for registration shall be $5 per annum, whether the registration is issued for the yearly period or only a portion thereof. Traction equipment or farm tractors may draw farm machinery and implements while in transit from one farm to another without additional registration therefor.

(b) The chief administrator may register motor vehicles, not for hire, used exclusively as farm machinery or farm implements, to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. The fee for registration shall be $5 per annum, whether the registration is issued for a yearly period or only a portion thereof. Any vehicle registered and any truck, van, sport utility vehicle, or similar vehicle registered pursuant to the provisions of R.S.39:3-25 may draw not more than one vehicle used exclusively on the farm and a vehicle so drawn need not be registered. A vehicle registered pursuant to this section or R.S.39:3-25 may be used under contract with a municipality to remove snow upon a public highway.

(c) No vehicle registered pursuant to this section shall be operated on a public highway at any time from sunset to sunrise, except a vehicle being operated under contract with a municipality to remove snow or a vehicle equipped with proper safety lighting during the three hours before sunrise and the three hours after sunset. Every vehicle registered pursuant to this section, when operated on a public highway, shall have means adequate to control the movement of, to stop, and to hold the vehicle on any up or down grade and shall be operated in accordance with uniform rules and regulations prescribed by the chief administrator. The rules and regulations shall specify the coverings that may be used on the wheels of vehicles registered

pursuant to this section; the days, hours, and conditions under which vehicles registered pursuant to this section can be operated; the circumstance under which escort vehicles shall be required; the distance that may be traveled upon the public highways, which shall not be less than 50 miles; and vehicle equipment or other requirements or restrictions as may be necessary to protect the safety of the users of the public highways.

Motor vehicles, not for hire, which are used exclusively as farm tractors, traction equipment, farm machinery, or farm implements which cannot be operated at a speed in excess of 35 miles per hour shall not be required to be registered under this section.

(d) A slow moving vehicle emblem shall be affixed, in the manner prescribed by the chief administrator pursuant to section 3 of P.L.2015, c.292 (C.39:3-24.2), to the rear of any motor vehicle, not for hire, used exclusively as a farm tractor, traction equipment, farm machinery, or farm implement, and any farm tractor, traction equipment, farm machinery, or farm implement drawn by a motor vehicle when operated on the roadways of this State. A motor vehicle, not for hire, used exclusively as a farm tractor, traction equipment, farm machinery, or farm implement or any farm tractor, traction equipment, farm machinery, or farm implement drawn by a motor vehicle shall not be operated on the roadways of this State unless a slow moving vehicle emblem is displayed in the manner prescribed by the chief administrator pursuant to section 3 of P.L.2015, c.292 (C.39:3-24.2).

(e) As used in this section, the term "sport utility vehicle" means any vehicle that is designed to be used both on and off roadways and is equipped with available all wheel drive and raised ground clearance.

2. R.S.39:3-25 is amended to read as follows:

"Farmer" license plate, issuance, fee, expiration.

39:3-25. In addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this chapter, the chief administrator shall issue, upon application therefor, a license plate for trucks, vans, sport utility vehicles, or similar vehicles marked "farmer," which shall be issued upon evidence satisfactory to the chief administrator that the applicant is a farmer and is actually engaged in the growing, raising, and producing of farm products as an occupation. License plates issued under authority of this section shall be placed upon motor trucks, vans, sport utility vehicles, or similar vehicles engaged in the carrying or transportation of farm products, and farm supplies, and not engaged in hauling for hire, except for a truck, van,

sport utility vehicle, or similar vehicle being operated under contract with a municipality to remove snow.

Applicants for license plates herein authorized shall pay a registration fee of $25 plus $4.25 for each 1,000 pounds or portion thereof in excess of 5,000 pounds. If the registration cycle established by the chief administrator is for more or less than 11 months, applicants shall pay amounts proportionately less or greater than the fees established by law.

Except as otherwise provided in this section, every registration for a farm truck, van, sport utility vehicle, or similar vehicle shall expire and the certificate thereof shall become void on the last day of the 11th calendar month following the month in which the certificate was issued; except that the chief administrator may require registrations which shall expire, and issue certificates thereof which shall become void, on a date fixed by the chief administrator, which shall not be sooner than three months or later than 26 months after the date of issuance of such certificates, and the fees for registrations, including any other fees or charges collected in connection with the registration fee, shall be fixed by the chief administrator in amounts proportionately less or greater than the fees established by law. The chief administrator may fix the expiration date for registration certificates at a date other than 11 months if the chief administrator determines that a change is necessary, appropriate or convenient in order to aid in implementing the vehicle inspection requirements of chapter 8 of Title 39 or for other good cause.

The term "farmer" as used in this section means any person engaged in the commercial raising, growing, and producing of farm products on a farm not less than five acres in area; the term "farm products" means any crop, livestock, or fur products; and the term "farm supplies" means any farm-related supply or repair item.

As used in this section, the term "sport utility vehicle" means any vehicle that is designed to be used both on and off roadways and is equipped with available all wheel drive and raised ground clearance.

C.39:3-24.2 Slow moving vehicle emblem.

3. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall design a slow moving vehicle emblem to be affixed to the rear of any motor vehicle, not for hire, used exclusively as a farm tractor, traction equipment, farm machinery, or farm implement, and any farm tractor, traction equipment, farm machinery, or farm implement drawn by a motor vehicle. The chief administrator may charge a fee for the emblems not to exceed the actual cost of producing and distributing the emblems. The emblems shall be displayed in a manner prescribed by the chief admin-

istrator and shall be visible to other motorists when operated on the roadways of this State

b. The chief administrator shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within 180 days following the date of enactment of P.L.2015, c.292 (C.39:3-24.2 et al.), rules and regulations necessary to effectuate the purpose of P.L.2015, c.292 (C.39:3-24.2 et al.), including, but not limited to, the standards and specifications for the design and placement of the slow moving vehicle emblems.

c. The chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall establish a Statewide educational campaign to promote roadway safety in rural areas of the State which shall include educating people on the laws concerning vehicles with slow moving vehicle emblems.

C.39:3-24.3 Rules, regulations defining the term "farm implement."

4. The Department of Agriculture, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within 180 days following the date of enactment of P.L.2015, c.292 (C.39:3-24.2 et al.), rules and regulations defining the term "farm implement." The definition of "farm implement" shall include, but is not limited to, tractors, hay wagons, and farm machinery.

C.39:3-24.4 Reduction in speed relative to approaching slow moving vehicle; violations, fine.

5. a. The driver of a motor vehicle traveling in the same direction as and approaching a slow moving vehicle shall, prior to overtaking the slow moving vehicle, reduce the speed of the motor vehicle to that of the slow moving vehicle. This provision shall not apply in areas where there are two or more lanes of traffic flowing in the same direction as the slow moving vehicle.

b. For purpose of this section, "slow moving vehicle" means a vehicle affixed with a slow moving vehicle emblem pursuant to subsection (d) of R.S.39:3-24.

c. A person who violates the provisions of this section shall be subject to a fine of not less than $100 or more than $500.

C.39:3-24.5 Rules, regulations relative to self-propelled sprayers.

6. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and within 180 days following the date of enactment of P.L.2015, c.292 (C.39:3-24.2 et al.), rules and regula-

tions for the registration of self-propelled sprayers in this State. In adopting these rules and regulations, the chief administrator shall consult with members of the commercial custom applicator industry, the fertilizer industry, and the pesticide industry.

b. For the purposes of this section, "self-propelled sprayer" means any vehicle that is self-propelled and designed to apply fertilizer, pesticide, or any other appropriate substance on farmland.

7. Section 1 of P.L.1973, c.6 (C.39:3-26.1) is amended to read as follows:

C.39:3-26.1 Use of self-propelled vehicles; registration.

1. Any self-propelled vehicle or vehicles which are used or intended to be used solely upon the private property of one person, and which would otherwise be required to be registered under this title in order to operate upon a public highway, may be allowed, subject to the provisions of this act, to cross a public highway for the purpose of gaining access from one portion of private property to another, without the necessity of complying with the registration requirements of this title, upon issuance of a crossing permit by the chief administrator and subject to compliance with the terms and conditions of the permit.

Nothing in this section shall be construed to prevent or prohibit the registration of any self-propelled sprayer pursuant to the provisions of section 6 of P.L.2015, c.292 (C.39:3-24.5).

8. This act shall take effect on the January 1 following the date of enactment. The Chief Administrator of the New Jersey Motor Vehicle Commission, the Secretary of Agriculture, and the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety shall take anticipatory acts in advance of the effective date as may be necessary for the timely implementation of this act.

Approved January 19, 2016.

CHAPTER 293

AN ACT concerning information about the availability of beds in residential substance use disorders treatment facilities and supplementing chapter 2G of Title 26 of the Revised Statutes.

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

C.26:2G-25.1 Database relative to availability of beds in residential substance use disorders treatment facilities.

1. a. The Division of Mental Health and Addiction Services in the Department of Human Services shall oversee the development and maintenance of a database, which shall collect and track the daily information received pursuant to section 2 of this act about the number of open beds that are available for treatment in each residential substance use disorders treatment facility in the State that receives State or county funding.

b. The information maintained in the database shall include, by county:

(1) the address and telephone number of the residential substance use disorders treatment facility;

(2) the type of services provided by the facility;

(3) the licensed bed capacity of the facility; and

(4) the number of open beds that are available for treatment, based on the information received pursuant to section 2 of this act.

c. The information described in subsection b. of this section shall be:

(1) prominently displayed on the website of the department;

(2) made available to the public, upon request, through the addictions telephone hotline and the Statewide 2-1-1 telephone system; and

(3) made available using any other means that the Commissioner of Human Services deems appropriate.

d. The commissioner is authorized to solicit, receive, and accept grants, funds, or anything of value from any public or private entity and receive and accept contributions of money, property, labor, or any other thing of value from any legitimate source for the purpose of the development and maintenance of a database pursuant to this act.

C.26:2G-25.2 Submission of information for publication on database.

2. Each residential substance use disorders treatment facility in the State that receives State or county funding shall submit to the database developed and maintained pursuant to section 1 of this act, no less than once a day, information advising of the number of open beds that are available for treatment on that day.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 294

AN ACT concerning liquid nicotine and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:170-51.9 Sale, distribution of liquid nicotine prohibited; exceptions; violations, penalties.

1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, give, furnish, or distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, to any other person, liquid nicotine in a liquid nicotine container, which is intended for use in a vapor product, unless the liquid nicotine is sold, offered for sale, given, furnished, or distributed for commercial purpose in a child-resistant container.

As used in this section:

(1) "Child-resistant container" means a container which is designed and constructed in a manner that meets the federal effectiveness specifications set forth in 16 C.F.R. 1700.15 and the special packaging testing requirements set forth in 16 CFR 1700.20, so that it is significantly difficult for a child five years of age or younger to open the package or otherwise risk exposure to liquid nicotine.

(2) "Liquid nicotine" means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

(3) "Liquid nicotine container" means a bottle or other container of a liquid, wax, gel, or other substance containing nicotine, where the liquid or other contained substance is sold, marketed, or intended for use in a vapor product. "Liquid nicotine container" does not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer, with the seal remaining permanently intact through retail purchase and use; is only disposable and is not refillable; and is not intended to be opened by the consumer.

(4) "Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or any form. "Vapor

product" includes, but is not limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with, or in, any such device. "Vapor product" does not include any product that is approved, and that is regulated as a prescription drug delivery service, by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

b. A person who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not less than $250 for the first violation, not less than $500 for the second violation, and $1,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes, or a law enforcement officer having enforcement authority in that municipality, may issue a summons for a violation of the provisions of subsection a. of this section, and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

c. In addition to the provisions of subsection b. of this section, upon the recommendation of the municipality, following a hearing by the municipality, the Division of Taxation in the Department of the Treasury may suspend or, after a second or subsequent violation of the provisions of subsection a. of this section, revoke the license of a retail dealer issued under section 202 of P.L.1948, c.65 (C.54:40A-4). The licensee shall be subject to administrative charges, based on a schedule issued by the Director of the Division of Taxation, which may provide for a monetary penalty in lieu of a suspension.

C.2A:170-51.10 Rules, regulations.

2. The Commissioner of Health shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to effectuate the purposes of this act.

3. This act shall take effect the first day of the seventh month next following the date of enactment, except that the Commissioner of Health

may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 19, 2016.

CHAPTER 295

AN ACT concerning security officers, designated as "Detective Melvin Vincent Santiago's Law," and amending and supplementing P.L.2004, c.134.

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

1. Section 2 of P.L.2004, c.134 (C.45:19A-2) is amended to read as follows:

C.45:19A-2 Definitions relative to security officers.

2. As used in this act:

a. "Owner" or "operator" means an officer, director, member, sole proprietor, partner or associate of a private security company.

b. "Security officer" means any person who performs any of the following functions or activities as an employee, agent or subcontractor of a security officer company as defined in subsection c. of this section for a fee, hire or reward, notwithstanding the fact that other functions and activities may also be performed by the same person for fee, hire or reward; or any person who carries a firearm in the performance of the person's duties and performs any of the following functions and activities as an exclusive employee of a company maintaining a proprietary or in-house security function as defined in subsection e. of this section whose primary duty is to provide these security functions and activities for that company and whose services are not contracted to any other entity or person:

(1) protection of person or property, real or personal, from injury or harm or for any other purpose whatsoever;

(2) deterrence, observation, detection or reporting of incidents and activities for the purpose of preventing the theft, or the unlawful taking, conversion, concealment or misappropriation of goods, wares, merchandise, money, bonds, stocks, notes or other valuable instruments, documents, papers or articles; or

(3) deterrence, observation, detection or reporting of incidents and activities for the purpose of preventing any unauthorized access, entry or unlawful activity, including but not limited to, robbery, burglary, arson, criminal mischief, vandalism or trespass.

The term shall not mean or include, and nothing in this act shall apply to, any law enforcement officer of this State, or any political subdivision of the State, while in the actual performance of his duties. For the purposes of this section, a law enforcement officer shall be deemed to be in the actual performance of his duties if the law enforcement officer is in uniform, or is exhibiting evidence of his authority, is performing public safety functions on behalf of and as assigned by his chief of police or the chief law enforcement officer of his law enforcement agency and is receiving compensation, if any, from his law enforcement agency at the rates or stipends as are established by law. A law enforcement officer shall not be deemed to be in the actual performance of his duties, for the purposes of this section, if the law enforcement officer is performing private security functions or activities for a private employer while receiving compensation for those duties from the private employer, and a law enforcement officer shall not wear his uniform, or otherwise exhibit evidence of his authority as a law enforcement officer, while performing private security functions or activities for a private employer.

c. "Security officer company" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity that is organized for the purpose of or primarily engages in the business of furnishing for a fee, hire, reward or compensation one or more security officers. The term shall not mean or include, and nothing in this act shall apply to, any board, body, commission or agency of the United States of America or of this State or any other state, territory or possession of the United States of America, or any county, municipality or school district or any officer or employee solely, exclusively and regularly employed by any of the foregoing. The term shall include any business of watch, guard or patrol agency.

d. "Superintendent" means the Superintendent of the Division of State Police in the Department of Law and Public Safety.

e. "Company maintaining a proprietary or in-house security function" means any body, board, person, firm, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity that is organized for the general purpose of conducting business, but which also employs persons who are required to carry a firearm in the performance of their duties to

provide armed security services exclusively for their business or employees, and does not contract these employees to any other entity or person.

f. "Loss prevention employee" means an unarmed employee of a company whose primary responsibility is loss prevention and the protection of assets of that company.

2. Section 4 of P.L.2004, c.134 (C.45:19A-4) is amended to read as follows:

C.45:19A-4 Registration required for security officers.

4. a. A person shall not be employed as a security officer by a security officer company or a company maintaining a proprietary or in-house security function, or perform the functions and activities of a security officer, unless that person is registered with the superintendent as required in this section.

The requirements of this section shall not apply to:

(1) a loss prevention employee;

(2) an employee of a company whose business includes hosting sporting and entertainment events at an arena or stadium where a State, county, or municipal law enforcement agency is on the premises during the event and whose in-house security employees do not carry handguns or other licensed weapons;

(3) a security officer employed by a company maintaining a proprietary or in-house security function whose in-house security employees do not carry handguns or other licensed weapons; or

(4) a security employee regulated under federal law.Any person who violates the provisions of this section shall be guilty of a crime of the fourth degree. b. An application for registration as a security officer shall be filed with the superintendent on a form and in a manner prescribed by the superintendent and shall set forth under oath:

(1) the applicant's full name, age, which shall be at least 18 years, and residence;

(2) the name and address of all employers or occupations engaged in for the immediately preceding five years;

(3) that the applicant has not been convicted of any disqualifying crime or offense as set forth in subsection c. of this section; and

(4) such further information as the superintendent may require to show the good character, competency and integrity of the applicant.

Any person who shall knowingly make a false statement in, or knowingly omit any material information from, an application as required by this

subsection shall be guilty of a crime of the fourth degree in addition to any other crime or offense specified by law.

c. No person shall be issued a certificate of registration as a security officer under the provisions of this section if the person has been convicted, as indicated by a criminal history record background check performed pursuant to the provisions of this section, of: a crime of the first, second, third or fourth degree; any offense involving the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2; or any offense where the registration of the individual would be contrary to the public interest, as determined by the superintendent. Each applicant shall submit to the superintendent the applicant's fingerprints and written consent for a criminal history record background check to be performed. The superintendent shall compare these to fingerprints on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation, consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

d. A person whose application has been approved by the superintendent shall complete the required education and training program established in section 5 of this act. Upon satisfactory completion of this program, and upon the payment of a fee in an amount established by the superintendent, the applicant shall be entitled to and the superintendent shall issue and deliver to the applicant a security officer certificate of registration.

e. The superintendent may revoke or suspend such certificate of registration for a violation of any of the provisions of this act or for other good cause. A certificate of registration shall be surrendered to the superintendent within 72 hours after its term has expired or after notice in writing to the holder that the certificate of registration has been revoked.

f. The certificate of registration shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position upon forms prescribed by the superintendent. The applicant shall pay a fee in an amount established by the superintendent by rule and regulation and shall complete an eight-hour refresher course of classroom instruction taught by a certified security officer instructor. The certificate of registration may be renewed without further investigation unless it is deemed by the superintendent that the applicant no longer qualifies or verified objections to the renewal are received by the superintendent prior to issuance.

g. The revocation or suspension of any certificate of registration by the superintendent shall be subject to notice and a hearing.

3. Section 8 of P.L.2004, c.134 (C.45:19A-8) is amended to read as follows:

C.45:19A-8 Additional penalties.

8. a. In addition to any other penalties prescribed by this act or any other law, an owner or operator of a licensed security officer company or a company maintaining a proprietary or in-house security function who employs a security officer in violation of the provisions of this act shall be liable to a civil penalty not to exceed $10,000 for the first offense and not more than $20,000 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

b. (1) In addition to any other penalties prescribed by this act or any other law, a person who permits himself to be employed as or performs the functions and activities of a security officer while in violation of the provisions of this act shall be liable to a civil penalty of not more than $1,000 for a first offense and not more than $2,500 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

(2) In addition to any other penalties prescribed by this act or any other law, a certified security officer instructor who fails to comply with rules and regulations governing the functions of a certified security officer instructor shall be liable to a civil penalty of not more than $1,000 for a first offense and not more than $2,500 for a second or subsequent offense. For the purposes of this subsection, each violation shall constitute a separate offense.

c. A penalty imposed under subsection a. or b. of this section shall be recovered in a civil action pursuant to "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. Section 11 of P.L.2004, c.134 (C.45:19A-11) is amended to read as follows:

C.45:19A-11 Compliance required.

11. Each owner or operator of a security officer company or company maintaining a proprietary or in-house security function, and each person employed as a security officer on the effective date of this act and any act amendatory or supplementary thereto shall comply with the requirements of this act by the first day of the thirteenth month after its effective date or the effective date of any act amendatory or supplementary thereto.

Any person employed as a security officer by a company maintaining a proprietary or in-house security function or who performed the functions

and activities of a security officer for such a company prior to the effective date of this amendatory and supplementary act shall complete the education and training program established pursuant to section 5 of P.L.2004, c.134 (C.45:19A-5) and register as a security officer with the superintendent pursuant to section 4 of P.L.2004, c.134 (C.45:19A-4) no later than the first day of the thirteenth month following the effective date of this act.

C.45:19A-6.1 Armed security officer to wear standardized uniform, badge.

5. A security officer who carries a firearm in the performance of his duties shall wear a standardized uniform as prescribed by the superintendent in rules and regulations. These rules and regulations shall require SORA Level 2 armed security officers to wear on their uniform a badge indicating this status and armed security officers who wear company-issued shirts to have the word "SECURITY" printed on the reverse side of the shirt.

C.45:19A-6.2 Weapon secured in security holster.

6. A security officer, when carrying a firearm in the performance of his duties, shall secure the weapon in a level 3 or higher security holster.

7. This act shall take effect on the first day of the sixth month after enactment.

Approved January 19, 2016.

CHAPTER 296

AN ACT concerning dispensation of certain nutritional supplements and amending P.L.1991, c.187.

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

1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to read as follows:

C.45:9-22.11 Dispensing of drugs to patient limited; exceptions.

46. A physician or other person authorized by law to prescribe drugs or medicines shall not dispense more than a seven-day supply of drugs or medicines to any patient. The drugs or medicines shall be dispensed at or below the cost the prescriber has paid for the particular drug or medicine,

plus an administrative cost not to exceed 10 percent of the cost of the drug or medicine.

The provisions of this section shall not apply to a prescriber:

a. who dispenses drugs or medicines in a hospital emergency room, a student health center at an institution of higher education, or a publicly subsidized community health center, family planning clinic or prenatal clinic, if the drugs or medicines that are dispensed are directly related to the services provided at the facility;

b. whose practice is situated 10 miles or more from a licensed pharmacy;

c. when the prescriber dispenses allergenic extracts and injectables;

d. when the prescriber dispenses drugs pursuant to an oncological or AIDS protocol;

e. when the prescriber dispenses salves, ointments or drops; or

f. when the prescriber dispenses a drug or medicine delivered to the eye through a contact lens.

A prescriber shall furnish to a patient, with each prescription drug or medicine which is a controlled dangerous substance dispensed for that patient pursuant to this section, a copy of the notice prepared by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to section 2 of P.L.2015, c.66 (C.45:9-22.11a).

The provisions of this section shall not apply to a licensed physician, podiatric physician or chiropractic physician who dispenses food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or cell salts, glandular extracts, nutraceuticals, botanicals, homeopathic remedies, and other nutritional supplements.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 297

AN ACT concerning excused absences for certain pupils and supplementing chapter 36 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:36-13.2 Excused absence for certain pupils on Veterans Day.

1. a. Notwithstanding any law, rule, or regulation to the contrary, any pupil of a public school who is absent from school on November 11, Veterans Day, attending a ceremony honoring a veteran or a member of the United States Armed Forces or the New Jersey National Guard returning from overseas deployments, or assisting a veteran at a hospital, food shelter, or any similar facility, shall have the absence for those reasons recorded as an excused absence on the pupil's attendance record or on that of any group or class of which he is a member. Any transcript, application, employment form, or any similar form on which information concerning a pupil's attendance record is requested shall show, with respect to absences, only absences other than excused absences authorized pursuant to this subsection. In making a determination on whether or not a student has a perfect attendance record for the school year, a school district shall not consider as an absence an excused absence authorized pursuant to this subsection.

b. A pupil shall provide such documentation as the superintendent or administrative principal of the school district deems necessary to prove the pupil meets the requirements for the excused absence under subsection a. of this section.

c. As used in this section, "veteran" means a person who has served on active duty in the Armed Forces of the United States and who was discharged or released therefrom under conditions other than dishonorable.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 298

AN ACT establishing a retirement savings marketplace and supplementing Title 43 of the Revised Statutes.

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

C.43:23-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Small Business Retirement Marketplace Act."

C.43:23-2 Findings, declarations relative to a New Jersey Small Business Retirement Marketplace.

2. The Legislature finds and declares that:

a. it is appropriate to create a New Jersey Small Business Retirement Marketplace because there is a retirement savings gap in this State, one in six Americans retire in poverty, and employees who are unable to effectively build their retirement savings risk living on low incomes in their elderly years and are more likely to become dependent on State services;

b. small businesses, which employ half of New Jersey's private workforce, often choose not to offer retirement plans to employees due to concerns about the cost, administrative burden, and potential liability that they believe would be placed on their businesses;

c. the federal government has attempted to address the savings gap by establishing the myRA program, a safe, affordable, and accessible retirement vehicle designed to remove barriers to retirement savings;

d. the New Jersey Small Business Retirement Marketplace will remove the barriers to entry into the retirement market for small businesses by educating small employers on plan availability and promoting, without mandating participation, qualified, low cost, low burden retirement savings vehicles and myRA; the marketplace furthers greater retirement plan access for the residents of New Jersey while ensuring that individuals participating in these retirement plans will have all the protections offered by federal law;

e. the New Jersey Small Business Retirement Marketplace should not place any financial burden upon taxpayers in the State and it should not be implemented if it is determined that there is any financial exposure to the State;

f. the New Jersey Small Business Retirement Marketplace will be the best way for New Jersey to close the retirement savings access gap, protect the fiscal stability of the State and its citizens well into the future, become a national leader in retirement and investor promotion and protection, and educate and promote retirement saving among employees and small employers;

g. according to a recent AARP poll, 86 percent of New Jersey residents age 35 and older say they hope to retire one day, but 65 percent are anxious about saving enough money so they could afford it, and AARP estimates that roughly 1.7 million private sector workers in New Jersey do not have access to a retirement savings plan through their employer, and the National Institute of Retirement Security describes this as a growing consumer crisis, because the typical family has saved only $2,500 for their retirement;

h. AARP has been instrumental in leading a national initiative called Work and Save to deal with retirement insecurity by promoting state run retirement programs, including the Washington Small Business Retirement Marketplace, signed into law in May 2015, designed to provide thousands of small business employees access to retirement plans by creating a voluntary public-private partnership marketplace that will educate small business employers on existing private sector retirement plan vendors;

i. the Washington marketplace was the result of public and private organizations coming together to find the most effective and efficient way to close the retirement savings access gap, and the following organizations have endorsed the Washington marketplace: AARP, Securities Industry and Financial Markets Association, the American Council of Life Insurers, Washington Bankers Association, and various employer groups; and

j. by following this model, the New Jersey Small Business Retirement Marketplace will provide a market-based approach so that small businesses can offer a simple and inexpensive way to offer private savings to their employees, which will result in workers saving more for retirement throughout their lives.

C.43:23-3 Definitions relative to a New Jersey Small Business Retirement Marketplace.

3. As used in this act:

"Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this act to participate in the marketplace.

"Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings and generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

"Eligible employer" means a person, firm, corporation, partnership, or sole proprietor, or any other employer that is actively engaged in business with fewer than 100 qualified employees at the time of enrollment, and a majority of which employees are employed in New Jersey.

"Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the marketplace.

"myRA" means the myRA retirement program administered by the United States Department of the Treasury that is available to all employers and employees with no fees or no minimum contribution requirements. "myRA" is a Roth IRA option, and investments in these accounts are backed by the United States Department of the Treasury.

"New Jersey Small Business Retirement Marketplace" or "marketplace" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings.

"Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the New Jersey Small Business Retirement Marketplace who chooses to participate in the marketplace and offers approved plans to employees for voluntary enrollment.

"Private sector financial services firms" or "financial services firms" means persons or entities licensed or holding a certificate of authority or authorized to do business in the State, in good standing by the Department of Banking and Insurance and the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, and meeting all federal laws and regulations to offer retirement plans.

"Qualified employee" means those workers who are defined by the federal Internal Revenue Service to be eligible to participate in a specific qualified plan.

"Target date or other similar fund" means a mutual fund that automatically resets the asset mix of stocks, bonds, cash equivalents, and other investments in its portfolio according to a selected time frame that is appropriate for a particular investor and is structured to address a projected retirement date.

C.43:23-4 New Jersey Small Business Retirement Marketplace.

4. There is established the New Jersey Small Business Retirement Marketplace in the Department of the Treasury.

C.43:23-5 Plan for the operation of the marketplace.

5. a. The State Treasurer, or the Treasurer's designee, shall design and implement a plan for the operation of the marketplace pursuant to the provisions of this act. Thereafter, the State Treasurer, or the Treasurer's designee, shall facilitate the connections between eligible employers and approved plans included in the marketplace.

b. The State Treasurer, or the Treasurer's designee, shall consult with the Director of Investment of the Department of the Treasury, or the director's designee; the Commissioner of Banking and Insurance, or the commissioner's designee; the Commissioner of Labor and Workforce Development, or the commissioner's designee; the Chairperson of the State Investment Council, or the chairperson's designee; the Director of the Division of Pensions and Benefits, or the director's designee; and the Chief Executive Of-

ficer of the New Jersey Economic Development Authority, or the chief executive officer's designee, in designing and managing the marketplace.

c. The State Treasurer, or the Treasurer's designee, shall approve private sector financial services firms as defined in section 3 of this act for participation in the marketplace. The State Treasurer, or the Treasurer's designee, shall ensure that the range of investment options offered by the financial services firms is sufficient to meet the needs of investors with various levels of risk tolerance and various ages.

d. The State Treasurer, or the Treasurer's designee, shall approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including life insurance plans that are designed for retirement purposes, and at least two types of plans for eligible employer participation, including:

(1) a SIMPLE IRA type plan that provides for employer contributions to participating enrollee accounts; and

(2) a payroll deduction individual retirement account type plan or workplace-based individual retirement accounts open to all workers in which the employer does not contribute to the employees' account.

e. Prior to approving a plan to be offered on the marketplace, the State Treasurer, or the Treasurer's designee, shall obtain certification from the Department of Banking and Insurance and the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety that the financial services firm providing the plan is in good standing with the department and the bureau and shall ensure that the plan meets the requirements of this act. The State Treasurer, or the Treasurer's designee, may at any time remove any approved plan from the marketplace that no longer meets the requirements of this act.

f. The financial services firms participating in the marketplace shall offer a minimum of two product options, including:

(1) a target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement; and

(2) a balanced fund.

The marketplace shall offer myRA in addition to any other approved plan.

g. The marketplace shall not operate unless there are at least two financial services firms offering approved plans on the marketplace; however, nothing in this section shall be construed as to limit the number of financial services firms with approved plans participating in the marketplace.

h. The State Treasurer, or the Treasurer's designee, shall ensure that approved plans are compliant with any federal law or regulation regarding Internal Revenue Service approved retirement plans.

i. Approved plans shall include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the marketplace.

j. Financial services firms selected by the State Treasurer, or the Treasurer's designee, to offer approved plans on the marketplace shall not charge the participating employer an administrative fee or surcharge and shall not charge enrollees more than 100 basis points in total annual fees and shall provide information about their product's historical investment performance.

k. Participation in the marketplace is voluntary for both eligible employers and qualified employees, and enrollment in any approved plan offered in the marketplace is not an entitlement.

l. The State Treasurer, or the Treasurer's designee, shall establish protocol to address rollovers for eligible employers that have workers in other states, and to address whether out-of-State employees with existing IRAs may roll them into the plans offered through the marketplace.

m. The State Treasurer, or the Treasurer's designee, may establish a fee system that charges financial services firms that participate in the marketplace in order to cover the startup and annual administrative expenses of the State Treasurer, or the Treasurer's designee, in the performance of its duties under this act.

C.43:23-6 Contracts with private sector entities.

6. a. The State Treasurer, or the Treasurer's designee, shall contract with one or more private sector entities to:

(1) establish a protocol for reviewing and approving the qualifications of all financial services firms that meet the requirements to participate in the marketplace;

(2) design and operate an Internet website that includes information on how eligible employers can voluntarily participate in the marketplace;

(3) develop marketing materials about the marketplace that can be distributed electronically or posted on both public and private sector maintained websites;

(4) identify and promote existing federal and State tax credits and benefits for employers and employees that are related to encouraging retirement savings or participating in retirement plans; and

(5) promote the benefits of retirement savings and other information that promotes financial literacy.

b. The State Treasurer, or the Treasurer's designee, shall direct any private sector entity contracted pursuant to subsection a. of this section to assure that licensed professionals who assist their clients that are eligible employers or their employees to enroll in a plan offered through the marketplace will receive routine, market-based commissions or other compensation for their services.

c. The State Treasurer, or the Treasurer's designee, shall establish rules to ensure that there are objective criteria in the protocol established pursuant to subsection a.(1) of this section and that the protocol does not provide an unfair advantage to the private sector entity that establishes the protocol.

C.43:23-7 Use of private funding sources.

7. In addition to any funds appropriated for the purposes of this act, the State Treasurer, or the Treasurer's designee, shall approve the use of private funding sources, including private foundation grants, to pay for marketplace expenses. On behalf of the marketplace, the Department of the Treasury shall seek federal and private grants and is authorized to accept any funds awarded to the State Treasurer, or the Treasurer's designee, for use in designing, implementing, and operating the marketplace.

C.43:23-8 Avoidance of liability.

8. The Department of the Treasury shall not expose the State as an employer or through administration of the marketplace to any liability under the federal "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1001 et seq.). The Department of the Treasury is specifically prohibited from offering and operating a State-sponsored retirement plan for businesses for individuals who are not employed by the State, or any political subdivision thereof.

C.43:23-9 Incentive payment to participating employers.

9. The State Treasurer, or the Treasurer's designee, shall approve incentive payments to participating employers that enroll in the marketplace if there are sufficient funds provided by private foundations or other private sector entities, or with State funds specifically appropriated for this purpose.

C.43:23-10 Report to Legislature.

10. The State Treasurer, or the Treasurer's designee, shall report biennially to the Legislature on the effectiveness and efficiency of the marketplace, including levels of enrollment and the retirement savings levels of participating enrolled that are obtained in aggregate on a voluntary basis from private sector financial services firms that participate in the marketplace.

C.43:23-11 Compliance.

11. The State Treasurer, or the Treasurer's designee, shall ensure that any individual retirement account products proposed for inclusion in the marketplace comply with the requirements of section 5 of this act.

C.43:23-12 Regulations.

12. The Department of the Treasury shall promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act. In promulgating regulations, the State Treasurer, or the Treasurer's designee, shall consult with organizations representing eligible employers, qualified employees, private and nonprofit sector retirement plan administrators and providers, private sector financial services firms, and any other individuals or entities that the State Treasurer, or the Treasurer's designee, determine relevant to the effective and efficient method for effectuating the purposes of this act.

13. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 299

AN ACT concerning motor vehicle documents of deployed military personnel and immediate family members, and supplementing Title 39 of the Revised Statutes.

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

C.39:3-11.5a Renewal of certain documents by deployed military personnel, families.

1. a. Notwithstanding the provisions of any law to the contrary, any active duty member of any branch of the Armed Forces of the United States, and any person in the member's immediate family, may renew a driver's license, non-driver identification card, or motor vehicle registration certificate during the six months preceding the member's scheduled date of deployment to a location outside of New Jersey.

b. The driver's license or non-driver identification card of any active duty member of any branch of the Armed Forces of the United States, and any person in the member's immediate family, or the registration certificate of a motor vehicle registered to that person, shall remain valid upon demobilization or return from duty, for a period of no more than 90 days. The

chief administrator shall determine the appropriate documentation a person is required to possess for the driver's license, non-driver identification card, or motor vehicle registration to be deemed valid during this period.

c. A person renewing a driver's license, non-driver identification card, or motor vehicle registration pursuant to this section shall submit proof satisfactory to the chief administrator of the member's deployment to a location outside of New Jersey.

d. As used in this act, "immediate family" means a spouse, domestic partner, partner in a civil union, child, stepchild, or other person under the legal guardianship of the active duty member of the Armed Forces of the United States.

C.39:8-3.1 Inspection of certain vehicles owned by active duty military.

2. a. Notwithstanding the provisions of any law to the contrary, a passenger automobile registered in accordance with R.S.39:3-4 or R.S.39:3-27, owned by an active duty member of any branch of the Armed Forces of the United States and any person in the member's immediate family, may be inspected during the six months preceding the member's scheduled date of deployment to a location outside of New Jersey.

b. Prior to deployment, any certificate of approval or rejection sticker issued upon inspection shall remain valid for 90 days following the owner's demobilization or return from duty. The chief administrator shall determine the appropriate documentation a person is required to possess for the inspection certificate of approval or rejection sticker to be deemed valid during this period.

c. After demobilization or return from duty, an active duty member of any branch of the Armed Forces of the United States, and any person in the member's immediate family, shall within 90 days have a motor vehicle with an expired certificate of approval or rejection sticker inspected. Any person who is issued a rejection sticker as a result of this inspection shall make any adjustment, correction, or repair to the vehicle within 90 days. The chief administrator shall determine the appropriate documentation a person is required to possess for the rejection sticker to be deemed valid during this period.

d. As used in this act, "immediate family" means the same as the term is defined in section 1 of P.L.2015, c.299 (C.39:3-11.5a).

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 300

AN ACT concerning the candidates and ballots in annual school elections, and providing for a study of the impact thereof.

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

1. The Secretary of State, in consultation with the Commissioner of Education and of the clerk of each county, shall conduct a study of the impact of allowing the bracketing of candidates together and designations of candidates' principles on school election petitions and ballots. The study shall be completed and submitted to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within one year following the enactment of this act.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 301

AN ACT concerning the "Next-of-Kin Registry" and amending P.L.2011, c.47.

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

1. Section 1 of P.L.2011, c.47 (C.39:4-134.2) is amended to read as follows:

C.39:4-134.2 "Next-of-Kin Registry."

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop an emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purposes established in section 2 of P.L.2011, c.47 (C.39:4-134.3). Under the program, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card may voluntarily submit the name and tele-

phone number of two emergency contacts to the "Next-of-Kin Registry" either through the commission's website or by mail.

b. In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may:

(1) electronically sign onto the commission's web site using the holder's validated permit, probationary or basic driver's license number, or non-driver identification card number and submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry"; or

(2) submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings.

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact shall have the opportunity to revise or update the emergency contact information at any time.

c. Information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.). Any emergency contact information submitted to the commission shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

d. The chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.), shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card from accessing, or inputting information into, the "Next-of-Kin Registry" or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the "Next-of-Kin Registry"; (2) any

misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the "Next-of-Kin Registry" by any holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card; or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

e. For the purposes of P.L.2011, c.47 (C.39:4-134.2 et al.), "emergency contact person" or "emergency contact" means a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the permit holder, licensee, or non-driver identification card holder is rendered unable to communicate due to a motor vehicle accident resulting in the serious bodily injury, death, or incapacitation of the permit holder, licensee, or non-driver identification card holder. An "emergency contact person" or "emergency contact" may or may not be the next-of-kin of the permit holder, licensee, or non-driver identification card holder; except that if the permit holder, licensee, or card holder is under the age of eighteen and is not emancipated, the emergency contact person shall be the parent or guardian of that permit holder, licensee, or card holder.

2. This act shall take effect on the first day of the third month following enactment except the chief administrator may take any anticipatory administrative action in advance as shall be necessary to implement this act.

Approved January 19, 2016.

CHAPTER 302

AN ACT designating the portion of State Highway 184 in Woodbridge Township in Middlesex County as the "Bruce Turcotte Memorial Highway."

WHEREAS, Bruce Turcotte, a resident of Fords, New Jersey, was born in Newark, New Jersey; and

WHEREAS, Ever active in his community, he served as a communicant at Our Lady of Peace Roman Catholic Church in Fords, New Jersey and as a volunteer firefighter; and

WHEREAS, Bruce Turcotte joined the Hopelawn Engine Company #1 in February of 1973 when he was only 20 years old and he quickly rose through the ranks of the fire department, becoming the fire chief in 1983; and

WHEREAS, During his tenure with the fire company, he served in many positions, including president, company chaplain, and historian; and

WHEREAS, Bruce Turcotte also served in many roles outside of the fire company; and

WHEREAS, He was a life member of the New Jersey State Firemen's Association, an Executive Board member of the Woodbridge Township Fire Officers Association, was the Woodbridge Township Mutual Aid Fire Coordinator, and the secretary of the United Firemen's Relief Association of Fords, Keasbey, and Hopelawn; and

WHEREAS, On January 19, 2012, Bruce Turcotte responded with his son Brian, Hopelawn's Assistant Fire Chief, and the rest of their crew to a house fire where he was assigned to the rapid intervention crew at the scene; and

WHEREAS, It was during that deployment that Bruce Turcotte was found unresponsive behind the wheel of Hopelawn's rescue truck after suffering a fatal heart attack; and

WHEREAS, Bruce Turcotte is remembered as a cherished husband, loving father, and dedicated firefighter who gave his life trying to help others; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize and honor the life and service of Bruce Turcotte by designating State Highway 184 in Woodbridge Township as the "Bruce Turcotte 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 184 in Woodbridge Township as the "Bruce Turcotte Memorial Highway," and erect appropriate signs bearing this name.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing

the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental, non-profit, educational or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 303

AN ACT establishing the State Seal of Biliteracy and supplementing chapter 7C 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:7C-13 Findings, declarations relative to the State Seal of Biliteracy.

1. The Legislature finds and declares that:

a. It is the intent of the Legislature to encourage excellence for all students, and the Legislature wishes to publicly recognize students for exemplary achievements in academic studies;

b. The study of foreign languages in elementary and secondary schools should be encouraged because it contributes to a student's cognitive development and to the national economy and security;

c. Proficiency in multiple languages is critical in enabling New Jersey to participate more effectively in the current global political, social, and economic context, and in expanding trade with other countries;

d. The demand for employees to be fluent in more than one language is increasing in New Jersey and throughout the world;

e. The benefits to employers in having staff fluent in more than one language are clear: access to expanding markets, allowing business owners to better serve their customers' needs, and the sparking of new marketing ideas that better target a particular audience and open a channel of communication with customers; and

f. It is the intent of the Legislature to promote linguistic proficiency and cultural literacy in one or more foreign languages in addition to English

and to provide recognition of the attainment of those needed and important skills through the establishment of the State Seal of Biliteracy. The State Seal of Biliteracy would be affixed on the high school transcripts of graduating students attaining proficiency in one or more foreign languages in addition to English.

C.18A:7C-14 Purposes of the State Seal of Biliteracy.

2. The State Seal of Biliteracy is established to recognize high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more foreign languages in addition to English. The State Seal of Biliteracy shall be awarded by the local board of education to graduating high school seniors who meet the criteria established by the State Board of Education pursuant to subsection a. of section 3 of this act. School district participation in this program is voluntary.

The purposes of the State Seal of Biliteracy are as follows:

a. To encourage students to study languages;

b. To certify attainment of biliteracy;

c. To provide employers with a method of identifying people with language and biliteracy skills;

d. To provide universities with a method to recognize and award academic credit to applicants seeking admission;

e. To prepare students with 21st century skills;

f. To recognize and promote foreign language instruction in public schools; and

g. To strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.

C.18A:7C-15 Rules.

3. a. 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.), establishing criteria for the award of a State Seal of Biliteracy. The criteria shall require a student to demonstrate proficiency in English by meeting State high school graduation requirements in English, including through State assessments and credits, and proficiency in one or more foreign languages other than English. The criteria shall permit a student to demonstrate proficiency in a foreign language other than English through multiple methods, including nationally or internationally recognized language proficiency tests.

For the purposes of this section, a foreign language other than English shall also include American Sign Language, Latin, and Native American languages.

b. The Commissioner of Education shall prepare and deliver to participating school districts a certificate to be awarded to the student and an appropriate insignia to be affixed to the transcript of the student indicating that the student has been awarded the State Seal of Biliteracy. The commissioner shall also provide any information the commissioner deems necessary for a school district to successfully participate in the program.

c. A school district that participates in the program under this section shall maintain appropriate records in order to identify students who have earned the State Seal of Biliteracy, and shall award the certificate and affix the appropriate insignia to a qualifying student's transcript.

d. A school district that participates in the program may pay the costs of the program or may charge a fee to students who participate to cover the costs.

C.18A:7C-16 Report to Governor, Legislature.

4. The commissioner shall submit a report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), by September 1 of each school year that includes the number of students awarded the State Seal of Biliteracy in the previous school year, the languages in which those students attained proficiency, and the methods used by students to demonstrate proficiency for the State Seal of Biliteracy.

5. This act shall take effect immediately and shall first apply to the 2016-2017 school year.

Approved January 19, 2016.

CHAPTER 304

AN ACT concerning individuals with developmental disabilities, amending P.L.1995, c.155, and supplementing Title 30 of the Revised Statutes.

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

1. Section 5 of P.L.1995, c.155 (C.30:4-25.9) is amended to read as follows:

C.30:4-25.9 Conditions of eligibility for functional services participation.

5. a. An applicant for functional services from the Division of Developmental Disabilities, any person acting on the applicant's behalf pursuant to section 14 of P.L.1965, c.59 (C.30:4-25.2), or the applicant's chargeable relatives, as appropriate, shall agree, if the applicant is determined eligible for functional services pursuant to section 15 of P.L.1965, c.59 (C.30:4-25.3), to comply with the following conditions of eligibility and continued functional services participation:

(1) The applicant for residential services or other person listed in this subsection shall assign to the Commissioner of Human Services any rights of the applicant to support or payment from a third party under any law, regulation, court order, or administrative order unless specifically prohibited by federal law or regulation;

(2) The applicant or other person listed in this subsection shall apply for and maintain all current and future benefits for which the applicant may be eligible, including, but not limited to, Medicare, Medicaid, any other State or federal benefits, and any third party support pursuant to statute, rule, court order, or contract; and

(3) The applicant or other person listed in this subsection shall make payments as required pursuant to R.S.30:4-60.

b. The Division of Developmental Disabilities may, in accordance with the provisions of section 2 of P.L.2015, c.304 (C.30:4-25.9a), terminate any services received by, or the placement of, the eligible person with a developmental disability within 90 days if the conditions of eligibility set forth in this section are not complied with by the eligible person with a developmental disability or other person listed in subsection a. of this section. During any appeals process period, services to a person with a developmental disability shall not be terminated.

c. Nothing in this section or Title 30 of the Revised Statutes shall be construed to deny functional services to any person who meets the eligibility conditions and criteria for functional services, but does not have the ability to pay the full per capita costs or payments required pursuant to R.S.30:4-60.

C.30:4-25.9a Required notifications.

2. a. The Division of Developmental Disabilities, in accordance with the provisions of this section, shall notify:

(1) a person with a developmental disability or the person's guardian, as applicable, if the division plans to terminate any services received by, or the placement of, the person due to the person's ineligibility for benefits

under the Medicaid program or ineligibility for services or a placement from the division;

(2) a provider of services to a person with a developmental disability, if the division plans to terminate any services received by, or the placement of, the person due to the person's ineligibility for benefits under the Medicaid program or ineligibility for services or a placement from the division; and

(3) a provider of services to a person with a developmental disability eligible for services from the division, if the division plans to discontinue funding for a service provided by the provider to the person.

b. The division shall provide notification to a person with a developmental disability or the person's guardian, pursuant to paragraph (1) of subsection a. of this section, at least 90 days prior to terminating any services received by, or a placement of, the person.

c. The division shall provide notification to a provider, pursuant to paragraph (2) or (3) of subsection a. of this section, at least 90 days prior to terminating any services received by, or a placement of, a person with a developmental disability or discontinuing funding for a service provided by the provider to the person, as applicable.

3. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 305

AN ACT concerning the licensure of certain surgical practices and ambulatory care facilities and amending P.L.1971, c.136.

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

1. Section 12 of P.L.1971, c.136 (C.26:2H-12) is amended to read as follows:

C.26:2H-12 Operation, requirements for health care facility; application for license; fee.

12. a. No health care service or health care facility shall be operated unless it shall: (1) possess a valid license issued pursuant to this act, which license shall specify the kind or kinds of health care services the facility is

authorized to provide; (2) establish and maintain a uniform system of cost accounting approved by the commissioner; (3) establish and maintain a uniform system of reports and audits meeting the requirements of the commissioner; (4) prepare and review annually a long range plan for the provision of health care services; and (5) establish and maintain a centralized, coordinated system of discharge planning which assures every patient a planned program of continuing care and which meets the requirements of the commissioner which requirements shall, where feasible, equal or exceed those standards and regulations established by the federal government for all federally-funded health care facilities but shall not require any person who is not in receipt of State or federal assistance to be discharged against his will.

b. (1) Application for a license for a health care service or health care facility shall be made upon forms prescribed by the department. The department shall charge a single, nonrefundable fee for the filing of an application for and issuance of a license and a single, nonrefundable fee for any renewal thereof, and a single, nonrefundable fee for a biennial inspection of the facility, as it shall from time to time fix in rules or regulations; provided, however, that no such licensing fee shall exceed $10,000 in the case of a hospital and $4,000 in the case of any other health care facility for all services provided by the hospital or other health care facility, and no such inspection fee shall exceed $5,000 in the case of a hospital and $2,000 in the case of any other health care facility for all services provided by the hospital or other health care facility. No inspection fee shall be charged for inspections other than biennial inspections. The application shall contain the name of the health care facility, the kind or kinds of health care service to be provided, the location and physical description of the institution, and such other information as the department may require.

(2) A license shall be issued by the department upon its findings that the premises, equipment, personnel, including principals and management, finances, rules and bylaws, and standards of health care service are fit and adequate and there is reasonable assurance the health care facility will be operated in the manner required by this act and rules and regulations thereunder.

(3) The department shall post on its Internet website each inspection report prepared following an inspection of a residential health care facility, as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), that is performed pursuant to this subsection, along with any other inspection report prepared by or on behalf of the department for such facility.

If an inspection reveals a serious health and safety violation at a residential health care facility, the department shall post the inspection report,

including the name of the facility and the owner of the facility, on its website no later than 72 hours following the inspection. If a license of a residential health care facility is suspended, the department shall post the suspension on its website no later than 72 hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner's designee, and the director of the county board of social services or county welfare agency, as appropriate, in the county in which a residential health care facility is located, of a serious health and safety violation at the facility and of any suspension of a license to operate such facility.

If the inspection responsibilities under this subsection with respect to such facility are transferred or otherwise assigned to another department, that other department shall post on its Internet website each inspection report prepared following an inspection of such facility performed pursuant to this subsection, along with any other inspection report prepared by or on behalf of that department for such facility, and shall comply with the other requirements specified in this subsection.

c. (Deleted by amendment, P.L.1998, c.43).

d. The commissioner may amend a facility's license to reduce that facility's licensed bed capacity to reflect actual utilization at the facility if the commissioner determines that 10 or more licensed beds in the health care facility have not been used for at least the last two succeeding years. For the purposes of this subsection, the commissioner may retroactively review utilization at a facility for a two-year period beginning on January 1, 1990.

e. If a prospective applicant for licensure for a health care service or facility that is not subject to certificate of need review pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) so requests, the department shall provide the prospective applicant with a pre-licensure consultation. The purpose of the consultation is to provide the prospective applicant with information and guidance on rules, regulations, standards and procedures appropriate and applicable to the licensure process. The department shall conduct the consultation within 60 days of the request of the prospective applicant.

f. Notwithstanding the provisions of any other law to the contrary, an entity that provides magnetic resonance imaging or computerized axial tomography services shall be required to obtain a license from the department to operate those services prior to commencement of services, except that a physician who is operating such services on the effective date of P.L.2004,

c.54 shall have one year from the effective date of P.L.2004, c.54 to obtain the license.

g. (1) Notwithstanding the provisions of any other law to the contrary, an entity that operates a surgical practice on the effective date of this section of P.L.2009, c.24, as defined in this subsection, shall be required to register with the department within one year of the effective date of P.L.2009, c.24.

(2) An entity that has not commenced operation as a surgical practice on the effective date of this section of P.L.2009, c.24, but has filed or files before the 180th day after the effective date of this section of P.L.2009, c.24 its plans, specifications, and required documents with the municipality in which the surgical practice will be located, shall register with the department prior to the commencement of services.

(3) As a condition of registration with the department, a surgical practice shall be required to obtain certification by the Centers for Medicare and Medicaid Services as an ambulatory surgery center provider or obtain ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services and continually maintain such accreditation.

(4) As a condition of registration with the department, a surgical practice shall be required to report the following information annually: the number of patients served by payment source, including the number of Medicaid-eligible and medically indigent persons served; the number of new patients accepted; and the number of physicians, physician assistants, and advanced practice nurses providing professional services at the surgical practice.

(5) As used in this subsection and subsection i. of this section, "surgical practice" means a structure or suite of rooms that has the following characteristics:

(a) has no more than one room dedicated for use as an operating room which is specifically equipped to perform surgery, and is designed and constructed to accommodate invasive diagnostic and surgical procedures;

(b) has one or more post-anesthesia care units or a dedicated recovery area where the patient may be closely monitored and observed until discharged; and

(c) is established by a physician, physician professional association surgical practice, or other professional practice form specified by the State Board of Medical Examiners pursuant to regulation solely for the physician's, association's or other professional entity's private medical practice.

"Surgical practice" includes an unlicensed entity that is certified by the Centers for Medicare and Medicaid Services as an ambulatory surgery center provider.

(6) Nothing in this subsection shall be construed to limit the State Board of Medical Examiners from establishing standards of care with respect to the practice of medicine.

h. An ambulatory care facility licensed to provide surgical and related services shall be required to obtain ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services as a condition of licensure by the department.

An ambulatory care facility that is licensed to provide surgical and related services on the effective date of this section of P.L.2009, c.24 shall have one year from the effective date of this section of P.L.2009, c.24 to obtain ambulatory care accreditation.

i. Beginning on the effective date of this section of P.L.2009, c.24, the department shall not issue a new registration to a surgical practice or a new license to an ambulatory care facility to provide surgical and related services unless:

(1) in the case of a registered surgical practice or licensed facility in which a transfer of ownership of the practice or facility is proposed, the commissioner reviews the qualifications of the new owner or owners and approves the transfer;

(2) (a) except as provided in subparagraph (b) of this paragraph, in the case of a registered surgical practice or licensed facility for which a relocation of the practice or facility is proposed, the relocation is within 20 miles of the practice's or facility's current location or the relocation is to a "Health Enterprise Zone" designated pursuant to section 1 of P.L.2004, c.139 (C.54A:3-7), there is no expansion in the scope of services provided at the new location from that of the current location, and the commissioner reviews and approves the relocation prior to its occurrence; or

(b) in the case of a licensed facility described in paragraph (5) or (6) of this subsection for which a relocation of the facility is proposed, the commissioner reviews and approves the relocation prior to its occurrence;

(3) the entity is a surgical practice required to be registered pursuant to paragraph (1) of subsection g. of this section and meets the requirements of that subsection;

(4) the entity has filed its plans, specifications, and required documents with the Health Care Plan Review Unit of the Department of Community Affairs or the municipality in which the surgical practice or facility will be located, as applicable, on or before the 180th day following the effective date of this section of P.L.2009, c.24;

(5) the facility is owned jointly by a general hospital in this State and one or more other parties; or

(6) the facility is owned by a hospital or medical school in this State, or the facility is owned by any hospital approved on or before the effective date of this act to provide ambulatory surgery services in this State, or the facility is owned by a hospital which applied on or before the effective date of this act to provide ambulatory surgery services in this State so long as the hospital is later approved to provide ambulatory surgery services at the facility, or the facility is owned by any hospital approved to provide ambulatory surgery services at another facility in this State.

j. (1) The department shall require an applicant for registration as a surgical practice, as provided in subsection g. of this section, to submit an application for registration in a form and manner prescribed by the department. The applicant shall submit the name and address of the surgical practice that is to be registered, the name of the chief administrator or designated agent of the practice, the names and addresses of all owners of the practice, the scope of services provided at the practice, proof of certification by the Centers for Medicare and Medicaid Services or accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services, and such other information as the commissioner deems necessary and as provided by regulation.

(2) The registration shall be valid for a one-year period and may be renewed upon submission to the department of an application for renewal.

(3) The commissioner may suspend, revoke, or deny a registration if the registrant or applicant, as applicable, is not in compliance with the requirements of this section.

(4) No registered surgical practice shall be owned, managed, or operated by any person convicted of a crime relating adversely to the person's capability of owning, managing, or operating the practice.

(5) The department may charge a reasonable fee for filing an application for registration and for each renewal thereof.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 306

AN ACT concerning driver's license pictures and amending P.L.1979, c.261.

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

1. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to read as follows:

C.39:3-10f Initial license, renewal, digitized color picture of licensee required; exceptions.

1. In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10 and a probationary license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), on and after the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.), each initial New Jersey license, each renewal of a New Jersey driver's license, and each probationary license shall have a digitized color picture of the licensee. All licenses issued on and after January 1, 2000 shall be valid for a period of 48 calendar months. However, the chief administrator may, at the chief administrator's discretion, issue licenses and endorsements which shall expire on a date fixed by the chief administrator. The fee for those licenses or endorsements shall be fixed in amounts proportionately less or greater than the fee otherwise established. Notwithstanding the provisions of this section to the contrary, a person 70 years of age or older may elect to have a license issued for a period of two or four years, which election shall not be altered by the chief administrator. The fee for the two-year license shall be $9, in addition to the fee for a digitized picture established in section 4 of P.L.2001, c.391 (C.39:3-10f4). The chief administrator may, for good cause, extend a license and any endorsement thereon beyond their expiration dates for periods not to exceed 12 additional months. The chief administrator may extend the expiration date of a license and any endorsement thereon without payment of a proportionate fee when the chief administrator determines that the extension is necessary for good cause. If any license and endorsements thereon are so extended, the licensee shall pay upon renewal the full license fee for the period fixed by the chief administrator as if no extension had been granted.

Each initial driver's license issued to a person under the age of 21 after the effective date of P.L.1999, c.28 (C.39:3-10f1 et al.) shall be conspicuously distinct, through the use of color and design, from the driver's licenses issued to persons 21 years of age or older. The chief administrator, in consultation with the Superintendent of State Police, shall determine the color and the manner in which the license is designed to achieve this result. The license shall also bear the words "UNDER 21" in a conspicuous manner. The chief administrator shall provide that, upon attaining the age of

21, a licensee shall be issued a replacement driver's license or a new license, as appropriate. The fee for a replacement license shall be $5 in addition to the digitized picture fee.

As conditions for the renewal of a driver's license, the chief administrator shall provide that the picture of a licensee be updated except that the chief administrator may elect to use a stored picture to renew a license for a period not exceeding four additional years for $18 in addition to the digitized picture fee.

In addition to any other extension, the chief administrator shall allow a person to use a stored picture to renew a license for a period not exceeding one year if the person presents documentation by a licensed physician that the person is undergoing medical treatment for an illness and the treatment results in temporary changes to the person's physical characteristics. The fee for this extension shall be $18 and the person shall not be required to pay the digitized picture fee pursuant to section 4 of P.L.2001, c.391 (C.39:3-10f4).

Whenever a person has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the chief administrator who may require the picture of the licensee to be updated for $5 in addition to the digitized picture fee.

Nothing in this section shall be construed to alter or change any expiration date on any New Jersey driver's license issued prior to the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and, unless a licensee's driving privileges are otherwise suspended or revoked, except as provided in R.S.39:3-10, that license shall remain valid until that expiration date.

Specific use of the driver's license and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal Driver's Privacy Protection Act of 1994, Pub.L.103-322. Notwithstanding the provisions of any other law to the contrary, the digitized picture or any access thereto or any use thereof shall not be sold, leased, or exchanged for value.

2. This act shall take effect immediately.

Approved January 19, 2016.

CHAPTER 307

AN ACT concerning boat safety and amending and supplementing P.L.1995, c.401.

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

1. Section 2 of P.L.1995, c.401 (C.12:7-71) is amended to read as follows:

C.12:7-71 Definitions.

2. As used in this chapter, unless the context clearly requires a different meaning:

"Commission" means the Boat Regulation Commission established pursuant to section 14 of P.L.1962, c.73 (C.12:7-34.49);

"Department" means the Department of Law and Public Safety;

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation;

"Division" means the Division of Motor Vehicles in the Department of Transportation;

"Documented vessel" means a vessel which has a valid Marine Document issued by the United States Coast Guard or any Federal agency successor thereto;

"Length" means measurement from end to end over the deck parallel to the centerline excluding sheer, bowsprits, bumpkins, rudders, outboard motors, brackets or other equipment or appendages;

"Motor" means a temporarily or permanently installed fuel consuming mechanism by which the vessel is or may be propelled, including an electrical motor;

"Operate" means to navigate, use, control or command a vessel;

"Operator" means every person having charge, control, operation or direction of any vessel and the owner of the vessel if the owner is on the vessel at the time it is operated in violation of the law;

"Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of the vessel subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

"Personal watercraft" means a personal watercraft as defined by section 1 of P.L.1993, c.299 (C.12:7-62);

"Pontoon boat" means a vessel supported by one or more cylindrical floats and propelled by an inboard or outboard motor;

"Power vessel" means a vessel temporarily or permanently equipped with machinery for propulsion, including a personal watercraft, and shall not include a vessel propelled wholly by sails or by muscular power;

"Sailboat" means any boat whose sole source of propulsion is the wind;

"Vessel" means a boat or watercraft, other than a sea plane on the water, used or capable of being used as a means of transportation on water; and

"Waters of this State" means all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State to a distance of three nautical miles from the shoreline.

C.12:7-87 Warning sign required at pontoon boat rental businesses.

2. The owner of a business that rents pontoon boats to the general public shall prominently display a metallic warning sign measuring at least 24 inches by 24 inches at the entrance of the designated rental area. The top portion of the sign shall state: "All unlicensed pontoon boat operators shall complete a pre-rental instruction course in accordance with New Jersey State Law." The center portion of the sign shall display an image depicting the outline of a person near a propeller surrounded by a red circle with a red backslash bisecting the image. The bottom portion of the sign shall state: "Warning: Rotating propellers can cause serious injury or death."

3. This act shall take effect on the first day of the fourth month following enactment.

Approved January 19, 2016.

JOINT RESOLUTIONS

(1653)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating the third full week in March of each year as "Horticultural Therapy Week" in New Jersey.

WHEREAS, Horticultural therapy is the time-proven practice of using therapeutic benefits of working in a peaceful and non-threatening garden environment indoors or outdoors, and using horticulture as a modality to improve the quality of life; and

WHEREAS, Horticultural therapy is practiced through vocational, therapeutic, and social programs, and successfully enables and empowers individuals to achieve their maximum independence in settings such as hospitals, correctional facilities, public schools, senior centers, and community gardens; and

WHEREAS, Horticultural therapy gained prominence in the United States in rehabilitating wounded veterans of World War II through the assistance of volunteers and trained professionals, and continues today in veterans' hospitals across the country; and

WHEREAS, Horticultural therapy brings dignity and enhanced skills by allowing individuals to grow and function to the best of their abilities, and helps individuals such as those recovering from illness or injury, the elderly, socially disadvantaged individuals, and individuals with disabilities; and

WHEREAS, Awareness and growth of the profession of horticultural therapy is being realized through increased educational opportunities, beginning with the first Master of Science degree in horticultural therapy, awarded by Michigan State University in 1955, and continuing across the country in universities, colleges, and community colleges, and through horticultural therapy certificate programs; and

WHEREAS, The American Horticultural Therapy Association, a nonprofit organization that is federally tax-exempt pursuant to section 501 (c)(3) of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501(c)(3), provides opportunities for registered horticultural therapy professionals to share research, professional standards, and best practices, as well as for the public to obtain information and resources; and

WHEREAS, Horticultural therapy was practiced by Dr. Benjamin Rush, a signer of the Declaration of Independence; and

WHEREAS, Horticultural therapy is beneficial for people of all ages and all walks of life in a wide variety of rehabilitative, health care, and residential settings, providing benefits directly through formal programs with

trained horticultural therapy professionals, and providing benefits indirectly through encouraging the designation and creation of public gardens and community gardens; and

WHEREAS, The designation of a week in this State to coincide with "National Horticultural Therapy Week" would assist in increasing awareness of horticultural therapy and related matters; now, therefore,

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

C.36:2-243 "Horticultural Therapy Week," third full week in March; designated.

1. The third full week in March of each year is designated as "Horticultural Therapy Week" in New Jersey to increase public awareness of the importance of horticultural therapy in improving the quality of life for all and increasing opportunities for each individual to experience the endless benefits of the people-plant connection.

C.36:2-244 Annual observance.

2. The Governor shall issue a proclamation recognizing the third full week in March of each year as "Horticultural Therapy Week" and calling upon public officials and the citizens of this State to observe the week with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 11, 2015.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating May of each year as "General Aviation Appreciation Month" in New Jersey.

WHEREAS, The use of airports and aircraft to connect communities to resources, services, and other parts of the country and the world in a timely and efficient manner has become a part of the daily lives of many Americans; and

WHEREAS, General aviation, which encompasses all civilian flight except scheduled passenger flights provided by commercial airlines, plays a critical role in the operation of businesses and farms and in the transportation of people and goods across the country and around the State; and

WHEREAS, General aviation and the aviation industry provide valuable transportation alternatives and innovations while cultivating economic growth through the operation of public-use and private airports and heliports, aircraft manufacturing facilities, and educational institutions; and

WHEREAS, New Jersey has a significant interest in the continued vitality of general aviation and the aviation industry, which provides employment to approximately 18,000 New Jersey residents, serves over 12,000 pilots, and contributes $1.7 billion annually to the State's economy; and

WHEREAS, As tourism and transportation continue to be significant portions of the economy of the State, many communities in New Jersey are reliant upon general aviation and the aviation industry to facilitate tourism and the transport of visitors to and from the State; and

WHEREAS, General aviation and the aviation industry provide important resources for the operation of businesses and farms throughout the State by maximizing productivity and performing specialized functions; and

WHEREAS, Serving as vital support in the operation of businesses, farms, medical care facilities, law enforcement agencies, emergency response teams, and other entities, general aviation and the aviation industry provide substantial economic and societal benefit to the State; and

WHEREAS, The use of general aviation in the State's response to Hurricane Sandy and other natural disasters proved the capabilities and usefulness of general aviation in emergency response efforts; and

WHEREAS, In light of all of the benefits that general aviation and the aviation industry provide to the State of New Jersey, it is fitting and proper and in the best interests of the citizens of this State to designate May of each year as "General Aviation Appreciation Month"; now, therefore,

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

C.36:2-245 "General Aviation Appreciation Month," May; designated.

1. The month of May of each year shall be designated as "General Aviation Appreciation Month" in the State of New Jersey in recognition of the importance of general aviation.

C.36:2-246 Observance.

2. The Governor is requested to issue a proclamation and call upon public officials, private organizations, and the citizens of this State to observe this month with appropriate activities, programs, and events.

3. This joint resolution shall take effect immediately.

Approved June 26, 2015.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION designating the third week in October of each year as "Male Breast Cancer Awareness Week" in New Jersey.

WHEREAS, Breast cancer in men, though rare, does occur, and it is estimated that in 2015 there will be 2,350 new cases of male breast cancer and 440 deaths from the disease; and

WHEREAS, The same types of breast cancer occur in both men and women, and male breast cancer is generally detected, diagnosed, and treated in the same manner as female breast cancer; and

WHEREAS, Although survival rates are about the same for men and women at each stage of the disease, a lack of awareness and a fear of stigma cause many men to delay reporting symptoms of male breast cancer, which results in diagnosis occurring at a later stage and adversely impacts prognosis and treatment; and

WHEREAS, Early detection and diagnosis of male breast cancer is essential to improving the patient's chances of successful treatment and survival; and

WHEREAS, In order to facilitate early diagnosis and prompt treatment of male breast cancer, it is essential to promote public education, awareness, and understanding of the disease; and

WHEREAS, In remembrance of the men who have lost their lives to breast cancer, and in support of those who are currently fighting this often overlooked disease, it is appropriate to designate the third week in October of each year as "Male Breast Cancer Awareness Week" in New Jersey; now, therefore,

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

C.36:2-247 "Male Breast Cancer Awareness Week," third week of October; designated.

1. The third week of October of each year is designated as "Male Breast Cancer Awareness Week" in the State of New Jersey in order to foster public awareness and understanding of male breast cancer and to encourage early detection and prompt treatment.

C.36:2-248 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and the citizens of this State to observe "Male Breast Cancer Awareness Week" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 6, 2015.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION permanently designating September as "Hunger Action Month" in New Jersey.

WHEREAS, Food insecurity exists when a person lacks secure access to sufficient amounts of safe and nutritious food for normal growth, development, and an active and healthy life. In 2010, 49 million Americans experienced food insecurity; and

WHEREAS, Lack of access to a nutritious and adequate food supply can have wide-ranging, detrimental consequences on the physical and mental health of all Americans, including pregnant women, children, senior citizens, and the poor; and

WHEREAS, Food insecurity is often associated with negative physical health outcomes for expectant mothers, an increased incidence of depressive disorders in women, higher levels of aggressive behavior and anxiety, and increased risks of developing a range of chronic illnesses, such as diabetes and hypertension; and

WHEREAS, Children suffering from hunger and near hunger experience serious health problems and educational challenges, including anemia, impaired cognitive development, hyperactivity, stunted growth, an inability to learn, and poor academic performance; and

WHEREAS, Hunger and food insecurity place senior citizens at a greater risk for illnesses related to poor nutrition, including deficiency diseases and gastrointestinal problems; and

WHEREAS, Poverty is the leading cause of hunger in the United States, and, as a result, millions of poor families are forced to choose between spending their limited income on food or paying for utilities, rent, mortgage, or health care; and

WHEREAS, Because of low wages and the high cost of living, one in every five households in New Jersey struggles to live on an income that is in-

adequate to meet their basic needs for food, shelter, clothing, health care, child care, and transportation; and

WHEREAS, People experiencing food insecurity often rely on food assistance programs to meet their daily nutritional needs; and

WHEREAS, The FoodBank of Monmouth and Ocean Counties serves over 260 food pantries, soup kitchens, and other feeding programs and annually distributes almost seven million pounds of food to 127,000 New Jersey residents; and

WHEREAS, Each year, September is designated as "National Hunger Action Month" nationwide to inspire people across the country to take action to help eradicate hunger and to raise public awareness of the 49 million people in the United States who live in food-insecure households; now, therefore,

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

C.36:2-249 "Hunger Action Month," September; designated.

1. September of each year is designated as "Hunger Action Month" in New Jersey to inspire the citizens of the State to take action to help eradicate hunger in New Jersey and to raise public awareness of the 49 million people in the United States who live in food-insecure households.

C.36:2-250 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing September as "Hunger Action Month" in New Jersey and calling upon public officials, the citizens of the State, and other interested groups to observe the day with appropriate activities and programs.

3 This joint resolution shall take effect immediately.

Approved August 10, 2015.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating September as "Gold Star Mothers Appreciation Month."

WHEREAS, The men and women of America's Armed Forces selflessly serve to protect our nation, are among our greatest heroes, and, in many

cases, have given their lives so that Americans could live in freedom and security; and

WHEREAS, The heartache of the loss of a son or daughter in the service of our nation is something that no mother should ever have to experience; and

WHEREAS, After receiving notice of her son's death in World War I, Grace Darling Seibold devoted her energy to volunteering in a local hospital and reaching out to other mothers whose sons had died in military service; and

WHEREAS, She organized a group of 25 of these special mothers on June 4, 1928 to make plans to establish a national organization to be known as American Gold Star Mothers, Inc. (Gold Star Mothers), named after the gold star service flag that families hung in their windows in honor of family members who had died in military service; and

WHEREAS, On January 5, 1929, the organization was incorporated under the laws of the District of Columbia with a mission to perpetuate the ideals of American freedom and democracy for which their children had so gallantly fought and died; and

WHEREAS, Today, there are more than 200 chapters of Gold Star Mothers across the United States composed of mothers who have lost a son or daughter while serving our country; and

WHEREAS, Gold Star Mothers assist veterans of the Armed Forces and their dependents in presenting claims to the federal Veterans Administration, aiding the men and women who served and were wounded or incapacitated during hostilities, and providing countless hours of volunteer work and personal service in veterans hospitals throughout the country; and

WHEREAS, Mothers who have lost a son or daughter while they were serving our country have made a tremendous sacrifice for our nation and this State has previously recognized that sacrifice by designating the last Sunday in September as Gold Star Mother's Day; and

WHEREAS, Because one day is not sufficient to recognize the monumental loss suffered and invaluable societal contributions provided by these mothers, it is only fitting and proper that the State set aside a month each year to honor these women; and

WHEREAS, This month of recognition and appreciation may not take away the pain of their loss but it is one way to honor the Gold Star Mothers for their devotion to our country and for the efforts and sacrifices they have endured to preserve our freedom; and

WHEREAS, It is fitting and proper for the State of New Jersey to honor the Gold Star Mothers for their many outstanding contributions to America

and its veterans, and to ensure their sacrifices are properly recognized; now, therefore,

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

C.36:2-251 "Gold Star Mothers Appreciation Month," September; designated.

1. The month of September of each year is designated as "Gold Star Mothers Appreciation Month" in recognition of and appreciation for the Gold Star Mothers who have suffered the supreme sacrifice of motherhood by losing sons and daughters in service with the United States Armed Forces.

C.36:2-252 Annual observance.

2. The Governor shall annually issue a proclamation and call upon public officials, private organizations, and all citizens of this State to observe this month each year with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 10, 2015.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating October of each year as "Linemen Appreciation Month" in New Jersey.

WHEREAS, Basic utilities, including electricity, are important and vital to the health, safety, and welfare of all individuals by providing for the use of basic necessities; and

WHEREAS, Linemen are essential to reliable, uninterrupted utility service and respond promptly to power outages at any time; and

WHEREAS, Employment as a lineman is dangerous, working daily with high powered voltage which can cause serious bodily injury and death, and requiring steadfast skill and experience to maintain and restore utility service for thousands of individuals; and

WHEREAS, Due to the dangerous nature of their work, and in order to safely perform their duties, linemen receive important training and safety courses; and

WHEREAS, During storms and hazardous weather, linemen are called to respond to power outages and often work through severe conditions to restore power; and

WHEREAS, As a result of Superstorm Sandy, many residents of New Jersey were left without electrical power, putting their welfare in danger; and

WHEREAS, Braving the storm's effects, thousands of linemen from New Jersey and surrounding states dedicated countless hours to restore electricity throughout the State; and

WHEREAS, It is fitting and proper for the State of New Jersey to designate the month of October of each year as "Linemen Appreciation Month" in order to recognize the commitment, hard work, and essential service linemen provide to residents of the State; now, therefore,

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

C.36:2-253 "Linemen Appreciation Month," October; designated.

1. The month of October of each year is designated as "Linemen Appreciation Month" in the State of New Jersey in recognition of the essential commitment, hard-work, and service linemen provide to residents of this State.

C.36:2-254 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Linemen Appreciation Month" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved August 10, 2015.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION designating the third Wednesday in May as "ALS Awareness Day" and the month of May as "ALS Awareness Month" in New Jersey.

WHEREAS, Amyotrophic Lateral Sclerosis, also known as ALS or Lou Gehrig's Disease, is a progressive neurodegenerative disease that attacks nerve cells in the brain and spinal cord; and

WHEREAS, The disease strikes people between the ages of 40 and 70, and as many as 30,000 men and women in the United States have the disease at any given time; and

WHEREAS, There presently is no cure for ALS; however, with recent advancements in research and improved medical care, many patients are living longer, more productive lives; and

WHEREAS, It is crucial to provide scientific, medical, and emotional support for individuals and families affected by ALS, to heighten public awareness of the devastating effects of the disease, and to promote the significant advancements in quality of life opportunities that are available to those with ALS; and

WHEREAS, The annual Walk to Defeat ALS, which is the ALS Association's national signature event, will be held at various locations in the State during the month of May; and

WHEREAS, The goals of the annual Walk to Defeat ALS are to increase public awareness of ALS and to raise necessary funds to support programs and services provided through regional chapters of the ALS Association, promote public policy initiatives, and fund nationally-directed research programs; now, therefore,

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

C.36:2-255 "ALS Awareness Day," "ALS Awareness Month"; designated.

1. The third Wednesday in May of each year is designated as "ALS Awareness Day," and the month of May of each year is designated as "ALS Awareness Month" in New Jersey.

C.36:2-256 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and the citizens of the State to observe "ALS Awareness Day" and "ALS Awareness Month" with appropriate activities and programs to increase public awareness of ALS and the importance of research and funding to find a cure for the disease.

3. This joint resolution shall take effect immediately.

Approved October 13, 2015.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION to declare August 16 of each year as Dominican Restoration Day in New Jersey.

WHEREAS, The Dominican Republic is the second largest country in the Caribbean region by both land mass and population, and is distinguished historically and geographically as one of the first sites visited by Christopher Columbus during his first transatlantic voyage in 1492; the first permanent European settlement in the Americas in its capital of Santo Domingo; the site of the first cathedral and university in the New World; and the highest mountain peaks and lowest elevation lake in the Caribbean region; and

WHEREAS, Yearning to be a sovereign nation, a social movement led by founding father Juan Pablo Duarte and his allies achieved independence and founded the Dominican Republic in 1844, and on February 27th of 2013 the Dominican Republic celebrated the 169th anniversary of its independence; and

WHEREAS, Following its independence from Haiti, the Dominican Republic had to reclaim its freedom from Spain in 1865, and on August 16 of each year Dominicans celebrate Dominican Restoration Day as a national holiday to mark the beginning of the country's second independence war; and

WHEREAS, At least since 1884 the United States has maintained formal diplomatic relations with the Dominican Republic, and today considers it an important partner in regional and international affairs, as the Dominican Republic constitutes the largest economy in the Caribbean, has built stable democratic institutions, is in close geographic proximity to the United States, and is visited by thousands of Americans and other international travelers each year due to its booming tourism industry; and

WHEREAS, Aside from diplomatic relations, some of the most significant bonds that bring both countries together are the contributions that Dominican-Americans have made and continue to make to the economic, cultural, and political life of the United States as they have become part of its social fabric; and

WHEREAS, About 1.5 million Hispanics of Dominican origin or ancestry currently live in the United States, comprising the fifth largest Hispanic origin group after Mexicans, Puerto Ricans, Cubans, and Salvadorans; and

WHEREAS, Every day, Dominicans in the United States make significant contributions to society as workers in factories, homes, and public and private sector institutions; as business owners of bodegas, supermarkets, and restaurants in our neighborhoods and communities; as elected leaders at the local, state, and national government levels; as athletes on the baseball fields delivering the great American pastime; as artists in music, cinema, and fashion design; and as soldiers defending our freedoms among the ranks of the United States Armed Forces, among other areas; and

WHEREAS, Notable Dominican-Americans are a source of great pride for all Dominicans for the outstanding contributions they have made in their respective fields, including Oscar de la Renta in fashion design; Junot Diaz and Julia Alvarez in literature; Sammy Sosa, Pedro Martinez, David Ortiz, Manny Ramirez, Albert Pujols and many others in baseball; "the Queen of Technicolor" Maria Montez and Zoe Saldana in film; and Dr. Juan Manuel Taveras Rodriguez in the medical field of neuroradiology, among others; and

WHEREAS, In the field of politics and government, Passaic's mayor, Dr. Alex Blanco, is distinguished as the first person of Dominican descent to be elected to the office of mayor in the United States; and

WHEREAS, The largest concentrations of Dominicans in the United States are found in the northeast, with New York and New Jersey having the largest Dominican populations, and the cities of Paterson, Perth Amboy, Jersey City, Passaic, and Newark constituting large Dominican communities in New Jersey; and

WHEREAS, Given the significant contributions that Dominican-Americans and other Dominicans have made and continue to make to the United States, and especially to the State of New Jersey where large Dominican communities reside, it is fitting and proper that we recognize the outstanding history and geography of the Dominican Republic and, most of all, the wonderful contributions of Dominican-Americans and other Dominicans to all aspects of American life which we all can look to with pride; now, therefore,

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

C.36:2-257 Dominican Restoration Day, August 16; designated.

1. August 16 of each year is permanently designated as Dominican Restoration Day in New Jersey, in recognition of the outstanding history and geography of the Dominican Republic and, most of all, the wonderful

contributions of Dominican-Americans and other Dominicans to all aspects of American life and to this State.

2. This joint resolution shall take effect immediately.

Approved November 9, 2015.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION condemning the Boycott, Divestment, and Sanctions movement against Israel.

WHEREAS, The State of New Jersey and Israel have a long history of friendship based upon economic, cultural, intellectual, and political cooperation and maintain a close alliance through the New Jersey-Israel Commission, each attempting to support the interests of the other; and

WHEREAS, The State of Israel, the only democracy in the Middle East, is the greatest friend and ally of the United States in that region, sharing a common bond rooted in the values of freedom, democracy, and equal rights; and

WHEREAS, The elected representatives of New Jersey recognize the importance of demonstrating unwavering support for the Jewish people and for the rights of the State of Israel to exist, defend itself, and enjoy full recognition among its sister nations; and further recognize Israel's meaningful contributions to the world in science, technology, and scholarship; and

WHEREAS, The international Boycott, Divestment, and Sanctions (BDS) movement against Israel has become a vehicle for advocating the elimination and delegitimation of the Jewish State, and represents a strategic threat to the State of Israel; and

WHEREAS, The Antiboycott Laws under the federal Export Administration Act discourage and, in some circumstances, prohibit United States companies from furthering or supporting the boycott of Israel and, nevertheless, domestic and foreign companies continue to report receiving requests to engage in activities that further or support the boycott of Israel; and

WHEREAS, Efforts to pressure Israel via this movement are gaining momentum on university campuses nationwide, thereby creating a divide between Jewish and non-Jewish students and, as a result, developing resentment, bias, and an atmosphere on campus antithetical to academic freedom; and

WHEREAS, Leaders of the BDS movement have indicated that one of its goals is to remove Israel as the home of the Jewish people, with participants at rallies repeating the slogan, "From the river to the sea, Palestine will be free," signifying the absence of the State of Israel between the Jordan River and the Mediterranean Sea; and

WHEREAS, Rather than focusing on forging productive relationships and engaging in reconciliation efforts, boycotts are counterproductive and divisive to building an economy and infrastructure in the region that will allow both Israel and the Palestinians to live side by side and build trust in preparation for a negotiated settlement leading to a two-state solution and peace between two neighboring states; and

WHEREAS, There is no justification or equity in singling out one nation alone for a boycott on purported human rights grounds while ignoring nations with egregious human rights records; and

WHEREAS, New Jersey's elected representatives understand that the goals and activities of campaigns such as BDS in New Jersey are harmful to New Jersey's relationship with its Jewish citizens and with the Jewish homeland, Israel, and have a deleterious impact on New Jersey's strong economic, scientific, educational and cultural ties with Israel, which bring jobs and other benefits to the citizens of our State; and

WHEREAS, Efforts to boycott cultural exchanges, educational cooperation and commercial interaction between Israelis and their peers among Palestinians and with people and institutions throughout the world will further exacerbate the conflict in the Middle East rather than promote mutual recognition, trade and normalization of relations where Israelis and Palestinians can live side by side free from fear and violence; and

WHEREAS, The call for academic boycotts, or any other boycott, by the BDS campaign has been condemned by many of our nation's largest academic associations, over 250 university presidents, by presidents of New Jersey's major institutions of higher education, and many other leading scholars as a violation of the bedrock principle of academic freedom; now, therefore,

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

1. The State of New Jersey condemns the international Boycott, Divestment, and Sanctions (BDS) movement and its activities as being inherently antithetical and damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East, and for

seeking to undermine the Jewish people's right to self-determination, being fulfilled in the State of Israel.

2. The State of New Jersey condemns activities that contribute directly or indirectly to the denial, violation, or delegitimation of any person's academic freedom, including, but not limited to, promotion of academic boycotts against Israel by the BDS movement.

3. The State of New Jersey opposes all attempts to deny the legitimacy of Israel as a sovereign state and to economically and politically isolate Israel within the international arena, including, but not limited to, the promotion of economic, cultural, and academic boycotts.

4. Copies of this joint resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of State to the President of the United States, the Secretary of State, each member of Congress elected from this State, and the Israeli Embassy in Washington, D.C., for transmission to the proper authorities in the State of Israel.

5. This joint resolution shall take effect immediately.

Approved January 11, 2016.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION designating April of each year as "Sarcoidosis Awareness Month" in New Jersey.

WHEREAS, Sarcoidosis is a potentially fatal inflammatory disease that causes the immune system to damage the body's own tissue and can appear in almost any organ in the body, most commonly in the lungs and the lymph nodes; and

WHEREAS, Many people suffer from this disease in chronic and debilitating ways; and

WHEREAS, Individuals suffering from sarcoidosis exhibit symptoms of fever, fatigue, weight loss, night sweats, and an overall feeling of general malaise; and

WHEREAS, Some famous sufferers of sarcoidosis include Hall of Fame athletes Bill Russell and Reggie White and comedian Bernie Mac, who passed away as a result of sarcoidosis; and

WHEREAS, While some progress has been made in recognizing the symptoms of sarcoidosis and in diagnosis, the cause of this rare disease remains unknown; and

WHEREAS, Although prevalence rates for sarcoidosis can only be estimated because many with the disease go undiagnosed, the estimated prevalence rates in the United States range from one to 40 per 100,000 people; and

WHEREAS, Through increased research, quantifying the prevalence of the disease, discovering the causes, and improving the treatments, finding a cure for this debilitating disease may be well within reach; and

WHEREAS, With worldwide events scheduled to increase public awareness of the need to support individuals with sarcoidosis, April is an appropriate month to designate as "Sarcoidosis Awareness Month" to raise awareness of the need for more research funding and to educate the public on sarcoidosis; and

WHEREAS, Greater awareness and knowledge of sarcoidosis in the medical and lay communities would substantially benefit those affected and will ultimately help to find a cure for this deadly disease; now, therefore,

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

C.36:2-258 "Sarcoidosis Awareness Month," April; designated.

1. April of each year is designated as "Sarcoidosis Awareness Month" in New Jersey to raise public awareness about sarcoidosis and to encourage private citizens, public officials, community-based organizations, governmental agencies, and businesses to show support for people living with the disease.

C.36:2-259 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe "Sarcoidosis Awareness Month" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 11, 2016.

JOINT RESOLUTION NO. 11

A JOINT RESOLUTION designating the third week of September as "New Jersey Gleaning Week."

WHEREAS, Each year, approximately 40 percent of the United States food supply goes uneaten due to losses at the farm, retail, and consumer levels; and

WHEREAS, This wasted food accounts for 25 percent of all freshwater used in the country, four percent of all oil consumed, $165 billion in lost retail sales, and $750 million in disposal costs; and

WHEREAS, The vast majority of wasted food ends up in landfills, where organic matter accounts for 16 percent of all methane gas emissions in the United States; and

WHEREAS, At the same time, over 14 percent of U.S. households struggle to put enough food on the table, leaving 49 million Americans, including 16 million children, at risk of going hungry; and

WHEREAS, In New Jersey, food insecurity affects 1.15 million people, including 375,000 children, many of whom do not qualify for federal nutrition programs and must rely on charitable food assistance; and

WHEREAS, It is estimated that the food saved by reducing losses by just 15 percent could feed more than 25 million Americans each year; and

WHEREAS, Increasing the efficiency of our food system, so that all Americans have access to fresh, healthy food, is imperative and requires a collaborative effort between governments, businesses, nonprofit organizations, and consumers; and

WHEREAS, Gleaning is the process of collecting excess fresh foods from farms, gardens, farmers markets, grocers, restaurants, state and county fairs, or other sources in order to provide it to those in need; and

WHEREAS, Gleaning prevents the unnecessary wasting of quality food, and gives low-income populations access to fresh, nutritious foods that are not always available in their communities; and

WHEREAS, Gleaning also provides resources to nonprofit agencies, many of whom have shrinking staff capacity and budgets due to the economic downturn, and builds good relations between community members and farmers; and

WHEREAS, Individuals can get involved in gleaning by connecting with various nonprofit organizations, such as the New Jersey Agricultural Society's Farmers Against Hunger program, which sponsors gleanings across the State between September and November; and

WHEREAS, New Jersey and its citizens have a long history of supporting gleaning efforts, so it is altogether fitting and proper that the State establish "New Jersey Gleaning Week" during the third week of September; now, therefore,

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

C.36:2-260 "New Jersey Gleaning Week," third week in September; designated.

1. The third week in September each year is designated as "New Jersey Gleaning Week," in order to promote awareness of food insecurity and food waste, and to encourage residents to participate in gleaning to provide fresh, healthy food to those in need.

C.36:2-261 Annual observance.

2. The Governor may annually issue a proclamation calling upon public officials and citizens of the State to observe "New Jersey Gleaning Week" with appropriate activities and programs.

C.36:2-262 Publicizing.

3. The Department of Agriculture shall take appropriate measures each year to publicize "New Jersey Gleaning Week."

4. This joint resolution shall take effect immediately.

Approved January 11, 2016.

JOINT RESOLUTION NO. 12

A JOINT RESOLUTION designating Wednesday of the third week of September as "Farmers Against Hunger Day."

WHEREAS, It is estimated that 17.9 million households in the United States are food insecure, meaning they have difficulty at some time during the year providing enough food for all of their members due to a lack of resources; and

WHEREAS, Additionally, 6.8 million households in the United States have very low food security, meaning food intake of some household members is reduced and normal eating patterns are disrupted at times during the year due to limited resources; and

WHEREAS, In New Jersey, 1.15 million residents, including 375,000 children, are food insecure, and many of these individuals do not qualify for federal nutrition programs; and

WHEREAS, Food insecurity is harmful to all people, but is particularly devastating to children - as proper nutrition is vital to a child's physical and mental health, academic achievement, and future economic prosperity; and

WHEREAS, In order to ensure the health and welfare of all New Jersey residents, the State must support programs and initiatives that bring fresh, healthy food to those in need; and

WHEREAS, The New Jersey Agricultural Society's Farmers Against Hunger program was started in 1996 as a way to enable farmers throughout the State to contribute their extra produce to local food banks and pantries; and

WHEREAS, Often, fresh produce is not harvested on farms due to bad weather, market conditions, high buyer quality standards, and labor shortages, or is lost between harvest and sale; and

WHEREAS, Instead of letting this produce go to waste, farmers who participate in the Farmers Against Hunger program work with local food pantries, soup kitchens, and food banks, to provide produce free of charge to food insecure residents; and

WHEREAS, Throughout the harvest season, Farmers Against Hunger provides weekly and on-call pickups at farms, and organizes groups of volunteers for gleaning, which is the process of collecting excess fresh foods from farm fields and other locations; and

WHEREAS, Farmers Against Hunger also works with grocers, wholesale suppliers, and restaurants to collect tons of produce and bread that may otherwise go to waste; and

WHEREAS, Farmers Against Hunger donations help serve over 7,000 people weekly throughout the harvest season, and 3,000 people weekly in the non-harvest season; now, therefore,

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

C.36:2-263 "Farmers Against Hunger Day," Wednesday of third week of September; designated.

1. The Wednesday of the third week of September is designated as "Farmers Against Hunger Day" in order to recognize and promote the efforts of farmers, community organizations, businesses, and volunteers who donate and deliver fresh, healthy food to those in need.

C.36:2-264 Annual observance.

2. The Governor may annually issue a proclamation calling upon public officials and citizens of the State to observe "Farmers Against Hunger Day" with appropriate activities and programs, and to coordinate their activities and programs with those annually planned for "New Jersey Gleaning Week," established pursuant to J.R.11 of 2015.

C.36:2-265 Publicizing.

3. The Department of Agriculture shall take appropriate measures each year to publicize "Farmers Against Hunger Day."

4. This joint resolution shall take effect immediately.

Approved January 11, 2016.

JOINT RESOLUTION NO. 13

A JOINT RESOLUTION designating the first week in August of each year as "Coast Guard Week" and honoring Cape May as the United States Coast Guard's enlisted accession point and recruit training center.

WHEREAS, The United States Coast Guard is a versatile, highly adaptive force that carries out an array of civil and military responsibilities touching every facet of the maritime environment of the United States; and

WHEREAS, Alexander Hamilton, the first Secretary of the Treasury, proposed an economic plan, relying heavily on income generated by custom duties and tonnage taxes, which depended on the nation's ability to safely guide foreign ships to ports with collectors to succeed; and

WHEREAS, On August 4, 1790, the First Congress of the United States established the Revenue Marine (later renamed the Revenue Cutter Service), a small maritime law enforcement component within the Treasury Department to assist in the collection of custom duties and tonnage taxes and the suppression of smuggling operations; and

WHEREAS, In 1848, Congressman William Newell of New Jersey sponsored legislation to establish unmanned lifesaving stations along the New Jersey coast to aid distressed navigators and set in motion a series of legislative maneuvers that led to the formation of the United States Life-Saving Service; and

WHEREAS, Revenue Marine cutter, *Harriet Lane*, is credited with firing the first naval shots of the Civil War, during which Revenue Marine vessels performed blockade duty, patrolled shipping lanes to safeguard Union traders from Southern privateers, and aided distressed vessels at sea; and

WHEREAS, On January 28, 1915, President Woodrow Wilson signed into law "The Act to Create the Coast Guard," which combined the Revenue Cutter Service and the Life Saving-Service into a single military service, the Coast Guard; and

WHEREAS, The Coast Guard expanded during Prohibition as efforts to deter rum-runners at sea led to expanded civil responsibilities and an overall improvement in the service's tactics, techniques, communications equipment, procedures, and intelligence methods; and

WHEREAS, During World War II, the Coast Guard performed extensive convoy protection and antisubmarine duties in both the Atlantic and Pacific Oceans, rescuing the survivors of torpedo attacks off of the United States coast while Coast Guard "coast-watchers" maintained beach patrols and guarded ports; and

WHEREAS, The Coast Guard played a pivotal role in "Operation Market Time" during the Vietnam War, through which the Coast Guard boarded nearly a quarter of a million vessels to prevent the re-supply of enemy forces; and

WHEREAS, In the post-Vietnam War era, the Coast Guard's civil duties expanded to include drug enforcement, undocumented migrant interdiction, and environmental protection responsibilities; and

WHEREAS, In the immediate aftermath of the terrorist attacks of September 11, 2001, Coast Guard personnel were among the first responders to the World Trade Center tragedy and assisted in evacuating more than half a million people by water from lower Manhattan; and

WHEREAS, The Coast Guard joined with local police and fire agencies in responding to emergency and mayday calls, and deployed helicopters, boats, and other vessels to help in the recovery efforts during Superstorm Sandy in 2012; and

WHEREAS, The Coast Guard responded to 19,790 search and rescue cases and saved over 3,500 lives in 2012; and

WHEREAS, Coast Guard Training Center Cape May is the fifth largest base in the Coast Guard, the sole accession point for the entire enlisted workforce, and the only recruit training center; and

WHEREAS, The Coast Guard stations nearly 2,000 active-duty men and women, 175 reservists, and approximately 2,000 auxiliary personnel in New Jersey who serve in a variety of job categories, including operation

specialists, small-boat operators, maintenance specialists, electronic technicians, and aviation mechanics; and

WHEREAS, The Coast Guard has been responsible for the security of the ports and waterways of the United States during times of both war and peace since its inception and it is altogether fitting and proper to designate the first week in August of each year as "Coast Guard Week," celebrating the birth of the Coast Guard on August 4, 1790, and to honor Cape May, New Jersey, as the United States Coast Guard's enlisted accession point and recruit training center; now, therefore,

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

C.36:2-266 "Coast Guard Week," first week in August; designated.

1. The first week in August of each year is designated as "Coast Guard Week" in New Jersey.

C.36:2-267 City of Cape May honored.

2. The State of New Jersey honors the city of Cape May, New Jersey, as the United States Coast Guard's enlisted accession point and recruit training center.

C.36:2-268 Annual observance.

3. The Governor is respectfully requested to issue a proclamation calling upon public officials and citizens of this State to observe "Coast Guard Week" with appropriate activities and programs.

4. This joint resolution shall take effect immediately.

Approved January 11, 2016.

JOINT RESOLUTION NO. 14

A JOINT RESOLUTION commemorating the birthday of Hannah G. Solomon and designating January 14 of each year as "Hannah G. Solomon Day."

WHEREAS, Hannah Greenbaum Solomon was born in Chicago on January 14, 1858; and

WHEREAS, Hannah Solomon and her sister became the first Jewish members of the prestigious Chicago Woman's Club in 1876; and

WHEREAS, In 1893, Hannah Solomon and the Jewish Women's Congress met for four days in Chicago and discussed multiple possibilities and goals for a national Jewish women's organization, a type of organization that had not existed in the past; and

WHEREAS, At the conclusion of the meetings, delegates of the Jewish Women's Congress founded the National Council of Jewish Women (NCJW) and unanimously elected Hannah Solomon as its inaugural president; and

WHEREAS, As the president of NCJW, Hannah Solomon guided the organization through a massive growth period, with an initial membership of 93 women in 1893 swelling to over 4,000 in 1896, and to more than 50,000 in 1925; and

WHEREAS, The NCJW dedicated itself to religious, philanthropic and educational endeavors, viewing themselves as guardians of the Jewish faith, joining together with their non-Jewish counterparts in supporting the notion that women shouldered the responsibility for safeguarding religion in the home and teaching children moral values; and

WHEREAS, Hannah Solomon was a progressive thinker who understood that an organized, effective national coalition of Jewish women would likely not be well-received, especially within her own male-dominated Jewish community, as women traditionally held a more subservient role to men; and

WHEREAS, Displaying a level of determination that can only be described as ahead of her time, Hannah Solomon sarcastically warned members of the NCJW to be prepared for critics to "mourn over our neglected children, and wonder how our husbands manage without us"; and

WHEREAS, During the early part of the 20th century, the NCJW pioneered many arenas of Jewish philanthropy and general immigrant aid, with the New York chapter of NCJW assuming a leading role in aiding new arrivals at Ellis Island, with a particular focus on the needs of female immigrants; and

WHEREAS, Hannah Solomon was a courageous leader of the NCJW, fearlessly taking on members of her own community and fighting for the rights of young Jewish girls to be educated in the Jewish traditions; with many programs created by NCJW eventually being absorbed and accepted by the larger Jewish institutions in the country; and

WHEREAS, Hannah G. Solomon's legacy as a pioneer of women's rights within the Jewish community, and society as a whole, makes it entirely fitting and appropriate that the Legislature commemorate and honor the anniversary of her birth; now, therefore,

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

C.36:2-269 "Hannah G. Solomon Day," January 14; designated.

1. January 14 of each year is designated as "Hannah G. Solomon Day" to commemorate the anniversary of the birth of Hannah Solomon, a founder and the inaugural president of the National Council for Jewish Women.

C.36:2-270 Annual observance.

2. The Legislature requests the Governor to annually issue a Proclamation calling upon public officials and the citizens of this State to observe "Hannah G. Solomon Day" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 19, 2016.

JOINT RESOLUTION NO. 15

A JOINT RESOLUTION designating May of each year as "Cystic Fibrosis Awareness Month" and amending P.L.2005, J.R.4.

WHEREAS, Cystic fibrosis, commonly referred to as "CF," is a genetic disease affecting approximately 30,000 children and adults in the United States and nearly 70,000 children and adults worldwide, 683 of whom live in this State; and

WHEREAS, A defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, and these secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

WHEREAS, More than 10 million Americans are symptomless carriers of the defective CF gene, and CF occurs in approximately one of every 3,500 live births in the United States; and

WHEREAS, The median age of survival for a person with CF is 41.1 years; and

WHEREAS, With advances in the treatment of CF, the number of adults with CF has steadily grown, and approximately 1,000 new cases of CF are diagnosed each year; and

WHEREAS, Nearly 50 percent of the CF population is 18 years of age and older, and people with CF have a variety of symptoms attributed to the more than 1,800 mutations of the CF gene; and

WHEREAS, Infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF; and

WHEREAS, Early diagnosis of CF permits early treatment and enhances quality of life and longevity, and the treatment of CF depends on the stage of the disease and the organs involved; and

WHEREAS, Clearing mucus from the lungs is an important part of the daily CF treatment regimen, and other types of treatments include inhaled antibiotics and pancreatic enzymes, among others; and

WHEREAS, There are eight world-class treatment centers in this State which specialize in the diagnosis of CF and the care of persons with CF; and

WHEREAS, A critical component of treating patients with CF includes access to innovative medicines, which can play a crucial role in the lives of patients with CF; and

WHEREAS, Improving the length and quality of life for people with CF starts with awareness; now, therefore;

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

1. Section 1 of P.L.2005, J.R.4 (C.36:2-85) is amended to read as follows:

C.36:2-85 "Cystic Fibrosis Awareness Month," May; designated.

1. The month of May of each year is designated as "Cystic Fibrosis Awareness Month" in the State of New Jersey to increase public awareness of cystic fibrosis as one of the most common fatal inherited diseases in the United States and the needs of persons who are coping with this disease.

2. This joint resolution shall take effect immediately.

Approved January 19, 2016.

JOINT RESOLUTION NO. 16

A JOINT RESOLUTION urging Congress to restore funding to the Vets4Warriors veteran suicide hotline.

WHEREAS, New Jersey is grateful for the many men and women who have made the sacrifices required of military service for their nation and this State; and

WHEREAS, In a report released in February 2013 by the Department of Veterans Affairs, a staggering 22 veterans take their own lives every day; and

WHEREAS, Vets4Warriors, a program operated by Rutgers University Behavioral Health Care in Piscataway, provides a 24-hour hotline in which veterans answer telephone calls from other veterans and servicemembers struggling with depression or other emotional or psychological issues; and

WHEREAS, Since December 2011, Vets4Warriors has had contact with 130,000 veterans or their family members; and

WHEREAS, Veterans with Vets4Warriors answer about 500 telephone calls daily, of which nearly 200 involve callers who are at risk for suicide; and

WHEREAS, The Department of Defense, without public notice, has recently decided to terminate funding for this New Jersey veterans' suicide prevention hotline effective this August 15, 2015; and

WHEREAS, Though the department intends to instead provide these services through its own Military OneSource, decreasing the options available to our servicemembers struggling with mental health concerns is irresponsible and a shirking of our responsibility to servicemembers and their families; and

WHEREAS, A bipartisan group of six New Jersey federal lawmakers wrote to Defense Secretary Ashton Carter, stating they could not understand the reason for the decision and asked for reconsideration thereof; and

WHEREAS, This State joins those lawmakers in requesting that the Department of Defense provide an explanation and analysis of its decision to suspend funding for the Vets4Warriors program and strongly urges the department to reconsider this decision or provide a public process to determine the effectiveness of the program prior to closure; now, therefore,

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

1. New Jersey urges Congress to restore funding to the Vets4Warriors veteran suicide hotline.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of State to the President of the United States, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the House of Representatives, and each member of Congress elected thereto from New Jersey.

3. This joint resolution shall take effect immediately.

Approved January 19, 2016.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 171

WHEREAS, Atlantic City has entered an historic period of opportunities and challenges, spurred by dramatic shifts in consumer spending, and driven by an unsustainable tax, revenue, and spending structure; and

WHEREAS, for decades, the casino gaming and tourism industries in Atlantic City have been vitally important to the local, regional, and State economies; and

WHEREAS, in recent years, casino gaming in Atlantic City has faced steadily increasing regional competition from casinos in neighboring states; and

WHEREAS, gaming revenues in Atlantic City have declined from a peak of approximately $5.2 billion in 2006 to approximately $2.5 billion in 2014; and

WHEREAS, Atlantic City's gaming revenues are anticipated to decline further as a result of regional competition and other factors; and

WHEREAS, economic factors, including the decline in gaming revenues, have caused the assessed value of property for taxation in Atlantic City to decline from $20.4 billion in 2010 to $11.3 billion in 2014; and

WHEREAS, further decline in assessed value of Atlantic City property is anticipated in 2015; and

WHEREAS, the decline in assessed values has caused Atlantic City to incur substantial liability for property tax refunds as a result of tax appeals; and

WHEREAS, four casinos in Atlantic City ceased operations in 2014 and others are delinquent in the payment of taxes to Atlantic City; and

WHEREAS, the closure and tax delinquency of Atlantic City casinos increases the financial burden on the remaining casinos, other businesses and interests, and threatens the long-term health of the casino gaming and tourism industries in Atlantic City; and

WHEREAS, Atlantic City has incurred $345 million of new bond debt since 2010 to cover tax appeals and municipal deficits, and debt service now comprises approximately 15 percent of Atlantic City's budget; and

WHEREAS, Atlantic City has upcoming pension payments of approximately $23 million in 2015 and $25 million in 2016 and is currently relying on unsustainable bond issuances in part to fund these pension payments; and

WHEREAS, Atlantic City's school system spends significantly more per pupil than comparable districts, and student test scores are significantly lower than comparable districts; and

WHEREAS, Atlantic City's school district graduates less than 68 percent of its students; and

WHEREAS, Atlantic City is in imminent danger of running out of cash and may be unable to satisfy payroll and other general financial obligations jeopardizing the ability to provide essential municipal services; and

WHEREAS, the financial condition of Atlantic City and the imminent cash crisis jeopardizes both the health, safety, and welfare of its residents and the economic well-being of the State and its people; and

WHEREAS, the Constitution of New Jersey, Article V, Section 1, Paragraphs 1 and 11 vest the executive power of the State in the Governor and directs that the Governor take care that the laws be faithfully executed; and

WHEREAS, Atlantic City is currently subject to the supervision of the Local Finance Board ("Board") under the Local Government Supervision Act, N.J.S.A. 52:27BB-54 et seq. (the "Supervision Act"), pursuant to the Board's resolution dated September 10, 2014; and

WHEREAS, the Board is authorized and empowered by the Supervision Act to supervise municipalities in need of financial rehabilitation and delegate its powers under the Supervision Act; and

WHEREAS, the Board and its appointees are authorized and empowered by the Supervision Act to analyze all factors and circumstances of a municipality subject to the supervision of the Board under the Supervision Act and to recommend and implement definite steps to correct the financial condition of the municipality; and

WHEREAS, by Executive Order 11, the Governor created the Governor's Advisory Commission on New Jersey Sports, Gaming, and Entertainment ("Commission"); and

WHEREAS, on November 12, 2014, the Commission submitted a report to the Governor finding that Atlantic City faces an economic and budgetary crisis and recommended that Atlantic City make immediate reforms to property taxation, pension payments, and municipal services in order to rectify its financial condition; and

WHEREAS, the Governor has accepted some of the recommendations of the Commission; and

WHEREAS, for the foregoing reasons, the welfare of the people of the State and Atlantic City requires a plan to be prepared and negotiated with all affected stakeholders to place the financial condition of Atlantic City on a viable long-term financial footing consistent with the present and foreseeable revenue and expenses based on all economic factors, including the conditions of casino gaming and tourism in Atlantic City and the region;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby ORDER and DIRECT:

1. There shall be appointed an Emergency Manager for Atlantic City in the Department of Community Affairs, Division of Local Government Services.

2. The Emergency Manager is hereby authorized and directed:

a. To analyze and assess the financial condition of Atlantic City;

b. To prepare and recommend, within 60 days of appointment, a plan to place the finances of Atlantic City in stable condition on a long-term basis by any and all lawful means, including the restructuring of municipal operations and the adjustment of the debts of Atlantic City pursuant to law; and

c. To negotiate with parties affected by the recommended plan for an adjustment of Atlantic City's debts and the restructuring of its municipal operations and, in his discretion, to recommend modifications of the plan as a result of such negotiations.

3. The Emergency Manager shall be authorized to consult, in his discretion, with all stakeholders, including the Mayor and Council of Atlantic City, the Atlantic County Executive and the governing body of Atlantic County, representatives of bondholders, judgment creditors, other creditors, collective bargaining representatives of municipal employees and organizations, and such other persons and parties as necessary to secure the long-term financial stability and viability of Atlantic City and its economy.

4. All state agencies and all officers, employees, agents, divisions, departments, bureaus, and authorities of the City of Atlantic City shall cooperate in the implementation of this Order, and shall make available to the Emergency Manager at his request all financial and other information, documents, and records of, or pertaining to, Atlantic City.

5. Pending receipt of recommendations from the Emergency Manager, I reserve the right to take such additional actions, invoke such emergency powers, and issue such emergency orders or directives as may be necessary to protect the health, safety, and welfare of the people of Atlantic City and the State, and to ensure the continued provision of essential services in Atlantic City.

6. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented.

Dated January 22, 2015.

EXECUTIVE ORDER NO. 172

WHEREAS, beginning on January 26, 2015, the State of New Jersey is expected to experience a severe winter storm with heavy snow accumulations, mixed precipitation, strong winds, and freezing temperatures throughout the State; and

WHEREAS, the National Weather Service has issued storm warnings for New Jersey, including a Blizzard Warning and a Winter Storm Warning; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, power outages, and potential 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, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions 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

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the response and recovery efforts from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App. A:9-33 et seq., through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, 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, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the provisions of N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any provision of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous, disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been 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 26, 2015.

EXECUTIVE ORDER NO. 173

WHEREAS, Ocean County Detective John Scott Stevens lived in Forked River, New Jersey and was a Seton Hall University graduate; and

WHEREAS, Detective Stevens was a certified public accountant who began his law enforcement career with the New Jersey Division of Criminal Justice; and

WHEREAS, Detective Stevens was a 15-year veteran of the Ocean County Prosecutor's Office who was currently assigned to the Special Operations Group where he was recently recognized for his work; and

WHEREAS, Detective Stevens served 20 years in law enforcement throughout his career; and

WHEREAS, Detective Stevens was forty-four years old, and a loving husband and father; and

WHEREAS, Detective Stevens passed away on January 21, 2015 following injuries suffered from an earlier automobile accident while on duty; and

WHEREAS, Detective Stevens' devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 30, 2015, in recognition of the life and in mourning of the passing of Detective John Scott Stevens.

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 Detective John Scott Stevens.

3. This Order shall take effect immediately.

Dated January 29, 2015.

EXECUTIVE ORDER NO. 174

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Super Storm Sandy ("Sandy") struck the State of New Jersey; and

WHEREAS, it is necessary to take action to minimize and mitigate additional hardships, loss, or suffering as the State continues rebuilding and recovering from Sandy; and

WHEREAS, our State continues to recover and rebuild, by, among other things, reopening businesses at the Jersey Shore as well as throughout the State; and

WHEREAS, N.J.S.A. 33:1-12 allows seasonal alcoholic beverage consumption licensees to sell alcoholic beverages for consumption during only a limited timeframe from May 1, until November 14, inclusive; and

WHEREAS, all seasonal alcoholic beverage consumption licensees are located along the New Jersey coast in Monmouth County; and

WHEREAS, in the wake of Sandy, due to evacuation, power outages, and the declared State of Emergency, all seasonal alcoholic beverage consumption licensees were adversely affected, as they were unable to remain open for business to the full extent allowed by N.J.S.A. 33:1-12, thereby resulting in the loss of significant business activity; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under 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, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and –51, I reserved the right to utilize and employ all available resources of the State government to protect against the emergency created by Sandy; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of my Executive Orders, or that will in any way interfere with or impede their achievement; and

WHEREAS, on February 28, 2013, I issued Executive Order No. 126, and on February 19, 2014, I issued Executive Order No. 151, each of which extended by two months the seasonal alcohol license for calendar years 2013 and 2014 respectively, thereby allowing those licensees, as well as the municipalities where they are located, to expeditiously recover from Sandy, recoup Sandy-related losses, and further the Jersey Shore's rebuilding efforts;

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. For calendar year 2015, the date on which seasonal alcoholic beverage consumption licensees shall be permitted to commence serving alcoholic beverages shall be advanced from May 1, 2015 to March 1, 2015 and shall end on November 14, 2015, inclusive.

2. 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 the provisions of this Executive Order, or that will or might in any way interfere with or impede its achievement.

3. This Order shall take effect immediately.

Dated February 25, 2015.

EXECUTIVE ORDER NO. 175

WHEREAS, beginning on March 4, 2015, the State of New Jersey is expected to experience a winter storm with heavy snow, mixed precipitation including ice, and freezing temperatures throughout the State; and

WHEREAS, the National Weather Service has issued storm warnings for New Jersey, including a Winter Storm Warning and a Winter Storm Watch; and

WHEREAS, this winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding; 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, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions 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

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the response and recovery efforts from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App. A:9-33 et seq., through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, 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, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public

health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the provisions of N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any provision of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous, disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been 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 March 4, 2015.

EXECUTIVE ORDER NO. 176

WHEREAS, United States Marine Captain Stanford H. Shaw III was a native of Basking Ridge, New Jersey; and

WHEREAS, Captain Shaw attended Ridge High School where he served as student government president and captain of the lacrosse team; and

WHEREAS, Captain Shaw graduated from the United States Naval Academy in 2006 and accepted a commission as a Marine officer; and

WHEREAS, Captain Shaw was a dedicated and decorated Marine and the recipient of the Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, Navy Unit Commendation, Navy Meritorious Unit Com-

mendation, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, and the Sea Service Deployment ribbon with two stars; and

WHEREAS, Captain Shaw was currently assigned to United States Marine Corps Forces, Special Operations Command, Camp Lejeune, North Carolina; and

WHEREAS, Captain Shaw tragically lost his life during a training exercise off the coast of Florida; and

WHEREAS, Captain Shaw's patriotism and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, March 23, 2015, in recognition and mourning of a brave and loyal American hero, United States Marine Captain Stanford H. Shaw III.

2. This Order shall take effect immediately.

Dated March 19, 2015.

EXECUTIVE ORDER NO. 177

WHEREAS, Manchester Township Police Officer Scott R. Thompson was born in Ridgewood, New Jersey, and lived in Beachwood, New Jersey; and

WHEREAS, Officer Thompson began his career as a Special Officer in Seaside Park, and later graduated from the Ocean County Police Academy; and

WHEREAS, Officer Thompson also served the communities of South Toms River and Lakehurst, and had been a member of the Manchester Township Police since 1999; and

WHEREAS, Officer Thompson received several awards and commendations including a 2014 Meritorious Service Award; and

WHEREAS, Officer Thompson had been slated for promotion prior to his passing and will be posthumously promoted to the rank of Corporal; and

WHEREAS, Officer Thompson was forty-seven years old, and a loving and devoted husband and father; and

WHEREAS, Officer Thompson tragically died after collapsing at the Manchester Township Police Headquarters; and

WHEREAS, Officer Thompson's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, April 17, 2015, in recognition of the life and in mourning of the passing of Officer Scott Thompson.

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 Officer Scott Thompson.

3. This Order shall take effect immediately.

Dated April 16, 2015.

EXECUTIVE ORDER NO. 178

WHEREAS, protecting the citizens and public and private institutions within the State of New Jersey from the threat of cybersecurity attacks is a priority of this Administration; and

WHEREAS, numerous personal, commercial, and governmental transactions within and through the State of New Jersey are accomplished using electronic means on a daily basis; and

WHEREAS, cybersecurity attacks, including data breaches, corporate theft, and sabotage perpetrated by state and non-state actors throughout the world present unique threats to New Jersey's citizens, governments, businesses, and critical infrastructure; and

WHEREAS, statewide coordination is required to effectively ensure cybersecurity and preparedness; and

WHEREAS, New Jersey's public and private sectors share a mutual interest in the maintenance of a secure cyberspace; and

WHEREAS, creating a New Jersey Cybersecurity and Communications Integration Cell as an Information Sharing and Analysis Organization authorized to coordinate cybersecurity information sharing and analysis across all levels of gov-

ernment, agencies, authorities, and the private sector pursuant to 6 U.S.C. § 133 et seq. will allow for collaboration on issues involving cybersecurity; and

WHEREAS, formally establishing a New Jersey Cybersecurity and Communications Integration Cell as the first Information Sharing and Analysis Organization of its kind will greatly enhance the safety, security, and preparedness of the State of New Jersey;

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 New Jersey Cybersecurity and Communications Integration Cell ("NJCCIC") is established as the central State civilian interface for coordinating cybersecurity information sharing, performing cybersecurity threat analysis, and promoting shared and real-time situational awareness between and among the public and private sectors.

2. The NJCCIC shall coordinate information sharing related to cybersecurity risks, warnings, and incidents, and may provide support regarding cybersecurity incident response as well as cyber crime investigations.

3. The NJCCIC shall provide information and recommend best practices concerning cybersecurity and resilience measures to public and private entities, including information security and data protection measures.

4. The NJCCIC shall serve as an Information Sharing and Analysis Organization pursuant to 6 U.S.C. § 133 et seq. and may liaise with the National Cybersecurity and Communications Integration Center within the United States Department of Homeland Security, other federal agencies, and other public and private sector entities on issues relating to cybersecurity.

5. The NJCCIC shall be composed of appropriate representatives of State entities, including the Office of Homeland Security and Preparedness, Office of the Attorney General, Division of State Police, and Office of Information Technology, as well as local, county, and federal partners and private sector entities as deemed appropriate by the Director of the New Jersey Office of Homeland Security and Preparedness.

6. The NJCCIC shall be authorized to draw upon the assistance of any department, office, division, or agency of this State to supply it with expertise and assistance, including information and personnel, to carry out the NJCCIC mission.

7. The NJCCIC shall be authorized to draw on the assistance of any county or municipal governmental agency, or any independent state authority, for the purposes of carrying out its duties and responsibilities.

8. The NJCCIC shall identify and may participate in appropriate federal, multi-state, or private sector programs and efforts that support or complement its cybersecurity mission.

9. The NJCCIC shall be authorized to receive relevant cybersecurity threat information from appropriate sources, including public utilities and private industry.

10. The NJCCIC shall be part of the Office of Homeland Security and Preparedness.

11. The NJCCIC shall be primarily located at the Regional Operations Intelligence Center, which is operated by the Division of State Police.

12. This Order shall take effect immediately.

Dated May 20, 2015.

EXECUTIVE ORDER NO. 179

WHEREAS, Anthony Raspa, joined the New Jersey State Police as a graduate of the 152nd Class of the New Jersey State Police Academy on October 4, 2013, and was a member of Troop "C" stationed in Hamilton; and

WHEREAS, Trooper Raspa lived in Highland Park, New Jersey, graduated from Bishop George Ahr High School in 2008, then graduated from the University of Delaware in 2012; and

WHEREAS, Trooper Raspa served with exceptional courage, professionalism, and commitment to the finest ideals and traditions of the New Jersey State Police; and

WHEREAS, Trooper Raspa served proudly as part of the finest State Police force in the Nation; and

WHEREAS, Trooper Raspa was a loving son, brother, grandson, and cousin, whose memory lives in the hearts of his family, friends, fellow members of the New Jersey State Police, and all law enforcement officers; and

WHEREAS, Trooper Raspa has made the ultimate sacrifice, giving his life in the line of duty while protecting the citizens of the State of New Jersey and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory; and

WHEREAS, it is with deep sadness that we mourn the loss of Trooper Raspa, and extend our sincere sympathy to his family, friends, and fellow members of the New Jersey State Police;

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, June 4, 2015 in recognition and mourning of a brave and loyal hero, New Jersey State Trooper Anthony Raspa, Badge 7425.

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 Anthony Raspa.

3. This Order shall take effect immediately.

Dated June 1, 2015.

EXECUTIVE ORDER NO. 180

WHEREAS, the responsible use of firearms has been a part of our Nation's fabric since before the founding; and

WHEREAS, the Second Amendment to the United States Constitution codifies the pre-existing individual right to possess and carry firearms including for the purpose of self-protection against confrontation, declaring that it shall not be infringed; and

WHEREAS, the Supreme Court of the United States has recognized that an individual right to bear arms for defensive purposes is a core and fundamental guarantee; and

WHEREAS, the lawful exercise of a fundamental constitutional right may not be unduly burdened by State or local regulations, or government agencies implementing such provisions; and

WHEREAS, New Jersey's laws and regulations impose significant restrictions on an individual's ability to purchase, transport, carry, and use firearms within the State; and

WHEREAS, on June 3, 2015, a New Jersey resident was tragically killed in a horrific act of violence perpetrated at her home; and

WHEREAS, this victim previously sought and received the protection of a Domestic Violence Restraining Order and subsequently submitted an application for a permit to purchase a handgun, which application remained pending beyond the applicable thirty-day statutory deadline at the time of her killing; and

WHEREAS, any needless or unreasonable delay in processing permit applications hinders the lawful and responsible exercise of a constitutional right and the ability of individuals to bear arms for protection and self-defense; and

WHEREAS, we must ensure that the laws and regulations surrounding the responsible use of firearms and handguns reflect the appropriate level of government regulation of this fundamental, individual right to self-protection; and

WHEREAS, a review of state laws and regulations as well as the procedures employed by state and local law enforcement agencies may identify appropriate modifications to remove unnecessary restrictions that interfere with the exercise of rights under the Second Amendment while maintaining public safety;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a "New Jersey Firearm Purchase and Permitting Study Commission" (hereinafter the "Study Commission").

2. The Study Commission shall consist of three (3) members appointed by the Governor who shall serve at his pleasure. The Governor may select a chairperson from among the members of the Study Commission. The Study Commission shall consist of members with expertise in criminal law. All members of the Study Commission shall serve without compensation. The Study Commission shall organize as soon as practicable after the appointment of its members.

3. The Study Commission is charged with conducting a review of New Jersey laws, regulations, and procedures pertaining to the ownership and possession of firearms.

4. The Governor's Office shall provide staff support to the Study Commission. The Study Commission 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 the Study Commission deems necessary to discharge its 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 Study Commission within the limits of its statutory authority and to furnish the Study Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Study Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The Study Commission may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Study Commission's recommendations pursuant to this Order no later than 90 days after organizing. The Study Commission shall expire upon issuance of its final report.

6. This Order shall take effect immediately.

Dated June 29, 2015.

EXECUTIVE ORDER NO. 181

WHEREAS, five United States servicemen were shot and killed in an attack on two military facilities in Chattanooga, Tennessee on Thursday, July 16, 2015; and

WHEREAS, this deliberate and intentional act of violence against our armed forces took the lives of five brave American heroes; and

WHEREAS, United States Marines Gunnery Sergeant Thomas Sullivan, Staff Sergeant David A. Wyatt, Sergeant Carson A. Holmquist, and Lance Corporal Squire K. Wells and United States Navy Petty Officer 2nd Class Randall Smith all served with honor and made the ultimate sacrifice for our Nation; and

WHEREAS, it is with profound sadness that we mourn the devastating loss of the victims of this American tragedy and pause to offer our deepest sympathies to their families 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 Wednesday, July 22, 2015, in recognition of the lives and in mourning of the passing of Gunnery Sergeant Thomas Sullivan, Staff Sergeant David A. Wyatt, Sergeant Carson A. Holmquist, Lance Corporal Squire K. Wells, and Petty Officer 2nd Class Randall Smith.

2. This Order shall take effect immediately.

Dated July 21, 2015.

EXECUTIVE ORDER NO. 182

WHEREAS, Emergency Medical Technician ("EMT") Hinal Patel of Piscataway, New Jersey, attended Piscataway High School and graduated from Rutgers University; and

WHEREAS, EMT Patel completed her EMT training in 2012 and served her community by providing emergency medical services on behalf of the Spotswood Emergency Medical Service and the North Stelton Volunteer Fire Company; and

WHEREAS, on July 25, 2015, EMT Patel tragically passed away in the line of duty following a motor vehicle accident while responding to an emergency situation; and

WHEREAS, EMT Patel's compassion for others and commitment to her community through providing care to those in need makes her a hero and a true role model for all New Jerseyans; and

WHEREAS, it is with deep sadness that we mourn the loss of EMT Hinal Patel, and extend our sincere sympathy to her family, friends, and fellow first responders; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to remember EMT Hinal Patel, to mark her 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 Friday, July 31, 2015 in recognition and mourning of EMT Hinal Patel.

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 EMT Hinal Patel.

3. This Order shall take effect immediately.

Dated July 30, 2015.

EXECUTIVE ORDER NO. 183

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C., and Pennsylvania; and

WHEREAS, more than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and

WHEREAS, fourteen years later, hundreds of New Jersey families must still cope with the devastating loss of a parent, spouse, child, or other loved one; and

WHEREAS, this tragic event will be remembered by all New Jerseyans as we continue to display today the patriotism that defines us as New Jerseyans and as Americans; and

WHEREAS, we remain grateful to our law enforcement communities and our Armed Forces for their invaluable sacrifices to protect us at home and abroad since the terrorist attacks; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities and all public buildings during appropriate hours on Friday, September 11, 2015 in recognition and mourning of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 9, 2015.

EXECUTIVE ORDER NO. 184

WHEREAS, the eighth World Meeting of Families and concurrent Papal Visit will take place in Philadelphia, Pennsylvania from September 21-27, 2015; and

WHEREAS, the World Meeting of Families is the world's largest Catholic gathering of families, and draws participants from around the globe; and

WHEREAS, the World Meeting of Families event includes a papal visit by Pope Francis on September 26 and 27, 2015; and

WHEREAS, on Sunday, September 27, 2015, Pope Francis will celebrate mass for the conclusion of the World Meeting of Families on the Benjamin Franklin Parkway in Philadelphia; and

WHEREAS, more than 2 million people are expected to attend this event, with tens of thousands of visitors traveling through the southwest region of New Jersey to access Philadelphia; and

WHEREAS, this event is likely to cause gridlock on roadways within a 50-mile radius around Philadelphia, with as many as 250,000 additional vehicles on the roadways, which equates to hundreds of lane miles of heavy traffic; and

WHEREAS, the World Meeting of Families and Papal Visit will draw enormous crowds, attract thousands of buses traveling through New Jersey into Philadelphia, and tens of thousands of people walking across the Benjamin Franklin Bridge into Philadelphia; and

WHEREAS, this event is likely to be too large in scope to be handled by the normal State, County and municipal operating services, and may affect other parts of the State; and

WHEREAS, to coordinate, manage, and respond to this event, it may be necessary to employ the resources of State, County and municipal governments; and

WHEREAS, managing this event requires the coordinated deployment of personnel and other resources to ensure the health, safety and welfare of the citizens of New Jersey; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly 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 all the people in the State of New Jersey do declare and proclaim that a State of Emergency exists across New Jersey for the purpose of managing this event and coordinating mutual aid through

the Emergency Management Assistance Compact (EMAC), and do hereby ORDER and DIRECT:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of the State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to respond to this event, including but not limited to consideration and response to EMAC or appropriate mutual aid requests, if any, and to direct the activation of county and municipal emergency operations plans as necessary to identify resources that are available for response as authorized by and coordinated through the State Director of Emergency Management.

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 and further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

4. In accordance with N.J.S.A. App. A:9-34, 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, to provide a full and prompt utilization of resources to effectively manage this event.

5. 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.

6. 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.

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, 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 affected municipality within this State, nor to any affected 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.

9. All persons participating in a response authorized by the State Director of Emergency Management to an EMAC request shall be considered State emergency forces for the purposes of EMAC.

10. This Order shall take effect immediately and shall remain in effect until Tuesday, September 29, 2015 at 8:00 a.m., unless extended by me.

Dated September 18, 2015.

EXECUTIVE ORDER NO. 185

WHEREAS, Lawrence Peter "Yogi" Berra was a World War II veteran, Major League baseball player, coach, philosopher, and longtime resident of Montclair, New Jersey; and

WHEREAS, in 1943, Yogi Berra traded his minor league baseball uniform for a Navy uniform and bravely defended our country during the D-Day invasion at Normandy, providing cover fire for our troops landing at Omaha Beach; and

WHEREAS, Yogi Berra is a true icon of our Nation's pastime and one of the profession's greatest players; and

WHEREAS, Yogi Berra made his Major League Baseball debut for the New York Yankees in 1946, and won ten World Series Championships while playing for the Yankees; and

WHERERAS, throughout his distinguished career, Yogi Berra appeared in 15 All-Star Games and won three American League Most Valuable Player awards; and

WHEREAS, Yogi Berra was inducted into the National Baseball Hall of Fame in 1972 and will forever be immortalized by baseball fans for this distinction; and

WHEREAS, Yogi Berra's greatness on the baseball field is only matched by his wit, charm, humor, and his many "Yogi-isms" that have endeared him to generations of baseball fans and all Americans alike; and

WHEREAS, Yogi Berra earned an honorary doctorate from Montclair State University, which is also the site of the Yogi Berra Museum and Learning Center, as well as Yogi Berra Stadium; and

WHEREAS, Yogi Berra continues to inspire younger generations of fans today through his timeless warmth and youth sportsmanship programs; and

WHEREAS, Yogi Berra passed away in New Jersey on September 22, 2015, on the sixty-ninth anniversary of his Major League debut with the New York Yankees; and

WHEREAS, it is with profound sadness that we mourn the loss of Yogi Berra, a cherished national treasure and baseball legend, and extend our sincere sympathy to his family, friends, and fans; and

WHEREAS, it is appropriate to recognize the achievements and contributions, to honor the memory, and to mark the passing of Yogi Berra;

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 Tuesday, September 29, 2015, in recognition of the life and in mourning of the passing of Yogi Berra.

2. This Order shall take effect immediately.

Dated September 25, 2015.

EXECUTIVE ORDER NO. 186

WHEREAS, the National Weather Service is forecasting a dangerous nor'easter weather pattern impacting New Jersey beginning on October 1, 2015, including high winds, very heavy rain, inland river flooding, as well as major coastal flooding with heavy surf and beach erosion; and

WHEREAS, the National Hurricane Center currently has forecasted the track for the impending weather event Joaquin, now a major hurricane, showing it moving northward off the mid-Atlantic coast late on or about October 4, 2015, which may cause significant flooding, dangerous storm surges between eight and ten feet, substantial wind damage, and stream and river flooding threatening homes and other structures, and endangering lives in the State; and

WHEREAS, these impending weather conditions may cause power outages, impede transportation and the flow of traffic in New Jersey, and thereby 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 or 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., 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 di-

rected 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 October 1, 2015.

EXECUTIVE ORDER NO. 187

WHEREAS, on October 1, 2015, senseless and devastating acts of violence were committed at Umpqua Community College in Roseburg, Oregon; and

WHEREAS, these horrific and deliberate acts victimized numerous persons, their families, friends, and loved ones; and

WHEREAS, these acts tragically took the lives of nine innocent people, specifically, Lucero Alcaraz, Treven Taylor Anspach, Rebecka Ann Carnes, Quinn Glen Cooper, Kim Saltmarsh Dietz, Lucas Eibel, Jason Dale Johnson, Lawrence Levine, and Sarena Dawn Moore, and caused several others to suffer serious injuries; and

WHEREAS, it is with profound sadness that we mourn the devastating loss of the victims of this needless violence, 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 Tuesday, October 6, 2015, in recognition of the lives and in mourning of the passing of the victims of the shootings at Umpqua Community College in Roseburg, Oregon.

2. This Order shall take effect immediately.

Dated October 5, 2015.

EXECUTIVE ORDER NO. 188

WHEREAS, United States Army Specialist Kevin Joniel Rodriguez was a resident of Paterson, New Jersey; and

WHEREAS, Specialist Rodriguez enlisted in the Army on October 8, 2013; and

WHEREAS, Specialist Rodriguez served honorably as an infantryman with the 101st Airborne Division, Company A, 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team; and

WHEREAS, Specialist Rodriguez was a dedicated and decorated soldier and the recipient of the Army Commendation Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Afghanistan Campaign Medal with two campaign stars, Army Service Ribbon, Overseas Service Ribbon, NATO Medal, Combat Infantryman Badge, and Expert Marksmanship Badge; and

WHEREAS, Specialist Rodriguez was a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Rodriguez tragically lost his life as the result of a training accident at Fort Campbell; and

WHEREAS, Specialist Rodriguez' heroism, dedication, and commitment to service and country make it appropriate and fitting for the State of New Jersey to remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 21, 2015, in recognition and mourning of a brave and loyal American hero, United States Army Specialist Kevin Joniel Rodriguez.

2. This Order shall take effect immediately.

Dated October 19, 2015.

EXECUTIVE ORDER NO. 189

WHEREAS, Firefighter Gerald "Bear" Celecki was raised in Perth Amboy, New Jersey, and lived in South Amboy, New Jersey, serving for more than fifty years in the fire departments of both cities; and

WHEREAS, Gerald Celecki was a Chief of the Middlesex County Fire Police; and

WHEREAS, Gerald Celecki was a longtime member of the South Amboy Fire Department, Progressive Fire Company; and

WHEREAS, Gerald Celecki was a member of the Perth Amboy Volunteer Fire Department; and

WHEREAS, Gerald Celecki was a member of the New Jersey State Exempt Firemen's Association; and

WHEREAS, Gerald Celecki was a member of the Antique Fire Apparatus Association of Central New Jersey; and

WHEREAS, Gerald Celecki, a loving and devoted husband and brother, tragically lost his life while on the scene during an emergency response; and

WHEREAS, Gerald Celecki's dedication, determination, and selfless devotion to public service and the protection of others are worthy of recognition by all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his many friends and his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, October 22, 2015, in recognition of the life and in mourning of the passing of Firefighter Gerald "Bear" Celecki.

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 Firefighter Gerald "Bear" Celecki.

3. This Order shall take effect immediately.

Dated October 20, 2015.

EXECUTIVE ORDER NO. 190

WHEREAS, New Jersey's law enforcement officers demonstrate remarkable courage and commitment by protecting the lives and property of the citizens of our State; and

WHEREAS, law enforcement officers regularly place their own personal safety at risk in order to keep our streets safe from crime and violence; and

WHEREAS, law enforcement officers display extraordinary professionalism and respect for the communities they serve; and

WHEREAS, in the course of their duties, many law enforcement officers have been tragically killed or seriously injured; and

WHEREAS, at a time when some have unfairly criticized law enforcement, it is especially important to recognize the tremendous efforts and sacrifice made by law enforcement officers within our municipalities, counties and State, and express our heartfelt gratitude to each of them; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize law enforcement officers in this State and around the country, especially those who have made the ultimate sacrifice on our behalf;

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. That Thursday, November 5, 2015 shall be recognized as Law Enforcement Appreciation Day in New Jersey, and accordingly, all citizens of this State, and all other private and public agencies and organizations are called upon to celebrate this day by appropriate observance.

2. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 5, 2015, in recognition of Law Enforcement Appreciation Day, and in honor of all law enforcement officers killed in the line of duty.

3. This Order shall take effect immediately.

Dated November 2, 2015.

EXECUTIVE ORDER NO. 191

WHEREAS, the Passaic Valley Sewerage Commission ("PVSC") provides wastewater treatment and removal services within the Passaic Valley Sewerage District, and serves approximately 1.4 million people; and

WHEREAS, in January 2011, six members of PVSC's Board of Commissioners were suspended from their positions, and ultimately resigned, following the emergence of facts and allegations regarding unethical conduct during the prior decade; and

WHEREAS, these suspensions and resignations resulted in the Board's inability to constitute a quorum, thereby jeopardizing PVSC's ability to operate its sewerage treatment plant and associated facilities, as well as other essential activities related to these operations; and

WHEREAS, in accordance with my responsibility to protect the health, safety, and welfare of the people of this State, I determined that it was necessary to take action to ensure the continued operation of PVSC's facilities notwithstanding the loss of six commissioners; and

WHEREAS, on January 25, 2011, in accordance with the Constitution and Statutes of the State of New Jersey, including but not limited to the provisions of N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, I signed Executive Order No. 55, which, among other things, declared a State of Emergency within the Passaic Valley Sewerage District and vested authority in

PVSC's Executive Director to take steps to ensure the continuity of PVSC's operations; and

WHEREAS, Executive Order No. 55 further provided that it was to remain in full force and effect until rescinded, modified, or supplemented in response to the ongoing State of Emergency; and

WHEREAS, on August 18, 2014, June 25, 2015, and August 13, 2015, the Senate confirmed the nominations of new commissioners to the PVSC Board; and

WHEREAS, as a result of the aforesaid Senate confirmations, the PVSC Board of Commissioners is now able to constitute a quorum to conduct business;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 55 (2011) is hereby rescinded.
2. This Order shall take effect immediately.

Dated November 9, 2015.

EXECUTIVE ORDER NO. 192

WHEREAS, the men and women who live and work in our military installations are an indispensable part of our State and our Nation, defending our country through active-duty service, service in the National Guard, service in critical reserve functions, and service in essential civilian roles; and

WHEREAS, New Jersey's military installations are essential components of our State's integrated economy and social fabric, contributing economic and societal benefits to communities all across the State; and

WHEREAS, New Jersey's military installations contribute billions of dollars directly and indirectly to our State's economy; and

WHEREAS, ensuring the stability and growth of all New Jersey military installations is essential to preserving and enhancing the quality of life for the tens of thousands of military and civilian employees who keep our State and our Nation secure and prosperous; and

WHEREAS, on June 13, 2013, Governor Christie signed Executive Order No. 134 (2013) establishing the New Jersey Military Installation Growth and Development Task Force ("Task Force") for the purpose of taking the steps necessary and appropriate for the development of recommendations relating to additional military missions that will preserve, enhance, and strengthen the State's military installations; and

WHEREAS, on April 4, 2014, Governor Christie signed Executive Order No. 154 (2014) amending Paragraph 2 of Executive Order No. 134 (2013) in order to

expand the membership of the Task Force by one member and name the Lieutenant Governor as chair; and

WHEREAS, in view of our fiscally austere times, federal officials are examining methods to potentially reduce military spending and the size of our nation's armed forces; and

WHEREAS, it is in New Jersey's best interests to undertake every effort to ensure that all New Jersey military installations remain a vibrant part of our State and their communities, and are positioned to grow and prosper; and

WHEREAS, to best preserve our State's critically important military installations and ensure their stability and growth, State policymakers must make every effort to attract new missions and economic development on and near those installations; and

WHEREAS, it is important to demonstrate New Jersey's commitment to preserving and strengthening our military installations by continuing the important work of the Task Force;

WHEREAS, the Task Force's June 2015 report made various recommendations that would help preserve our military bases and broaden the relationships those bases maintain with businesses small and large;

NOW, THEREFORE, I, KIMBERLY M. GUADAGNO, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 6 of Executive Order No. 134 (2013) is amended to provide that the Task Force shall not expire upon the issuance of its final report, but rather shall continue in existence until December 31, 2017, or the end of the Administration's current term, in order to continue to support the implementation of its recommendations and to engage in any other related matters that are referred to the Task Force by me or that meet with my approval.

2. A Military and Defense Economic Ombudsman shall be appointed by the Governor, and serve at the Governor's pleasure, to evaluate and carry out the recommendations for coordinating and improving the economic environment for New Jersey's military installations and defense industry discussed in the Task Force's June 2015 report. The Ombudsman shall serve without compensation.

3. This Order shall take effect immediately.

Dated November 10, 2015.

EXECUTIVE ORDER NO. 193

WHEREAS, on November 13, 2015, horrific acts of terrorism were committed at multiple locations in Paris, France; and

WHEREAS, the evil perpetrators of these atrocities callously took the lives of well over one hundred innocent people, and injured hundreds of others; and

WHEREAS, among those killed was Nohemi Gonzalez, a 23 year-old American college student from California; and

WHEREAS, these coordinated acts of terrorism, like the attacks of September 11, 2001, represent an assault on civilized people throughout the world, and must be condemned in the strongest possible terms; and

WHEREAS, it is imperative that leaders in the United States, France, and other countries around the globe take decisive action to deliver justice to those responsible for these attacks, and to ensure the safety of innocent people in the future; and

WHEREAS, it is with profound sadness that we mourn the loss of Nohemi Gonzalez and all the victims of the terrorist attacks in Paris, France, and we 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 Tuesday, November 17, 2015, in recognition of the lives and in mourning of the passing of the victims of the terrorist attacks in Paris, France.

2. This Order shall take effect immediately.

Dated November 16, 2015.

EXECUTIVE ORDER NO. 194

WHEREAS, on November 20, 2015, terrorists attacked a hotel in Bamako, Mali, killing at least 19 people; and

WHEREAS, among those murdered was a 41-year-old American, Anita Datar, who grew up in New Jersey and graduated from Mount Olive High School in Flanders in 1991, and from Rutgers University in 1995; and

WHEREAS, Anita Datar dedicated her life to helping others by delivering health services to people in some of the poorest parts of the world, exemplified by her work in the Peace Corps and her distinguished career in international development; and

WHEREAS, Anita Datar is a true hero and role model of the highest order, who bravely immersed herself in dangerous environments, and whose life's work is

a testament to her tremendous courage, remarkable compassion, and unwavering commitment to improving the lives of those most in need; and

WHEREAS, it is with deep sadness that we mourn the loss of Anita Datar and all the victims of the terrorist attack in Bamako, Mali, and we pause to offer our sincerest 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 Tuesday, November 24, 2015, in recognition of the lives and in mourning of the passing of Anita Datar and the other victims of the terrorist attacks in Bamako, Mali.

2. This Order shall take effect immediately.

Dated November 23, 2015.

EXECUTIVE ORDER NO. 195

WHEREAS, United States Army Private Christopher J. Castaneda had been a resident of Hammonton, New Jersey, and graduated from Hammonton High School in 2014; and

WHEREAS, on January 27, 2015, Private Castaneda enlisted in the United States Army, and was subsequently deployed to Iraq in August of this year; and

WHEREAS, Private Castaneda served honorably in the United States Army as an infantryman in C Troop, 3rd Squadron, 71st Cavalry Regiment, 1st Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Private Castaneda tragically lost his life on November 19, 2015, as a result of a non-combat-related incident while deployed in Iraq; and

WHEREAS, Private Castaneda was a loving son and grandson, who will be deeply missed by his family, friends, and fellow soldiers; and

WHEREAS, Private Castaneda was a brave and dedicated soldier, whose awards include the Army Achievement Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Overseas Service Ribbon, and the Army Service Ribbon; and

WHEREAS, Private Castaneda's heroism and commitment to service and country make it appropriate and fitting for the State of New Jersey to remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 4, 2015, in recognition and mourning of a courageous and loyal American soldier, United States Army Private Christopher J. Castaneda.
2. This Order shall take effect immediately.

Dated December 2, 2015.

EXECUTIVE ORDER NO. 196

WHEREAS, on December 2, 2015, terrorists attacked a center for people with disabilities in San Bernardino, California, killing at least 14 people, and injuring many others; and

WHEREAS, this coordinated attack constitutes the deadliest act of terrorism committed on American soil since September 11, 2001; and

WHEREAS, it is with profound sadness that we mourn the loss of those killed in this attack, namely Robert Adams, Isaac Amanios, Bennetta Betbadal, Harry Bowman, Sierra Clayborn, Juan Espinoza, Aurora Godoy, Shannon Johnson, Daniel Kaufman, Damian Meins, Tin Nguyen, Nicholas Thalasinos, Yvette Velasco, and Michael Wetzel, and we 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 Tuesday, December 8, 2015, in recognition of the lives and in mourning of the victims of the terrorist attack in San Bernardino, California.
2. This Order shall take effect immediately.

Dated December 7, 2015.

EXECUTIVE ORDER NO. 197

WHEREAS, on February 3, 2010, I signed Executive Order No. 11 (2010) establishing a New Jersey Gaming, Sports, and Entertainment Advisory Commission, hereinafter referred to as the Commission, to develop recommendations to implement a comprehensive, statewide approach concerning the needs of the State's gaming, professional sports, and entertainment industries; and

WHEREAS, on July 21, 2010, after receiving the Commission's final report, I signed Executive Order No. 34 (2010) extending the Commission's existence until June 30, 2011, to support the implementation of the Commission's recommendations that I had accepted; and

WHEREAS, on June 30, 2011, I signed Executive Order No. 69 (2011) extending the Commission's existence until June 30, 2012, to utilize the Commission's expertise in continuing to execute its recommendations; and

WHEREAS, on June 29, 2012, I signed Executive Order No. 97 (2012) again extending the Commission's existence until June 30, 2013, to, among other things, assist with the repositioning of the New Jersey Sports and Exposition Authority within the Department of State; and

WHEREAS, on June 30, 2013, I signed Executive Order No. 136 (2013) again extending the Commission's existence until December 31, 2013, to continue the Commission's critical mission and to support the essential role that gaming, sports, and entertainment play in this State; and

WHEREAS, on December 30, 2013, I signed Executive Order No. 145 (2013) again extending the Commission's existence until December 31, 2014, to continue the Commission's important role in enhancing our State's gaming, sports, and entertainment industries; and

WHEREAS, on December 8, 2014, I signed Executive Order No. 168 (2014) again extending the Commission's existence until December 31, 2015, in order to continue to support the implementation of its recommendations and to engage in other related matters; and

WHEREAS, New Jersey's gaming, sports, and entertainment industries continue to be vitally important to the health of the State's economy and to enhancing the quality of life of our citizens; and

WHEREAS, New Jersey's tourism industry is equally important to the State's economy and faces many of the same challenges confronting the gaming, sports, and entertainment industries; and

WHEREAS, on November 12, 2014, the Commission submitted a report to the Governor finding that Atlantic City faces an economic and budgetary crisis and recommended that Atlantic City make immediate reforms to property taxation, pension payments, and municipal services in order to rectify its financial condition; and

WHEREAS, it is therefore appropriate to extend the Commission's existence for an additional period to continue its invaluable contributions to the State's gaming, sports, and entertainment industries, and to work towards the implementa-

tion of its most recent recommendations concerning Atlantic City's economic and budgetary crisis;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Orders Nos. 34, 69, 97, 136, 145, and 168 are hereby superseded and Paragraph 6 of Executive Order No. 11 (2010) is amended to provide that the Commission shall not expire upon the issuance of its final report, but rather shall continue in existence until December 31, 2016, or such other date as I shall establish, in order to continue to support the implementation of its recommendations and to engage in any other related matters that are referred to the Commission by me or that meet with my approval.

2. This Order shall take effect immediately.

Dated December 18, 2015.

EXECUTIVE ORDER NO. 198

WHEREAS, Executive Order No. 3 (2010) created a Red Tape Review Group ("Review Group") to undertake a review of certain rules, regulations, and processes that impacted New Jersey's economy in order to assess their effects on New Jersey's economy and to determine whether their burdens on business and workers outweigh their intended benefits; and

WHEREAS, the Review Group recommended a series of executive policy changes and legislative proposals designed to achieve a better balance between appropriate regulation and nurturing free enterprise; and

WHEREAS, in furtherance of my continued commitment to improving the regulatory environment in New Jersey, Executive Order No. 41 (2010) continued the efforts of the Review Group by establishing a bi-partisan Red Tape Review Commission ("Review Commission") to provide on-going dialogue between the Governor's Office and members of the business community and the public on rules, regulations, legislation, Executive Orders, and other administrative processes that could act as impediments to economic growth, job creation, and investment in New Jersey; and

WHEREAS, in performing its work, the Review Commission has solicited public input from regulated entities, business associations, businesses and non-profits, and private citizens that have informed the Administration's recognition that the elimination of unworkable, overly-proscriptive, costly, and ill-advised rules and regulations can improve New Jersey's regulatory process and promote job creation, job retention, economic growth, and investment in New Jersey; and

WHEREAS, the recommendations of the Review Group and Review Commission have led to a myriad of regulatory and legislative changes that have improved New Jersey's business and regulatory environment; and

WHEREAS, Executive Order No. 41 was extended pursuant to Executive Order No. 155 (2014) until December 31, 2015; and

WHEREAS, in view of the Review Commission's positive contributions to New Jersey's regulatory environment, it is therefore appropriate for the Review Commission to continue its work for an additional period so it may further contribute to improving administrative processes and facilitating economic development;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 155 is hereby superseded and Paragraph 11 of Executive Order No. 41 is amended to provide that the Review Commission shall continue in existence until December 31, 2017.

2. This Order shall take effect immediately.

Dated December 18, 2015.

EXECUTIVE ORDER NO. 199

WHEREAS, New Jersey State Trooper Eli McCarson was born in Washington Township, New Jersey, and lived in Blackwood, New Jersey; and

WHEREAS, Trooper McCarson joined the New Jersey State Police as a graduate of the 155th Class of the New Jersey State Police Academy on February 20, 2015; and

WHEREAS, Trooper McCarson was initially assigned to Port Norris Station, and then to Woodstown Station; and

WHEREAS, on December 17, 2015, Trooper McCarson tragically passed away following a motor vehicle accident that occurred while he was on duty and responding to an incident; and

WHEREAS, Trooper McCarson was a loving and devoted husband, son, and brother, whose memory will live in the hearts of his family, friends, and fellow members of the New Jersey State Police; and

WHEREAS, Trooper McCarson 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 Trooper McCarson, 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 Trooper McCarson'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 Wednesday, December 23, 2015 in recognition and mourning of a brave and loyal hero, New Jersey State Trooper Eli McCarson, Badge 7775.

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 Eli McCarson.

3. This Order shall take effect immediately.

Dated Dece,ber 18. 2015.

EXECUTIVE ORDER NO. 200

WHEREAS, Port Authority Police Officer Eamonn J. Mautone was raised and resided in Jackson Township, New Jersey; and

WHEREAS, Officer Mautone earned a Bachelor's Degree in History from Kean University; and

WHEREAS, Officer Mautone 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 on August 22, 2014; and

WHEREAS, Officer Mautone was assigned to the World Trade Center Command; and

WHEREAS, on December 29, 2015, Officer Mautone tragically passed away following a motor vehicle accident in inclement weather; and

WHEREAS, Officer Mautone was a loving son, and brother, whose memory will live in the hearts of his family, friends, and fellow members of the Port Authority Police; and

WHEREAS, Officer Mautone served his State and the State of New York with courage, professionalism, and commitment to 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 Mautone, and we extend our sincerest sympathy to his 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 Mautone'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, January 2, 2016 in recognition and mourning of a brave and loyal hero, Port Authority Police Officer Eamonn J. Mautone, Badge No. 47819.

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 Port Authority Police Officer Eamonn J. Mautone.

3. This Order shall take effect immediately.

Dated December 31, 2015.

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Bestiality; criminalized, amends R.S.4:22-17, Ch.133.
Betsy's Law, certain veterinary facilities, provision of written notice concerning absence of supervision after normal business hours; required, C.45:16-8.3, Ch.110.
Crimes of dog fighting, leader of dog fighting network; established, crime of animal fighting; updated, RICO concerning dog fighting; amended, C.2C:33-31 et seq., amends N.J.S.2C:41-1 et al., Ch.85.
Guide, service dogs, exemption from certain licensing, registration tag requirements; permitted, amends C.4:19-15.2 et seq., Ch.163.
Pet shops, sale of cats or dogs, information provided to purchasers; additional requirements, penalties; established, C.56:8-95.1 et seq., amends C.56:8-93 et al., Ch.7.
Service animal, permission for student with disability to bring on school bus; permitted, amends C.18A:46-13.3, Ch.29.

APPROPRIATIONS
Annual, Ch.63.
Appropriations, supplemental, various, State appropriations; reduced, language provisions; amended, Ch.62.

APPROPRIATIONS (Continued)
Community Affairs, Department:
Reimbursement to municipalities for exemptions from certain fees to promote living unit accessibility; $20,000.
Environmental Protection, Department:
Environmental infrastructure projects for FY2016, Ch.108.
From "Garden State Green Acres Preservation Trust Fund", various bond funds, for local government open space acquisition and park development projects, $88,592,361, Ch.105.
From Green Acres funds, various, for grants to nonprofit entities for acquisition, development of lands for recreation and conservation purposes, $4,750,000, Ch.104.
New Jersey Environmental Infrastructure Trust, loans for environmental infrastructure projects for FY2016; authorized, Ch.107.
Supplemental school aid to certain districts, commercial valuation stabilization, Ch.143.

BANKING
Check casher licensees, certain fees, requirements relative to; modified, amends C.17:15A-31 et al., Ch.233.
Escrow agent evaluation services, charging escrow agents fees; prohibited, C.56:8-200, Ch.196.
Savings account promotions, certain; authorized, C.17:9A-224.1 et al, Ch.236.

BOATING
Boats, vessels, partial tax exemption for purchasers, certain; provided, C.54:32B-4.2 et al., Ch.170.
"Christopher's Law," warning sign posted by pontoon boat rental business; required; C.12:7-87, amends C.12:7-71, Ch.307.
Vessel, operation on nontidal waters, minimum age requirement; expanded, amends C.12:7-61, Ch.67.

CEMETERIES
Graves, crypts, niches, certain, conveyance by cemetery company, exclusion from fees, certain; provided, amends C.45:27-13, Ch.61.
Religious entities, engaging in certain practices; prohibited, C.16:1-7.1, Ch.30.

CHILDREN
"Boys & Girls Clubs Keystone Law," C.9:17A-4.2 et al., Ch.287.
Caregiver liability for children in foster care, certain circumstances; liability limited, C.30:4C-26c, Ch.253.
Medical care for minor, certain circumstances, without parental consent; provided, amends C.9:17A-4, Ch.256.

CHILDREN (Continued)
Safe havens for leaving newborn infants; number expanded, amends C.30:4C-15.7 et al., Ch.82.

CIVIL ACTIONS
Checks, unsolicited; prohibited, C.2A:65D-6 et seq., Ch.120.
DNA evidence, submission to national database, comparison of matches; authorized, C.2A:84A-32c et seq., amends C.2A:84A-32a, Ch.127.
Holocaust reparations payments, exemption from legal process, estate recovery under Medicaid program; provided, C.2A:17-28.1, amends C.30:4D-7.2, Ch.124.
Unsolicited advertising, certain, sending; prohibited, C.2A:65D-1 et seq., Ch.119.

CIVIL SERVICE
Sheriff's officers reemployment lists; established, amends N.J.S.11A:4-9, Ch.17.

COLLEGES AND UNIVERSITIES
Attorney General Guidelines on internal affairs policies, procedures, adoption by police departments of certain educational institutions; required, amends C.40A:14-181, Ch.52.
"College Affordability Study Commission"; established, Ch.4.
College credit to high school students who complete the Jersey Boys State or Jersey Girls State program; authorized, C.18A:61C-14 et seq., Ch.221.
Educational research and services corporations, acting as lead procurement agencies for certain educational institutions; permitted, C.18A:3B-6.1 et al., amends C.18A:3B-3, Ch.140.
Military Dependents Scholarship Fund; created, C.18A:71B-98 et seq., Ch.117.
"New Jersey Tuition Equality for America's Military (NJTEAM) Act," C.18A:62-4.1a et seq., Ch.32.
Public institutions of higher education, certain, establishment of substance abuse recovery housing program; required, C.18A:3B-70, Ch.92.
Public institution of higher education, report of on-campus criminal, fire events; required, C.18A:3B-71, Ch.220.
Rutgers University, laws relative to board of trustees; changed, amends N.J.S.18A:65-15 et al., Ch.12.
Secretary of Higher Education, adoption of new comprehensive master plan periodically; required, amends C.18A:3B-14, Ch.91.
Task Force on Campus Sexual Assault; established, Ch.165.

COMMERCIAL TRANSACTIONS
Fraudulent financing statements, remedies, certain circumstances; provided, C.2A:37B-1 et seq., amends C.47:1A-1.1 et al., Ch.59.

COMMISSIONS
"College Affordability Study Commission"; established, Ch.4.

COMMUNICATIONS
"No call list" clarified to include telemarketing sales calls to commercial mobile services devices, amends C.56:8-130, Ch.2.

COMMUNITY AFFAIRS
Residential health care facilities, inspection reports, posting on DCA website; required, C.30:1-12.3 et seq., amends C.26:2H-12 et al., Ch.6.

CONSUMER AFFAIRS
Motor fuel, sale during certain emergencies, charges, certain; authorized, C.56:6-3.1, Ch.113.

CORRECTIONS
Body imaging scanning equipment, use by correctional facilities; permitted, C.30:4-91.3e, amends C.2A:161A-3, Ch.213.
Halfway houses, attorneys, representatives visitation of incarcerated clients; required, C.30:4-91.22 et seq., Ch.25.
Mental health, substance abuse disorder, treatment provision to inmates; required, amends C.30:4-82.2, Ch.11.
Treatment, reentry initiative participation, program to collect data, issue reports, DOC; required, C.2C:45-6, amends C.30:4-91.15, Ch.144.
Vocational training pilot program, inmate compensation for education, workforce training participation; provided, C.30:4-92.3, amends R.S.30:4-92, Ch.241.

COUNTIES
County entities, certain, limitation of increase in annual budget request; provided, C.40A:4-45.45b et al., Ch.249.
County sheriff, simultaneous holding of position of emergency management coordinator; permitted, amends N.J.S.40A:9-108, Ch.90.
County superintendent of elections, laws concerning; revised, amends C.40:20-1.3 et al., Ch.250.
Division of Local Government Services Modernization and Local Mandate Relief Act of 2015, amends N.J.S.18A:8-12 et al., repeals C.4:19-15.15 et al., Ch.95.
Hiring preference for veterans in non-civil service jurisdictions; authorized, C.40A:9-1.16, Ch.178.
Long term tax exemption, filing of financial agreement, certain payments; required, amends C.40A:20-12 et al., Ch.247.
Mosquito control reserve fund, establishment by county; permitted, C.40A:4-62.2, Ch.22.
Stream cleaning activities, law concerning; revised, amends C.58:16A-67, Ch.210.

COUNTIES (Continued)
Surplus federal property, transfer to local law enforcement agencies, local unit approval of applications; required, C.40A:5-30.1 et seq., Ch.23.

COURTS
Best interests of the child, primary consideration in actions undertaken by State entities, courts, C.9:2-4a, amends C.2A:4A-21 et al., Ch.255.
Central municipal courts, establishment; requirements revised, amends N.J.S.2B:12-1 et al., Ch.103.
Medication-assisted treatment, successful completion of special probation drug court program; permitted, C.2C:45-5, amends N.J.S.2C:35-14, Ch.93.

CRIMES AND OFFENSES
Assaults committed against certain law enforcement officers, employees; crime upgraded, amends N.J.S.2C:12-1, Ch.100.
Bestiality; criminalized, amends R.S.4:22-17, Ch.133.
Bittering agent in antifreeze, failure to include, penalty; established, C.13:1D-68 et seq., Ch.160.
Crimes of dog fighting, leader of dog fighting network; established, crime of animal fighting; updated, RICO concerning dog fighting; amended, C.2C:33-31 et seq., amends N.J.S.2C:41-1 et al., Ch.85.
Dextromethophan, sale to minors; prohibited, C.2A:170-51.7 et seq., Ch.114.
Domestic violence assault cases, laws concerning; revised, amends N.J.S.2C:12-1 et al., Ch.98.
Endangering another person; criminal offenses created, C.2C:24-7.1, repeals N.J.S.2C:12-2 et al., Ch.186.
False incrimination, making fictitious reports; penalties enhanced, amends N.J.S.2C:28-4, Ch.175.
False public alarms, crime; upgraded, reporting requirements concerning; established, amends N.J.S.2C:33-3, Ch.156.
Juvenile justice system; reformed, C.2A:4A-26.1 et al., amends C.2A:4A-36 et al., repeals C.2A:4A-26, Ch.89.
New Jersey Stolen Valor Act, amends N.J.S.38A-14-5, Ch.118.
"Sexual Assault Survivor Protection Act of 2015," C.2C:14-13 et seq., amends N.J.S.2C:29-9, Ch.147.
Social security number, fraudulent use to collect lottery winnings, fourth degree crime; established, C.5:9-14.2, Ch.259.
Stalking, violation of restraining order, crime of third degree; upgraded, amends N.J.S.2C:29-9, Ch.141.
Tampering with evidence after fleeing the scene of a fatal accident; penalty enhanced, amends N.J.S.2C:29-3, Ch.265.
Victims of crime, maximum legal fee for attorney to represent; increased, amends C.52:4B-8, Ch.190.

CRIMINAL PROCEDURE

Expungement procedures, certain, waiting periods; shortened, requirements; changed, amends N.J.S.2C:35-14 et al., Ch.261.

Restitution payments, certain, transfer to Victims of Crime Compensation Office; required, amends C.2C:46-4, Ch.55.

Victims of identity theft, certain, correction of certain personal information in government records; authorized, C.2C:52-32.1 et al., amends R.S.39:5-42, Ch.126.

DOMESTIC RELATIONS

Best interests of the child, primary consideration in actions undertaken by State entities, courts, C.9:2-4a, amends C.2A:4A-21 et al., Ch.255.

Child support payments, changes in obligation relative to status of supported child, C.2A:17-56.67 et seq., Ch.223.

Crime-fraud exception to marital, civil union partnership privilege; established, Ch.138.

Domestic violence assault cases, laws concerning; revised, amends N.J.S.2C:12-1 et al., Ch.98.

DRUGS

Biological products, certain, requirements for dispensing by pharmacists; established, C.24:6K-1 et seq., amends R.S.24:1-1 et al., Ch.130.

Liquid nicotine, child-resistant containers for sale, distribution; required, C.2A:170-51.9 et seq., Ch.294.

Medical marijuana, provision to qualifying patients by facilities, certain, adoption of policies permitting; required, C.18A:40-12.22 et al, amends N.J.S.2C:35-18 et al., Ch.158.

Medication-assisted treatment, successful completion of special probation drug court program; permitted, C.2C:45-5, amends N.J.S.2C:35-14, Ch.93.

New Jersey Prescription Monitoring Program; provisions revised, C.45:1-46.1 et al., amends C.24:21-34 et al., repeals C.24:21-39, Ch.74.

Nutritional supplements, certain, dispensation by certain physicians, podiatrists; permitted, amends C.45:9-22.11, Ch.296.

"Overdose Prevention Act," immunity provisions, certain professionals, professional entities, needle exchange programs; extended, amends C.24:6J-3 et al., Ch.10.

Opiod drug abuse, Statewide law enforcement efforts coordinated by Attorney General; authorized, amends C.24:21-31 et al., Ch.34.

Optometrists, prescription of medications containing hydrocodone, continuation; authorized, amends C.45:12-9.11, Ch.65.

Personal products containing microbeads, manufacture, sale, promotion; prohibited, C.58:10A-70 et seq., Ch.28.

Pharmacy benefits managers; regulated, multiple source generic drug pricing, certain disclosures; required, C.17B:27F-1 et seq., Ch.179.

DRUGS (continued)
Prescription drugs, pharmacies, prescribers to notify patients of proper, safe disposal methods; required, C.45:9-22.11a, amends C.45:9-22.11, Ch.66.
"Project Medicine Drop" program, established, C.24:21-55 et seq., Ch.35.
Synchronization of prescribed medications, certain circumstances, health benefits coverage; required, C.17:48-6mm et al., Ch.206.

ELECTIONS
County superintendent of elections, laws concerning; revised, amends C.40:20-1.3 et al., Ch.250.
Number of voters for whom person can serve as messenger; reduced, number of voted mail-in ballots; limited, conviction standard under vote by mail law; modified, amends C.19:63-4 et al., Ch.84.
School board candidates, joint petitions, bracketing on ballot; permitted, study of impact of changes, Ch.300.
School elections, earlier mandatory polling hours; required, additional hours, consistency with current primary, general elections; required, amends R.S.19:15-2, Ch.181.
Voter registration at age 17 under certain circumstances; permitted, amends R.S.19:31-5, Ch.222.

ENVIRONMENT
Blue, green roofs, DEP commissioner to study, make recommendations concerning; required, C.13:1D-149, Ch.20.
Environmental Infrastructure Trust Financing Program, certain provisions; revised, amends C.58:11B-6 et al., Ch.106.
Flood hazard areas, floodplains, certain actions by DEP relative to delineation of; required, amends C.58:16A-52, Ch.270.
Highlands region, Green Acres, farmland preservation programs, expiration date; extended, amends C.13:8C-26 et al., Ch.5.
Mobile electronic waste destruction units, operation without DEP permit; authorized, C.13:1E-99.34a, Ch.188.
Public access to waterfront, adjacent shoreline, condition of waterfront development approvals, certain permits; authorizes, amends R.S.12:5-3 et al., Ch.260.
Settlement entered into by DEP pursuant to Spill Compensation and Control Act, required public notice; increased, amends C.58:10-12.11e2, Ch.166.

ESTATES
Assets, monetary transfer amount without administration; increased, exemption from debts of the deceased; provided, amends N.J.S.3B:10-3 et seq., Ch.232.

EXECUTIVE ORDERS
Anthony Raspa, New Jersey State Trooper; death commemorated, No.179.

EXECUTIVE ORDERS (continued)
Bamako, Mali terrorist attacks on November 20, 2015, Anita Datar and other victims; deaths commemorated, No.194.
Emergency manager for Atlantic City; appointed, No.171.
Emergency Medical Technician Hinal Patel; death commemorated, No.182.
Firefighter Gerald "Bear" Celecki; death commemorated, No.189.
Law Enforcement Appreciation Day, November 5, 2015; designated, No.190.
Manchester Police Officer Scott R. Thompson; death commemorated, No.177.
"New Jersey Firearm Purchase and Permitting Study Commission"; created, No.180.
New Jersey Gaming, Sports, and Entertainment Advisory Commission; continued, No.197.
New Jersey Military Installation Growth and Development Task Force; continued, No.192.
New Jersey State Trooper Eli McCarson; death commemorated, No.199.
Nor'easter weather pattern beginning on October 1, 2015, activation of elements of the State Emergency Operations Plan; authorized, No.186.
Ocean County Detective John Scott Stevens; death commemorated, No.173.
Paris, France terrorist attacks on November 13, 2015; deaths commemorated, No.193.
Passaic Valley Sewerage Commission, new commissioners appointed, Executive Order No.55; rescinded, No.191.
Port Authority Police Officer Eamonn J. Mautone; death commemorated, No.200.
Red Tape Review Group; continued, No.198.
San Bernardino, CA terrorist attacks on December 2, 2015; death of victims; commemorated, No.196.
September 11, 2001 casualties; deaths commemorated, No.183.
Severe winter storm beginning January 26, 2015, activation of State emergency operations plan; authorized, No.172.
Super Storm Sandy, alcoholic beverages permitted to be served earlier in the season due to damage caused by; permitted, No.174.
United States Army Private Christopher J. Castaneda; death commemorated, No.195.
United States Army Specialist Kevin Joniel Rodrigues; death commemorated, No.188.
United States Marine Captain Stanford H. Shaw III; death commemorated, No.176.
The New Jersey Cybersecurity and Communications Integration Cell ("NJCCIC"); established, No.178.
Umpqua Community College in Roseburg Oregon, death of victims; commemorated, No.187
U.S. servicemen shot and killed in attacks on two military facilities in Chattanooga, TN on July 16, 2015; death commemorated, No.181.
Winter storm beginning March 4, 2015, activation of State emergency operations plan; authorized, No.175.

EXECUTIVE ORDERS (continued)
World Meeting of Families, Papal visit in Philadelphia, PA from September 21-17, 2015; elements of State Emergency Operation Plan, activation; authorized, No.184.
Yogi Berra; death commemorated, No.185.

FIRE SAFETY
Fire districts, consolidation; procedure established, C.40A:14-90.1 et seq., amends N.J.S.40A:14-90, Ch.279.

FISH, GAME, AND WILDLIFE
Apprentice firearm hunting license, apprentice bow and arrow license; established, C.23:3-3.1, amends R.S.23:1-1 et al., Ch.83.
"Fishing Buddy License"; created, amends C.23:3-1.1 et al., Ch.99.
Striped bass, regulation of taking, management; authorized, C.23:5-45.1a, amends C.23:5-45.1, repeals C.23:5-45.1 et seq., Ch.45.

FOOD
Biological products, certain, requirements for dispensing by pharmacists; established, C.24:6K-1 et seq., amends R.S.24:1-1 et al., Ch.130.

GAMES AND GAMBLING
Alcoholic beverage licensees, certain, issuance of amusement game license to; permitted, C.5:8-78.1, amends C.5:8-101, Ch.149.
Raffles, certain, exemption from license requirement relative to certain prizes; revised, amends C.5:8-51, Ch.80.
Simulcast races, casino, out-of-State racetrack, negotiating amount paid; permitted, amends C.5:12-201 et al., Ch.33.
Social security number, fraudulent use to collect lottery winnings, fourth degree crime; established, C.5:9-14.2, Ch.259.

HANDICAPPED PERSONS
Achieving a Better Life Experience, trust accounts for persons with certain disabilities, establishment; authorized, C.52:18A-250 et seq., amends C.54A:6-25, Ch.185.
Disabilities, impact on minority, underrepresented communities, review by Commissioner of Health; required, Ch.1.
Follow-up studies of former residents of certain State facilities; required, C.30:4-177 et al., Ch.197.
Individuals with developmental disabilities, forced transfer from out-of-State placement prohibited, exceptions, C.30:6D-21.1 et seq., Ch.192.
"MVP Emergency Alert System"; established, C.52:17B-194.9 et seq., Ch.184.
Services to persons with developmental disabilities, providers, notification of termination; required, C.30:4-25.9a, amends C.30:4-25.9, Ch.304.

HANDICAPPED PERSONS (continued)
Wheelchair ramps, construction permits for installation on residential real property, issuance with 5 business days of application; required, amends C.52:27D-131, Ch.159.

HEALTH
Alzheimer's disease, related disorders, listing as secondary cause of death on death certificate; permitted, C.26:6-8.5, Ch.187.
"Boys & Girls Clubs Keystone Law," C.9:17A-4.2 et al., Ch.287.
Cause of death, determination, death certificate execution, by advanced practice nurse, certain circumstances; permitted, amends R.S.26:6-8 et al., Ch.38.
Continuing care retirement communities, provision of information on influenza vaccines for older adults; required, C.52:27D-360.8 et seq., Ch.115.
Crib safety, information provided by DOH on website; required, C.26:2-196 et seq., Ch.198.
Dementia care homes, licensure; required, C.26:2H-148 et seq., amends C.26:2H-2 et al., Ch.125.
Down syndrome, information, certain, provision to certain parents, families; required, C.26:2-194 et seq., Ch.173.
"Epinephrine Access and Emergency Treatment Act," C.24:6L-1 et seq., Ch.215.
Epinephrine, emergency administration to students for anaphylaxis; required, C.18A:40-12.6e, amends C.18A:40-12.5 et al., Ch.13.
Health care facilities, certain, equipping with generators; required, C.26:2H-12.79, Ch.168.
Health clubs certain, offering swimming lessons with exemption from certain personnel requirements; permitted, amends C.26:4A-4 et seq., Ch.191.
Health data, data from certain programs for population health research, process for integration; established, C.30:4D-65 et seq., Ch.193.
Homemaker-home health aides, certain, training program relative to care of patients with Alzheimer's disease, related disorders; required, C.45:11-24a, Ch.245.
Mattresses, used, sanitary, protective procedures, certain; required, C.26:10-19 et seq., amends R.S.26:10-3 et al., Ch.183.
Medical care for minor, certain circumstances, without parental consent; provided, amends C.9:17A-4, Ch.256.
"Overdose Prevention Act," immunity provisions, certain professionals, professional entities, needle exchange programs; extended, amends C.24:6J-3 et al., Ch.10.
Physical examination of child, certain, questions related to cardiac health; required, C.26:2-191 et seq., Ch.37.
Residential health care facilities, inspection reports, posting on DCA website; required, C.30:1-12.3 et seq., amends C.26:2H-12 et al., Ch.6.
Substance use treatment provider performance report, availability to public; required, C.26:2G-38, Ch.9.

HEALTH (continued)
Surgical practices, certain, licensed ambulatory care facilities, ownership by hospital, medical school; required, amends C.26:2H-12, Ch.305.
Task Force on Chronic Obstructive Pulmonary Disease; established, Ch.136.
Vehicles, certain, exemption from "Angelie's Law"; provided, amends C.56:16-2, Ch.31.
"Youth Camp Epinephrine Access and Emergency Treatment Act," C.26:12-17 et seq., Ch.231.

HIGHWAYS
"173rd Airborne Brigade Highway," Route 173 between Clinton and Phillipsburg; designated, Ch.174.
"Bruce Turcotte Memorial Highway," State Highway 184 in Woodbridge Township; designated, Ch.302.
"Christopher Goodell Memorial Highway," portion of Route 17 in Waldwick Borough; designed, Ch.57.
Melvin M. Loftus, Christopher Meyer, certain Garden State Parkway interchanges designated to honor, Ch.202.
New Jersey Turnpike Authority, South Jersey Transportation Authority, study, report on potential revenue generated by services of rest areas, service plazas; required, Ch.264.
"Patrolman Joseph Wargo's Law," DOT roadside memorial program for certain fallen officers; established, C.27:5-29 et seq., Ch.227.
"Senator Robert E. Littell Memorial Highway," portion of Route 15 in Sussex County; designated, Ch.58.
Sign programs, certain, eligibility conditioned on availability of free drinking water, public telephone; prohibited, C.27:23-58 et al., amends C.27:7-21.12, Ch.139.
"Staff Sergeant Timothy R. McGill Memorial Highway," portion of Route 17 in Borough of Ramsey; designated, Ch.238.

HOLIDAYS AND OBSERVANCES
"ALS Awareness Day," third Wednesday in May, "ALS Awareness Month," May; designated, C.36:2-255 et seq., J.R.7.
"Coast Guard Week," first week in August; designated, J.R.13.
"Cystic Fibrosis Awareness Month," May; designated, amends C.36:2-85, J.R.15.
Dominican Restoration Day, August 16; designed, C.36:2-257, J.R.8.
"Farmers Against Hunger Day," third week in September; designated, J.R.12.
General Aviation Appreciation Month," May; designated, C.36:2-245 et seq., J.R.2.
"Gold Star Mothers Appreciation Month", September; designated, C.36:2-251 et seq., J.R.5.
"Hannah G. Solomon Day," January 14; designated, C.36:2-269 et seq., J.R.14.
"Horticultural Therapy Week," first full week in March; designated, J.R.1.

HOLIDAYS AND OBSERVANCES (continued)
"Hunger Action Month," September; designated, C.36:2-249 et seq., J.R.4.
"Male Breast Cancer Awareness Week" third week of October; designated, C.36:2-247 et seq., J.R.3.
"New Jersey Gleaning Week," third week in September; designated, J.R.11.
"Sarcoidosis Awareness Month," April; designated, C.36:2-258 et seq., J.R.10.

HOSPITALS
Emergency medical services, provision of, certain requirements; revised, C.26:2K-12.1, Ch.70.
Health care facilities, certain, equipping with generators; required, C.26:2H-12.79, Ch.168.
Surgical practices, certain, licensed ambulatory care facilities, ownership by hospital, medical school; required, amends C.26:2H-12, Ch.305.

HUMAN SERVICES
Caregiver liability for children in foster care, certain circumstances; liability limited, C.30:4C-26c, Ch.253.
Database to advise public as to open bed availability in residential substance use disorders treatment facilities; required, C.26:2G-25.1 et seq., Ch.293.
Follow-up studies of former residents of certain State facilities; required, C.30:4-177 et al., Ch.197.
Guardian, appointment for person receiving services from Division of Developmental Disabilities, inclusion of certain document; required, amends C.30:4-165.8 et al., Ch.132.
Health data, data from certain programs for population health research, process for integration; established, C.30:4D-65 et seq., Ch.193.
Holocaust reparations payments, exemption from legal process, estate recovery under Medicaid program; provided, C.2A:17-28.1, amends C.30:4D-7.2, Ch.124.
Individuals with developmental disabilities, forced transfer from out-of-State placement prohibited, exceptions, C.30:6D-21.1 et seq., Ch.192.
Long-term care, Medicaid home, community-based, monitoring utilization, billing by DHS; required, C.30:4D-17.38, Ch.153.
Medicaid managed care organization, certain conditions required for reduction of certain care services, C.30:4D-7m, Ch.234.
Medical marijuana, provision to qualifying patients by facilities, certain, adoption of policies permitting; required, C.18A:40-12.22 et al, amends N.J.S.2C:35-18 et al., Ch.158.
Mental health, substance abuse disorder, treatment provision to inmates; required, amends C.30:4-82.2, Ch.11.
"MVP Emergency Alert System"; established, C.52:17B-194.9 et seq., Ch.184.

HUMAN SERVICES (continued)
"Nick Rohdes' Law," sober living homes, substance abuse aftercare treatment facilities, certain notification to next-of-kin upon release of patient; required, amends C.26:2B-15 et al., Ch.284.
NJ Elder Index, related data, DHS to use, update to extent possible, C.44:15-1 et seq., Ch.53.
PACE participants, notification of Medicare eligibility by DHS; required, C.26:2H-91.1 et seq., Ch.151.
PACE, submission by providers of expenditure details to DHS; required, amends C.26:2H-88 et al., Ch.152.
Residential health care facilities, inspection reports, posting on DCA website; required, C.30:1-12.3 et seq., amends C.26:2H-12 et al., Ch.6.
Safe havens for leaving newborn infants; number expanded, amends C.30:4C-15.7 et al., Ch.82.
Services to persons with developmental disabilities, providers, notification of termination; required, C.30:4-25.9a, amends C.30:4-25.9, Ch.304.
Substance use treatment provider performance report, availability to public; required, C.26:2G-38, Ch.9.
Vehicles, certain, exemption from "Angelie's Law"; provided, amends C.56:16-2, Ch.31.

INSURANCE
"Certificates of Insurance Act," C.17:29A-54 et seq., amends C.17:33A-4, Ch.195.
Electronic proof of insurance, display by motor vehicle operators; authorized, amends R.S.39:3-29 et seq., Ch.54.
Insurance producer licensing examination, registration, and instruction materials, available in Spanish; required, amends C.17:22A-31, Ch.150.
Mortgage guaranty coverage cap; eliminated, amends C.17:46A-4, Ch.145.
Pharmacy benefits managers; regulated, multiple source generic drug pricing, certain disclosures; required, C.17B:27F-1 et seq., Ch.179.
Reverse rate evasion as insurance fraud; included, amends C.2C:21-4.6 et al., Ch.48.
"Self-Funded Multiple Employer Welfare Arrangement Regulation Act"; revised, amends C.17B:27C-3 et al., Ch.172.
State-administered retirement system, notification, certain, relative to change in beneficiary for group life insurance; required, C.43:3C-25, Ch.180.
Synchronization of prescribed medications, certain circumstances, health benefits coverage; required, C.17:48-6mm et al., Ch.206.

INTERSTATE RELATIONS
Port Authority of New York and New Jersey, subject to NY Freedom of Information Law and NJ open public records act, C.32:1-6.4 et seq., Ch.64.

JOINT RESOLUTIONS
"ALS Awareness Day," third Wednesday in May, "ALS Awareness Month," May; designated, C.36:2-255 et seq., J.R.7.
"Coast Guard Week," first week in August; designated, J.R.13.
"Cystic Fibrosis Awareness Month," May; designated, amends C.36:2-85, J.R.15.
Dominican Restoration Day, August 16; designed, C.36:2-257, J.R.8.
"Farmers Against Hunger Day," third week in September; designated, J.R.12.
"General Aviation Appreciation Month," May; designated, C.36:2-245 et seq., J.R.2.
"Gold Star Mothers Appreciation Month", September; designated, C.36:2-251 et seq., J.R.5.
"Hannah G. Solomon Day," January 14; designated, C.36:2-269 et seq., J.R.14.
"Horticultural Therapy Week," first full week in March; designated, J.R.1.
"Hunger Action Month," September; designated, C.36:2-249 et seq., J.R.4.
Israel, boycott, divestment, sanctions movement against; condemns, J.R.9
"Linemen Appreciation Month," October; designated, C.36:2-253 et seq., J.R.6.
"Male Breast Cancer Awareness Week" third week of October; designated, C.36:2-247 et seq., J.R.3.
"New Jersey Gleaning Week," third week in September; designated, J.R.11.
"Sarcoidosis Awareness Month," April; designated, C.36:2-258 et seq., J.R.10.
Vets4Warriors veteran suicide hotline, restoration of funding by Congress; urged, J.R.16.

LABOR
Business employment incentive program, receipt by participants of tax credit in lieu of grant; permitted, C.34:1B-137.1, amends C.34:1B-125 et al., Ch.194.
Business tax credit programs, certain, documentation submission deadlines; delayed, amends C.34:1B-209 et al., Ch.252.
Contractors bidding on, performing prevailing wage public work, dissemination of certain information to; required, amends C.34:11-56.37, Ch.282.
Employee leave, benefit rights, provision of information by DOLWD; required, C.34:1A-1.15, Ch.248.
NJ Innovation and Research Fellowship Program; established, C.34:15D-25 et seq., amends C.34:15D-9, Ch.235
Personnel access rights to system for unemployment claims receipt, processing, quarterly review; required, amends R.S.43:21-6, Ch.42.
Prevailing wage public work projects, inspection by DOLWD; authority provided, amends C.34:11-56.31, Ch.281.
State Employment and Training Commission, annual report on State workforce needs; required, C.34:15C-6.1, Ch.280.

MILITARY AND VETERANS
Disabled veterans, certain, exemption from certain construction fees; provided, amends C.52:27D-126e, Ch.273.

MILITARY AND VETERANS (continued)
Disabled veterans, Purple Heart recipients, exemption from payment of municipal parking meter fees, certain circumstances; provided, C.39:4-207.10, Ch.218.
Driver's license, registration, inspection, military personnel, immediate family, timeframe; extended, C.39:3-11.5a et al., Ch.299.
Financial planning assistance program for disabled veterans and caregivers; required, C.38A:3-2b6, Ch.288.
"Fund for the Support of New Jersey Nonprofit Veterans Organizations," through gross income tax returns; established, C.54A:9-25.39, Ch.26.
Hiring preference for veterans in non-civil service jurisdictions; authorized, C.40A:9-1.16, Ch.178.
Military Dependents Scholarship Fund; created, C.18A:71B-98 et seq., Ch.117.
Military personnel, veterans, free admission to certain beaches; provided, amends C.40:6I-22.20, Ch.205.
New Jersey Stolen Valor Act, amends N.J.S.38A-14-5, Ch.118.
"New Jersey Tuition Equality for America's Military (NJTEAM) Act," C.18A:62-4.1a et seq., Ch.32.
Respite care, income eligibility cap for receipt; increased, amends C.30:4F-8 et al., Ch.289.
Returning service members, registration with VA; encouragement required, amends N.J.S.38A:3-6, Ch.209.
State contract set-aside program for businesses owned, operated by disabled veterans; created, C.52:32-31.1 et seq., Ch.116.
Travel assistance for qualified veterans in in-patient, out-patient treatment programs; established, C.38A:3-49 et al., Ch.211.
Veteran identification cards, certain, provision of proof of status for veteran designation on driver's license, identification card; authorized, amends C.39:3-10f6 et al., Ch.97.
Veterans who enter the criminal justice system, DMVA assistance, mentoring; required, amends N.J.S.38A:3-6, Ch.246.
Vets4Warriors veteran suicide hotline, restoration of funding by Congress; urged, J.R.16.
Women veterans, creation of informational webpage; required, amends N.J.S.38A:3-6, Ch.290.

MOTOR VEHICLES
"Abigail's Law," newly-manufactured school buses, equipped with sensors; required, C.39:3B-26, Ch.266.
Air bags, counterfeit, nonfunctional, manufacture, sale, installation; prohibited, C.2C:21-7.5 et al., Ch.121.
Aggressive driving information, inclusion in driver education courses, brochures, examination; required, amends R.S.39-3-10 et al., Ch.36.

MOTOR VEHICLES (continued)
Agricultural driver's licenses, certain historic driving privileges; reestablished, amends C.39:3-11.1, Ch.79.
All-terrain vehicles, definition; revised, amends C.2A:42A-2 et al., Ch.155.
Car seat safety recommendations; implemented, amends C.39:3-76.2a et al., Ch.50.
Certificates of ownership, salvage certificates of title, obtaining by insurer, certain circumstances; permitted, amends C.39:10-32, Ch.208.
Checkpoints limited to specific vehicle types, certain agencies establishing; prohibited, C.39:8-91, Ch.27.
"Coal rolling"; practice prohibited, C.26:2C-8.57, Ch.43.
Driver's license picture, use of stored for person undergoing certain medical treatments; permitted, amends C.39:3-10f, Ch.306.
Driver's license, registration, inspection, military personnel, immediate family, timeframe; extended, C.39:3-11.5a et al., Ch.299.
Electronic driver's licenses, mobile applications, study, recommendations by MVC; required, Ch.239.
Electronic proof of insurance, display by motor vehicle operators; authorized, amends R.S.39:3-29 et seq., Ch.54.
Farm tractors, purchased, certain, "lemon law" protections; extended, amends C.56:12-30 et al., Ch.271.
Farm vehicles, equipment, slow moving certain laws regarding; revised, C.39:3-24.2 et seq., amends R.S.39:3-24 et al., Ch.292.
"Mainland Memoriam Act," graduated driver's license informational material, distribution by motor vehicle dealers; required, C.39:2A-43, Ch.286.
Merchandise designed to conceal, degrade legibility of license plates, certain; prohibited, C.39:3-33c, Ch.49.
Motor Carrier Transportation Contracts, indemnification against liability, damage, certain circumstances; prohibited, C.39:14-1 et seq., Ch.112.
"Next-of-Kin Registry," submission of information by mail; permitted, amends C.39:4-134.2, Ch.301.
"Nikhil's Law," MVC to inform, test drivers on dangers of failing to comply with traffic safety laws, "STOP for Nikhil Safety Pledge"; required, amends R.S.39:3-10 et al., Ch.78.
Recording devices, access; limited, C.39:10B-7 et seq., Ch.60.
Traffic calming measures, DOT approval in business districts; eliminated, amends C.39:4-8.9 et seq., Ch.3.
Vehicles, certain, exemption from "Angelie's Law"; provided, amends C.56:16-2, Ch.31.
Veteran identification cards, certain, provision of proof of status for veteran designation on driver's license, identification card; authorized, amends C.39:3-10f6 et al., Ch.97.
Zero emission vehicle manufacturers, certain, sales; permitted, operation of service facilities; required, C.56:10-27.1 et al., amends R.S.39:10-19 et al., Ch.24.

MUNICIPALITIES

Apiary activities, State regulatory authority over; established, delegation of monitoring, enforcement authority to municipalities; permitted, C.40:48-1.5 et al., Ch.76.

Central municipal courts, establishment; requirements revised, amends N.J.S.2B:12-1 et al., Ch.103.

Disabled veterans, certain, exemption from certain construction fees; provided, amends C.52:27D-126e, Ch.273.

Disabled veterans, Purple Heart recipients, exemption from payment of municipal parking meter fees, certain circumstances; provided, C.39:4-207.10, Ch.218.

Division of Local Government Services Modernization and Local Mandate Relief Act of 2015, amends N.J.S.18A:8-12 et al., repeals C.4:19-15.15 et al., Ch.95.

Downtown Business Improvement Zone Loan Fund, municipality with UEZ participation; permitted, amends C.40:56-71.2, Ch.189.

Fire districts, consolidation; procedure established, C.40A:14-90.1 et seq., amends N.J.S.40A:14-90, Ch.279.

"Hackensack Meadowlands Agency Consolidation Act," certain provisions; clarified, revised, amends C.5:10A-2 et al., Ch.72.

Hiring preference for veterans in non-civil service jurisdictions; authorized, C.40A:9-1.16, Ch.178.

Land use documents, certain, transmission via email; permitted, amends C.40:55D-15, Ch.207.

Long term tax exemption, filing of financial agreement, certain payments; required, amends C.40A:20-12 et al., Ch.247.

Municipal redevelopers, receipt of tax credits under Economic Redevelopment and Growth Grant program for certain mixed use parking projects; permitted, amends C.52:27D-489c et al., Ch.69.

Municipal shared services energy authority, creation; authorized, C.40A:66-1 et al., amends C.40A:11-5 et al., Ch.129.

NJ Redevelopment Authority program participation, nomination of municipality; permitted, amends C.55:19-22, Ch.56.

Peddlers, solicitors, licensing, acceptance of background checks from other municipalities; required, C.53:1-20.38, Ch.122.

Senior Citizen Priority Parking Program, creations by municipality, municipal parking authority; permitted, C.40:48-2.12t et al., Ch.182.

Snow removal from covered fire hydrants, locator pole installation; authorized, C.40:65-12.1 et seq., Ch.71.

Snow shoveling, certain, unregulated solicitation; permitted, amends R.S.40:52-1, Ch.240.

Stream cleaning activities, law concerning; revised, amends C.58:16A-67, Ch.210.

Surplus federal property, transfer to local law enforcement agencies, local unit approval of applications; required, C.40A:5-30.1 et seq., Ch.23.

Traffic calming measures, DOT approval in business districts; eliminated, amends C.39:4-8.9 et seq., Ch.3.

MUNICIPALITIES (continued)
Video surveillance cameras, outdoor, certain, voluntary registration; permitted, C.40:48-1.6 et seq., amends R.S.40:48-1, Ch.142.

NURSING HOMES, ROOMING AND BOARDING HOMES
Dementia care homes, licensure; required, C.26:2H-148 et seq., amends C.26:2H-2 et al., Ch.125.
Form designating beneficiary of personal needs allowance accounts from residents; required, amends C.30:13-3, Ch.230.

PENSIONS AND RETIREMENT
Employer contribution reports, remittances, submission to Division of Revenue; required, amends R.S.43:21-14, Ch.135.
"New Jersey Small Business Retirement Marketplace Act," C.43:23-1 et seq., Ch.298.
State-administered retirement system, notification, certain, relative to change in beneficiary for group life insurance; required, C.43:3C-25, Ch.180.

POLICE
Attorney General Guidelines on internal affairs policies, procedures, adoption by police departments of certain educational institutions; required, amends C.40A:14-181, Ch.52.
DNA database, inclusion of samples from certain disorderly persons, collection of certain biological samples; permitted, amends C.53:1-20.18 et al., Ch.263.
Law enforcement officers, posting, publishing on the Internet, disclosing certain information relative to; prohibited, C.2C:20-31.1 et al., Ch.226.
Police Training Commission, membership expanded to include representative from National Organization of Black Law Enforcement Executives, amends C.52:17B-70, Ch.258.

PROFESSIONS AND OCCUPATIONS
Alarm businesses, activities, certain, exemption from statutes governing practice of locksmithing; provided, amends C.45:5A-28, Ch.154.
"Art Therapist Licensing Act," C.45:8B-51 et seq., Ch.199.
Betsy's Law, certain veterinary facilities, provision of written notice concerning absence of supervision after normal business hours; required, C.45:16-8.3, Ch.110.
Board of Landscape Irrigation Contractors, transferred to DCI, C.52:27D-514 et seq., Ch.169.
Check casher licensees, certain fees, requirements relative to; modified, amends C.17:15A-31 et al., Ch.233.
Chiropractic assistants, licensure; provided, C.45:9-41.33 et seq., amends C.45:9-41.19 et al., Ch.283.

PROFESSIONS AND OCCUPATIONS (continued)
Dental service corporation law, provisions, certain; revised, amends C.17:48C-2 et al., Ch.148.
"Detective Melvin Vincent Santiago's Law," C.45:19A-6.1 et seq., amends C.45:19A-2 et al., Ch.295.
Homemaker-home health aides, certain, training program relative to care of patients with Alzheimer's disease, related disorders; required, C.45:11-24a, Ch.245.
"New Jersey Residential Mortgage Lending Act"; exemptions, certain; provided, amends C.17:11C-54 et seq., Ch.14.
Optometrists, prescription of medications containing hydrocodone, continuation; authorized, amends C.45:12-9.11, Ch.65.
Physician assistants, requirements for licensure; revised, physician-delegated scope of practice; created, C.45:9-27.13a et al., amends C.45:9-27.11 et al., repeals C.45:9-27.14 et al., Ch.224.
Professional engineers, architects, definition of "responsible charge" revised, amends C.45:8-28 et al., Ch.200.
Psychologists, licensed, practicing, continuing education; required, C.45:14B-47, Ch.131.

PUBLIC CONTRACTS
Contractors bidding on, performing prevailing wage public work, dissemination of certain information to; required, amends C.34:11-56.37, Ch.282.
Prevailing wage public work projects, inspection by DOLWD; authority provided, amends C.34:11-56.31, Ch.281.
State contract set-aside program for businesses owned, operated by disabled veterans; created, C.52:32-31.1 et seq., Ch.116.
Submission of financial statement to bid on certain local contracts; limited, amends C.40A:11-13 et al., Ch.201.

PUBLIC RECORDS
Fraudulent financing statements, remedies, certain circumstances; provided, C.2A:37B-1 et seq., amends C.47:1A-1.1 et al., Ch.59.

PUBLIC UTILITIES
BPU, provision of links to pricing information to certain utility consumers; required, amends C.48:3-56, Ch.212.
"Class II renewable energy," definition; amended, amends C.48:3-51, Ch.51.
Contract standards between customers, third-party electric power, gas supplies; imposed, amends C.48:3-85, Ch.164.
Electric power net metering capacity threshold as percentage of total annual kilowatt-hours sold in State; increased, amends C.48:3-87, Ch.94.
Street light outage reporting plan for electric public utility; required, C.48:7-1.1, Ch.39.

PUBLIC UTILITIES (continued)
Third-party electric power and gas supplier customer contracts, establishment of procedures for switching; required, C.48:3-89.5, Ch.291.

RACING
Simulcast races, casino, out-of-State racetrack, negotiating amount paid; permitted, amends C.5:12-201 et al., Ch.33.
Standardbred Development Program, eligibility requirements; changed, amends C.5:5-91.1, Ch.204.

REAL PROPERTY
In rem tax foreclosure action against certain property; permitted, amends R.S.54:5-86 et al., Ch.16.
Mortgages, recording of, laws regarding; revised, C.46:18-13, amends C.46:18-11.3 et al., Ch.225.

RECREATION
Alcoholic beverage licensees, certain, issuance of amusement game license to; permitted, C.5:8-78.1, amends C.5:8-101, Ch.149.
"Hackensack Meadowlands Agency Consolidation Act," certain provisions; clarified, revised, amends C.5:10A-2 et al., Ch.72.
"Hackensack Meadowlands Agency Consolidation Act," C.5:10A-35 et seq., amends C.5:10-4 et al., repeals C.5:10-22, Ch.19.
Health clubs certain, offering swimming lessons with exemption from certain personnel requirements; permitted, amends C.26:4A-4 et seq., Ch.191.
"Youth Camp Epinephrine Access and Emergency Treatment Act," C.26:12-17 et seq., Ch.231.

SCHOOLS
"Abigail's Law," newly-manufactured school buses, equipped with sensors; required, C.39:3B-26, Ch.266.
Advanced placement computer science course, satisfaction of mathematics credits required for graduation; provided, C.18A:7C-2.1, Ch.274.
American Sign Language, world language for meeting high school graduation requirements; recognized, C.18A:35-4.18.1, Ch.87.
Arbitrators on panel determining contested cases involving tenured employees in school districts; number increased, Commission of Education, discretion on setting fees; provided, amends C.18A:6-17.1, Ch.109.
Board of education, local government payments to entities under BPU jurisdiction, exemptions, certain; provided, amends N.J.S.18A:19-1 et al., Ch.177.
Breakfast, lunch, denial to student, certain circumstances; prohibited, C.18A:33-21, Ch.15.
Bus drivers, aides, training program for interacting with students with special needs, student information cards; required, C.18A:39-19.2 et seq., Ch.123.

SCHOOLS (Continued)
Computer science education, incorporation in Core Curriculum Content Standards; review required, Ch.229.
County vocational school district, request to county improvement authority for bond issuance to finance school facilities project; authorized, C.18A:7G-5a, amends N.J.S.18A:54-31, Ch.68.
Courses in visual, performing arts, weighted equally with other courses in calculation of grade point average; required, C.18A:35-4.30, Ch.262.
Department of Education to conduct study on options and benefits of instituting later school start time in certain schools; required, Ch.96.
District contracts, annual report to board of education by school business administrator; required, C.18A:18A-42.2, Ch.47.
Educational research and services corporations, acting as lead procurement agencies for certain educational institutions; permitted, C.18A:3B-6.1 et al., amends C.18A:3B-3, Ch.140.
Epinephrine, emergency administration to students for anaphylaxis; required, C.18A:40-12.6e, amends C.18A:40-12.5 et al., Ch.13.
Facilities projects, certain districts, cap on cost; eliminated, amends C.18A:7F-63, Ch.257.
Federal impact aid reserve account, establishment; authorized, C.18A:7F-64, amends C.18A:7F-41, Ch.46.
Homeless students, certain circumstances, attendance in prior school district; permitted, C.18A:7B-12.3, Ch.228.
MVC information, certain, access to for verification of student's eligibility for enrollment; permitted, C.18A:38-1.3, Ch.161.
Medical marijuana, provision to qualifying patients by facilities, certain, adoption of policies permitting; required, C.18A:40-12.22 et al, amends N.J.S.2C:35-18 et al., Ch.158.
Office of the Special Education Ombudsman; established, C.18A:46-2.4 et seq., Ch.219.
"Recovery High School Alternative Education Act," C.18A:35-29 et seq., Ch.254.
Service animal, permission for student with disability to bring on school bus; permitted, amends C.18A:46-13.3, Ch.29.
Standardized assessments, administration in kindergarten through second grade; prohibited, C.18A:7C-6.3, Ch.134.
State aid, withholding based on student participation rate on State assessments; prohibited, C.18A:55-2.1, Ch.157.
State Seal of Biliteracy; established, C.18A:7C-13 et seq., Ch.303.
Students with medical needs, transportation, waiver of school bus requirements for mobility assistance vehicle technicians; provided, amends C.18A:39-20.1, Ch.268.
Student testing, certain, notification to parent, guardian regarding; required, C.18A:7C-6.5 et seq., Ch.244.

SCHOOLS (Continued)
Student with parent, guardian in active military service, remaining in prior school district; permitted, C.18A:38-3.1, Ch.269.
Supplemental State aid to districts, certain circumstances; authorized, C.18A:7F-65 et seq., Ch.143.
Teacher leader certificate, addition to instructional certificate; authorized, C.18A:26-2.18 et seq., Ch.111.
Third party individuals, vendors associated with State assessments, link on DOE website; required, C.18A:7C-6.4, Ch.243.
Veterans Day, excused absence for certain pupils; permitted, C.18A:36-13.2, Ch.297.

SECURITIES
Offers, sales, certain, exemption from registration; provided, C.49:3-77 et seq., amends C.49:3-49 et al., Ch.128.

SENIOR CITIZENS
Continuing care retirement communities, provision of information on influenza vaccines for older adults; required, C.52:27D-360.8 et seq., Ch.115.
NJ Elder Index, related data, DHS to use, update to extent possible, C.44:15-1 et seq., Ch.53.
PACE participants, notification of Medicare eligibility by DHS; required, C.26:2H-91.1 et seq., Ch.151.
PACE, submission by providers of expenditure details to DHS; required, amends C.26:2H-88 et al., Ch.152.
Senior Citizen Priority Parking Program, creations by municipality, municipal parking authority; permitted, C.40:48-2.12t et al., Ch.182.

SEWERAGE
"Water Infrastructure Protection Act," C.58:30-1 et seq., amends R.S.40:62-3, Ch.18.

SHELLFISH
Cultivation of commercial shellfish species in certain waters for certain purposes, adoption of regulations by DEP; required, C.50:2-18, Ch.237.

STATE GOVERNMENT
Black Swallowtail butterfly, New Jersey State Butterfly; designated, C.52:9A-10, Ch.176.
Division of New Jersey State Museum in Department of State; established, board of trustees; abolished, C.52:16A-113 et seq., amends N.J.S.18A:73-20, repeals C.52:16A-60 et seq., Ch.81.
DNA database, inclusion of samples from certain disorderly persons, collection of certain biological samples; permitted, amends C.53:1-20.18 et al., Ch.263.

STATE GOVERNMENT (Continued)
Economic development subsidy, awarding to business under certain circumstances; prohibited, C.52:18-51 et seq., Ch.167.
Economic incentive programs, certain, provisions; modified, clarified, amends C.34:1B-243 et al., Ch.217.
Elevators in new buildings, certain size; required, amends C.52:27D-123.14, Ch.21.
Flags flown at half-staff, e-mail notification system to alert; required, C.52:3-12.1, Ch.162.
Korman and Park's Law, carbon monoxide detectors, installation in certain structures; required, C.52:27D-123f et al., amends C.52:27D-124, Ch.146.
Law enforcement officers, posting, publishing on the Internet, disclosing certain information relative to; prohibited, C.2C:20-31.1 et al., Ch.226.
Municipal redevelopers, receipt of tax credits under Economic Redevelopment and Growth Grant program for certain mixed use parking projects; permitted, amends C.52:27D-489c et al., Ch.69.
"MVP Emergency Alert System"; established, C.52:17B-194.9 et seq., Ch.184.
Permits issued by State agency, review, changes to expedite and facilitate process; required, amends C.52:14B-27 et al., Ch.88.
Police Training Commission, membership expanded to include representative from National Organization of Black Law Enforcement Executives, amends C.52:17B-70, Ch.258.
Superstorm Sandy aid money, efficiency and transparency in distribution; increased, C.52:15D-3 et seq., Ch.102.
Tax credits under Economic Redevelopment and Growth Grant Program for certain infrastructure at Rutgers, amends C.52:27D-489c et al., Ch.242.
Vendors, withholding of State payments for delinquency of payments for unemployment, disability taxes, fees; permitted, C.43:21-14.4, Ch.40.
Victims of crime, maximum legal fee for attorney to represent; increased, amends C.52:4B-8, Ch.190.
Wheelchair ramps, construction permits for installation on residential real property, issuance with 5 business days of application; required, amends C.52:27D-131, Ch.159.

STATUTES
Certified mail, definition; created, amends R.S.1:1-2, Ch.251.

TAXATION
Biofuels, definitions under "Motor Fuel Tax Act"; provided, amends C.54:39-102 et al., Ch.101.
Boats, vessels, partial tax exemption for purchasers, certain; provided, C.54:32B-4.2 et al., Ch.170.

TAXATION (continued)
"Fund for the Support of New Jersey Nonprofit Veterans Organizations," through gross income tax returns; established, C.54A:9-25.39, Ch.26.
Military personnel, deployed, property tax deferment; authorized, C.54:4-8.25 et seq., Ch.277.
Newark, use of rental car tax proceeds for certain purposes; permitted, amends C.40:48H-2, Ch.171.
"New Jersey Yellow Ribbon Fund," contributions through gross income tax returns; authorized, C.54A:9-25.40, Ch.278.
Property taxes due, owing on real property destroyed as the result of natural disaster causing state of emergency, extension, certain circumstances; permitted, amends R.S.54:4-67 et al., Ch.203.
State earned income tax credit for taxable years 2015 and thereafter; increased, amends C.54A:4-7, Ch.73.

TRADE REGULATION
Air bags, counterfeit, nonfunctional, manufacture, sale, installation; prohibited, C.2C:21-7.5 et al., Ch.121.
Coin redemption machine operators, disclosure of fees; required, C.56:8-201 et seq., Ch.267.
Farm tractors, purchased, certain, "lemon law" protections; extended, amends C.56:12-30 et al., Ch.271.
Gift cards, certain, consumer data collection requirements; eliminated, amends C.46:30B-42.1, Ch.8.
Personal products containing microbeads, manufacture, sale, promotion; prohibited, C.58:10A-70 et seq., Ch.28.
Pet shops, sale of cats or dogs, information provided to purchasers; additional requirements, penalties; established, C.56:8-95.1 et seq., amends C.56:8-93 et al., Ch.7.
Retail motor fuel dealers, exempted from certain fees, amends C.56:6-2, Ch.44.

TRANSPORTATION
New Jersey Turnpike Authority, South Jersey Transportation Authority, study, report on potential revenue generated by services of rest areas, service plazas; required, Ch.264.
"Patrolman Joseph Wargo's Law," DOT roadside memorial program for certain fallen officers; established, C.27:5-29 et seq., Ch.227.

TRUSTS
Achieving a Better Life Experience, trust accounts for persons with certain disabilities, establishment; authorized, C.52:18A-250 et seq., amends C.54A:6-25, Ch.185.
"Uniform Trust Code," N.J.S.3B:31-1 et seq., amends N.J.S.3B:14-37, repeals N.J.S.3B:11-5 et al., Ch.276.

UNEMPLOYMENT COMPENSATION
Benefits for claimants who leave work to accept other employment and are laid off, amends R.S.43:21-5, Ch.41.
Personnel access rights to system for unemployment claims receipt, processing, quarterly review; required, amends R.S.43:21-6, Ch.42.

VITAL STATISTICS
Alzheimer's disease, related disorders, listing as secondary cause of death on death certificate; permitted, C.26:6-8.5, Ch.187.
Cause of death, determination, death certificate execution, by advanced practice nurse, certain circumstances; permitted, amends R.S.26:6-8 et al., Ch.38.

WATER SUPPLY
Settlement entered into by DEP pursuant to Spill Compensation and Control Act, required public notice; increased, amends C.58:10-12.11e2, Ch.166.
"Water Infrastructure Protection Act," C.58:30-1 et seq., amends R.S.40:62-3, Ch.18.

WATERWAYS
Agricultural activities, certain, exemptions from permit requirements under "Freshwater Wetlands Protection Act"; provided, amends C.13:9B-4, Ch.272.
Flood hazard areas, floodplains, certain actions by DEP relative to delineation of; required, amends C.58:16A-52, Ch.270.
Stream cleaning activities, law concerning; revised, amends C.58:16A-67, Ch.210.
"Water Infrastructure Protection Act," C.58:30-1 et seq., amends R.S.40:62-3, Ch.18.

WORKERS' COMPENSATION
Fees for evaluating physicians, maximum; raised, amends R.S.34:15-64, Ch.216.